

NO. _____

THE STATE OF TEXAS

§

THE COUNTY COURT AT LAW

VS.

§

OF

§

McLENNAN COUNTY, TEXAS

ORDER DEFERRING ADJUDICATION
(Plea of Guilty or Nolo Contendere)

The Defendant, charged with the misdemeanor offense of _____, as alleged in the Information herein, appeared in person and with counsel, or voluntarily waived counsel, and the State appeared by her Assistant Criminal District Attorney, and all parties announced ready for trial. The Defendant was arraigned in open court and pleaded GUILTY or NOLO CONTENDERE. A jury and a record were waived by all parties, and trial proceeded before the Court. Considering Defendant's plea and all evidence submitted, the Court finds that such evidence substantiates the Defendant's guilt, and that the best interest of society and the Defendant will be served by deferring further proceedings without entering an adjudication of guilt, and placing the Defendant on community supervision.

IT IS THEREFORE ADJUDGED and ORDERED by the Court that the proceedings be and are hereby deferred without an adjudication of guilt, and the Defendant is released on his/her own recognizance under supervision of the Court through the McLennan County Community Supervision and Corrections Department ("Department") for a period of _____ months, subject to the following terms and conditions of community supervision, beginning on the date of the signing of this Order and ending upon Defendant's discharge from community supervision or until the date community supervision is revoked by the Court, whichever is later. The Court authorizes the transfer of supervision to _____ County, Texas, (subject to Department approval) or to the State of _____, (subject to Department and Interstate Compact approval).

Defendant is ORDERED to comply with all provisions set out in the General Terms and Conditions of Community Supervision attached hereto as Exhibit A and incorporated herein in its entirety. Defendant is further ORDERED to comply with the following sections 1 through 3 as follows, and with section 4 as designated herein by the Court. **The filing of a motion to adjudicate guilt does not terminate or suspend the requirements of this order!**

Defendant shall:

1. Pay a deferred adjudication fee of \$_____ at the rate of \$_____ per month until paid in full;
2. Pay all costs of Court at the rate of \$_____ per month until paid in full;
3. Pay a fee of **\$60.00** per month to the Department during the community supervision period. **WAIVED (only if initialed)** _____
(Unless otherwise stated, any ordered payment is due beginning within 30 days from this date as determined by the Department)
4. Defendant is subject to and/or shall complete the following requirements of community supervision, as indicated:
 - _____ a. Complete _____ hours of **community service**, in a Department approved community based program, within _____ months, at a minimum rate of _____ hours per month, _____ concurrent (if checked) with _____;
Exceptions: _____ 1. Defendant is incapable; _____ 2.. Hardship _____ 3. Defendant in a substance abuse facility.
 - _____ b. Pay the sum of \$_____ to the Department for compensation paid to **court-appointed counsel**, at the rate of \$_____ per month until paid in full;
 - _____ c. **Abstain** from consumption of any alcoholic beverage;
 - _____ d. Pay one payment of **\$50.00** to Waco Crimestoppers, Inc. within _____ days [Gov Code 414.001];
 - _____ e. Obtain and provide proof to the Department of a valid, clear drivers license within _____ months;
 - _____ f. Submit to an **alcohol/drug screening and/or evaluation** administered by the Department within 30 days, pay for the screening and/or evaluation within 180 days, and complete any recommended treatment program(s);
 - _____ g. Pay **restitution** of \$_____ as provided in the Restitution Order filed in this case;
 - _____ h. Obtain and maintain at least the minimum limits of liability insurance for any motor vehicle operated by the Defendant as required by Texas law, and provide the Department with written proof;
 - _____ i. Successfully complete the following program(s) under the direction and supervision of the Department, as indicated, and pay the fee for such program(s), within _____ months:

_____ Batterers Intervention and Protection Program (BIPP)	_____ Cognitive Education
_____ Non-Intimate Partner Violence Program (NIPVP)	_____ MHMR Counseling
_____ Money Management/Theft Prevention program	

- _____ j. Pay **\$100.00** to the Waco Family Abuse Center within _____ days *[discretionary; family violence]*;
- _____ k. Begin, pay the fee for, and successfully complete the first available _____ **DWI**, _____ **DWI repeat offender**, or _____ **Drug** education program, as directed by the Department, within 180 days;
- _____ l. Attend a peer support group, such as Alcoholics Anonymous, Narcotics Anonymous or other community based group at least _____ times per _____ week _____ month, and provide verification of attendance to the Department;
- _____ m. Enroll in, pay the fee for, and attend a **DWI/Drug Victim Impact Panel** program approved by the Department, and provide proof of attendance to the Department, within sixty (60) days;
- _____ n. Defendant reports to be alcohol and controlled substance-free. Defendant shall submit to and pay the fee for drug or controlled substance testing by the Department within 24 hours.
- _____ o. Defendant reports last use of illegal substances was _____. Schedule testing accordingly;
- _____ p. Defendant's **driver's license** is **suspended** for _____, effective immediately **OR** _____ effective on the following date: _____, **OR**, if applicable, Defendant must _____ pay a fee of \$100 within 90 days;
- _____ q. Defendant shall install a camera ready ignition interlock device on Defendant's primary vehicle, and shall not operate a motor vehicle in a public place which is not so equipped for either —
_____ the full probation term **OR** _____ (specify the period) _____ beginning _____;
- _____ r. Defendant shall utilize and comply with the Department's requirements regarding the following device(s):
_____ SCRAM (or its equivalent); _____ remote breath testing; _____ drug abuse patch; _____ GPS monitor;
_____ other: _____ (specify) for the full term of community supervision **OR** (if checked) _____, _____ months, beginning _____.
Defendant shall pay all related fees, including any damage to an issued device, as directed by the Department.
- _____ s. Successfully complete all requirements of the McLennan County Veterans Treatment Court as set out in the attached terms and conditions thereof;
- _____ t. Submit to and pay any fees assessed for the **Mental Health Initiative** caseload and participate in all recommended services, as directed by the Department;
- _____ u. Remain in the Defendant's residence every day between the hours of _____ p.m. and _____ a.m.;
- _____ v. **Serve** _____ **days OR** _____ **hours** in the McLennan County Jail immediately, or (if checked) _____ within _____ days of this order, as directed by the Department, in accordance with the provisions indicated below:
_____ **Consecutive days and nights; details:** _____
_____ **Weekends; details:** _____;
- _____ w. Avoid any association or contact with the following person(s) and/or remain away from the following locations:
_____;
- _____ x. Additional terms: _____

Family Violence: The Court finds the Defendant committed family violence in this case: _____ *[check 5.p. if applicable]*

Automatic Non-Disclosure: The Court finds that it **IS NOT** in the best interest of justice that the Defendant receive an automatic Order of Nondisclosure under Section 411.072, Tex. Gov. Code: _____ *[check here if applicable]*.

The Clerk shall issue a bill of costs to the Department, which shall deliver the bill of costs to the Defendant.

Date: _____

 Judge Presiding

This order has been read and explained to me, I understand the terms of this order, and I have received a copy of this order.

Defendant _____	Date _____	Supervising Officer _____
Address _____		DOB: _____
City: _____ State: _____ Zip: _____		Phone: _____
Employment: _____		Phone: _____

Defendant's
Left Thumb
(Use only if right
thumb not available)



Defendant's
Right Thumb

Exhibit A

GENERAL TERMS AND CONDITIONS OF COMMUNITY SUPERVISION

Defendant shall:

1. Remain within McLennan County, Texas, at all times, unless permitted to leave McLennan County, Texas, by the Court or by the Department, or unless supervision is transferred. If transfer of the Defendant's supervision is approved, Defendant shall remain within such County and/or State unless permitted to leave that County and/or State by this Court or by the supervision officer;
2. Commit no offense against the laws of this State or of any other State, or of the United States;
3. Report immediately to the Department and thereafter, as directed by the Court or the supervision officer, at least once each month, and obey all rules and regulations of the Department;
4. Obtain the Department's permission prior to changing Defendant's residence, and report any change of employment, employment status or residence to the Department within 72 hours of the change;
5. Obtain and/or produce to the Department a valid, current Texas Department of Public Safety driver's license or photo identification within thirty (30) days from this date, and maintain the same throughout the community supervision term;
6. Permit the Department's officers to visit the Defendant at home, at work, or elsewhere, at any time;
7. Work faithfully at employment suitable to the Court and the Department, as far as possible, and attend and complete any probationer employment program as directed by the Department;
8. Avoid injurious or vicious habits, avoid the excessive use of alcoholic beverages;
9. Provide the Department with a high school diploma or its equivalent or prove skill level of students who have completed 6th grade in public schools in this state;
10. Attend the first available community supervision orientation seminar and complete the seminar within 30 days after it begins;
11. Submit to and pay the fee for **drug, controlled substance and alcohol testing** as directed either by the Court today or by the Department at any time;
12. Support Defendant's dependents.
13. Consume no controlled substances, dangerous drugs, or substances containing THC, including low-THC cannabis. Defendant may consume low-THC cannabis only after providing the Department with acceptable documentary proof of the following: a) the Texas Compassionate Use Registry report indicating the prescription; b) the qualifications allowing the prescribing physician to issue the prescription; c) confirmation from a licensed low-THC dispensing organization that the prescription has been filled.