

CAUSE NO. _____

STATE OF TEXAS

§

IN THE DISTRICT COURT

§

VS.

§

406TH JUDICIAL DISTRICT

§

§

WEBB COUNTY, TEXAS

MOTION FOR DEFERRED ADJUDICATION OF GUILT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, _____, in the above styled and numbered cause and moves the Court to defer further proceedings without entering an adjudication of guilt and place the defendant on community supervision and in support thereof would show the Court as follows:

I.

That the Defendant herein was indicted for the felony offense(s) described in the Indictment attached hereto as Exhibit "A."

II.

That Article 42A. 101 provides as follows:

"Except as provided by Article 42A. 102(b), if in the judge's opinion the best interest of society and the defendant will be served, the Judge may, after receiving a plea of guilty or plea of nolo contendere, hearing the evidence, and finding that it substantiates the defendant's guilt, defer further proceedings without entering an adjudication of guilt, and place the defendant on deferred adjudication community supervision."

III.

That the Defendant has entered a plea of guilty to the offense(s) described in the Indictment attached hereto as Exhibit "A", as the Defendant fully admits all culpability involved in th(is/ese) crime(s). The Defendant would further submit that, in mitigation of punishment, the following facts are relevant:

1. That the Defendant has never been convicted of a felony in this or any other state or in any federal court.
2. The Defendant has no prior psychiatric history and has no mental deficiency or defect.

IV.

The Defendant respectfully submits that in view of the Defendant's plea of guilty and the particular facts and circumstances involved in this case, that the interest of justice would be served if this Honorable Court, after hearing evidence, finds that the evidence substantiates the Defendant's guilt, but defers further proceedings without entering an adjudication of guilt and places the Defendant on community supervision for an appropriate period of time.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Honorable Court will defer further proceedings without entering an adjudication of guilt and place the Defendant on community supervision herein.

Respectfully Submitted,

Name of Attorney's Law Firm

Address

Telephone No. _____

Facsimile No. _____

E-mail: _____

By: _____

SBN: _____

CERTIFICATE OF SERVICE

I, _____, do hereby certify that a copy of the above and foregoing Motion for Deferred Adjudication of Guilt has been sent via hand delivery, first class mail, e-mail or facsimile to the District Attorney's at the Webb County Justice Center, 4th Floor, Laredo, Texas 78040, this _____ day of _____, 20____.

Attorney's Name

CAUSE NO. _____

STATE OF TEXAS

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WEBB COUNTY, TEXAS

AFFIDAVIT OF DEFENDANT

BEFORE ME, the undersigned authority, personally appeared, _____ of Laredo, Texas who, after being by me duly sworn stated the following under oath:

"My name is _____, I am over the age of eighteen (18) years, and I am competent to make this affidavit. The statements contained herein are true and correct. I, _____, do hereby swear under oath that I have never been convicted of a felony in this or any other state or in any federal court.

Defendant's Name

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this _____ day of _____, 20____.

Notary Public, State of Texas

CAUSE NO. _____

STATE OF TEXAS

VS.

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IN THE DISTRICT COURT

406TH JUDICIAL DISTRICT

WEBB COUNTY, TEXAS

ORDER

On this day came on to be considered the Motion for Deferred Adjudication of Guilt in the above style and numbered cause. The Court having considered same is of the opinion that said Motion should be in all respects:

GRANTED

DENIED

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this Motion in the above-entitled and numbered cause be GRANTED / DENIED.

SIGNED AND ENTERED THIS _____ day of _____, 20____.

DAVID E. GARCIA, JUDGE
406TH JUDICIAL DISTRICT COURT
WEBB COUNTY, TEXAS