

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS

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§  
§

IN THE COUNTY COURT

V.

AT LAW OF

\_\_\_\_\_  
DEFENDANT

ERATH COUNTY, TEXAS

**ORDER OF DISMISSAL AND DISCHARGE**

On this day, came to be heard the *Defendant's Motion for Dismissal and Discharge* filed pursuant to Tex. Code Crim. Proc. Art. 42A.111, and it appears to the Court that Defendant's motion should be **GRANTED / DENIED**.

The Court finds and **ORDERS**:

\_\_\_\_\_ Defendant's period of deferred adjudication community supervision (herein "probation") has expired, the Court has not proceeded to an adjudication of guilt, and the proceedings are dismissed and Defendant is discharged; or

\_\_\_\_\_ Defendant's period of deferred adjudication probation has not expired, but it is in the best interest of society and Defendant to dismiss the proceedings and discharge the Defendant.

**IT IS, FURTHER, ORDERED** that except as provided by Tex. Pen. Code sec. 12.42(g), a dismissal and discharge may not be considered a conviction for the purposes of disqualifications or disabilities imposed by law for conviction of an offense.

**IT IS, FURTHER, ORDERED** that:

(1) on conviction of a subsequent offense, the fact that Defendant previously has received deferred adjudication probation is admissible before the court or jury for consideration on the issue of penalty;

(2) if Defendant is an applicant for or the holder of a license under Chp. 42, Human Resources Code, the Department of Family and Protective Services may consider the fact that Defendant previously has received deferred adjudication probation in issuing, renewing, denying, or revoking a license under that chapter; and

(3) if Defendant is an applicant for or the holder of a license to provide mental health or medical services for the rehabilitation of sex offenders, the Council on Sex Offender Treatment may consider the fact that Defendant previously has received deferred adjudication probation in issuing, renewing, denying, or revoking a license issued by that council.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
JUDGE PRESIDING