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

THE STATE OF TEXAS § IN THE JUSTICE COURT

§

v. § PRECINCT NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

§

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS

**ORDER AUTHORIZING DEFENDANT TO COMPLETE DRIVING SAFETY COURSE**

Judge Presiding: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Offense: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Offense: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant’s Plea: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Administrative Fee: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Court Costs: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jail Credit: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Restitution: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Payable to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fine (suspended): ­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A request to complete a driving safety course for the purpose of obtaining the dismissal of the offense indicated above was received by the Justice Court, Precinct No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, Texas on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_. The Defendant was mentally competent to stand trial and freely and voluntarily entered the plea indicated above. The Court received the plea and recorded it on the docket.

The Court **FINDS** that the Defendant was charged by:

* Complaint.
* Citation/written notice.

The Court **FINDS** that the Defendant appeared:

* In person.
* By mail (in accordance with Article 27.14 of the Code of Criminal Procedure).
* By counsel.

The Court **FINDS** that the Defendant:

* Was represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* Waived the right to representation.

The Court **FINDS** that the State:

* Was represented by the district attorney, criminal district attorney, or county attorney.
* Was not present at the time this cause was disposed of.

The Court **FINDS** that the Defendant:

* Waived the right to trial by jury and entered a plea of guilty or nolo contendere (or “no contest”) to the charged offense after being properly admonished by the Court. Having received the Defendant’s plea, the Court **FINDS** that the plea substantiates the Defendant’s guilt and that the Defendant committed the charged offense.

The Court **FINDS** that the Defendant does not hold a commercial driver’s license and did not hold a commercial driver’s license at the time that the offense occurred.

The Court **FINDS** that the charged offense is within the jurisdiction of the justice court and is an offense to which this article applies, other than speeding at a speed of 95 miles per hour or more or 25 miles per hour or more over the posted speed limit. The Court further **FINDS** that the charged offense:

* Is an offense involving a motor vehicle defined by Section 472.022, Transportation Code, Subtitle C, Title 7, Transportation Code, or Section 729.001(a)(3), Transportation Code.
* Is an offense, committed by a person younger than 25 years of age, involving a motor vehicle and classified as a moving violation.

The Court **FINDS** that:

* The Defendant has not completed an approved driving safety course or motorcycle operator training course for the purpose of obtaining the dismissal of a traffic offense within the 12 months preceding the date of the offense.
* The Defendant completed an approved driving safety course or motorcycle operator training course for the purpose of obtaining the dismissal of a traffic offense within the 12 months preceding the date of the offense, but the Court in its discretion determined it is in the best interest of society and the Defendant to defer imposition of the judgment in this cause.

The Court **FINDS** that the Defendant:

* Has a valid Texas driver's license or permit.
* Is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty.

The Court **FINDS** that the Defendant has provided evidence of financial responsibility as required by Chapter 601, Transportation Code.

The Court **FINDS** that, in this cause:

* The Defendant entered the plea indicated above on or before the answer date on the notice to appear, and the Court is required by law to defer imposition of the judgment in this cause.
* The Defendant entered the plea indicated above on or before the answer date on the notice to appear but did not receive the warning required by Article 45.0511(q) of the Code of Criminal Procedure. The Court is required by law to defer imposition of the judgment in this cause.
* The Defendant entered the plea indicated above after the answer date on the notice to appear, but the Court in its discretion determined it is in the best interest of society and the Defendant to defer imposition of the judgment in this cause.

The Court **ORDERS, ADJUDGES, AND DECREES** that the fine assessed in the amount indicated above shall be suspended.

The Court **FINDS** that:

* The Defendant owes no restitution in connection with the charged offense.
* The Defendant owes restitution to a victim of the offense, and the Defendant is **ORDERED** to make restitution to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the victim of the offense, as specified by the Court below.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Court **ORDERS** the Defendant to complete a:

* Driving safety course.
* Motorcycle operator training course.
* Specialized driving safety course approved by the Texas Department of Licensing and Regulation that encourages the use of child passenger safety seat systems and the wearing of seat belts and emphasizes: (1) the effectiveness of child passenger safety seat systems and seat belts in reducing the harm to children being transported in motor vehicles; and (2) the requirements of Section 545.412, Transportation Code, and the penalty for noncompliance.
* Specialized driving safety course approved by the Texas Department of Licensing and Regulation that encourages the use of child passenger safety seat systems and the wearing of seat belts and emphasizes: (1) the effectiveness of child passenger safety seat systems and seat belts in reducing the harm to children being transported in motor vehicles; and (2) the requirements of Section 545.413, Transportation Code, and the penalty for noncompliance.

The Court **ORDERS** the Defendant to complete the course indicated above within 90 days of the issuance of this order. The Court further **ORDERS** the Defendant to provide the following to the Court:

* A uniform certificate of completion of the driving safety course or a verification of completion of the motorcycle operator training course.
* A copy of the Defendant's driving record as maintained by the Department of Public Safety of Texas (showing that the Defendant has not completed an approved driving safety course or motorcycle operator training course within the 12 months preceding the date of the offense).
* An affidavit stating that the Defendant was not taking a driving safety course or motorcycle operator training course under this article on the date the request to take the course was made and had not completed such a course that is not shown on the defendant's driving record within the 12 months preceding the date of the offense.
* An affidavit stating that the Defendant was not taking a driving safety course or motorcycle operator training course in another state on the date the request to take the course was made and that the Defendant had not completed such a course within the 12 months preceding the date of the offense. (Required if the Defendant does not have a valid Texas driver's license or permit and is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty.)

The Court **ORDERS** the Defendant to pay an administrative fee in the amount indicated above.

The Court **ORDERS** the Defendant to pay court costs, in the amount indicated above, to the State immediately.

In the event that the Defendant fails to satisfy the court costs or restitution before the 31st day after this order is entered, the Defendant is **ORDERED** to pay an additional “time payment fee” of $25.00 in accordance with Section 133.103 of the Local Government Code.

The Court admonishes the Defendant that full and complete compliance with this order will result in the dismissal of the charged offense. If the Court dismisses the charged offense, the offense may not be part of the Defendant’s driving record or used for any purpose.

If the Defendant fails to comply with the Court’s order, the Court will summon the Defendant to a hearing. If the Defendant fails to show good cause at the hearing for the failure to comply with the Court’s order, the Court will issue a judgment of conviction and impose the fine assessed in the amount indicated above.

The Defendant is hereby **DISCHARGED** from any liability under a bail bond or appearance bond relating to the charged offense.

**ISSUED AND SIGNED** this \_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUSTICE OF THE PEACE, PRECINCT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS