

CAUSE NO. E _____

THE STATE OF TEXAS
VS.

* IN THE COUNTY COURT
* AT LAW NO. 2 OF
* ORANGE COUNTY, TEXAS

(hereinafter referred to as "the Defendant")

JUDGMENT AND COMMUNITY SUPERVISION (PROBATION) ORDER

On this date the above cause was called for trial and came the Assistant County Attorney for Orange County, Texas and came the Defendant in person with his/her attorney_____. The Defendant, having been duly arraigned, entered a plea of **GUILTY/NO CONTEST** to the charge set forth in the information, and also waived trial by jury. Having heard the Defendant's plea and the evidence submitted therein, it is considered and adjudged by the Court that the DEFENDANT IS GUILTY AS CHARGED IN THE INFORMATION. The evidence is sufficient to find the defendant guilty as charged in the information for the **misdemeanor** offense of **DRIVING WHILE INTOXICATED:**

- FIRST OFFENSE
- FIRST OFFENSE WITH BAC 0.15 OR MORE
- FIRST OFFENSE WITH OPEN CONTAINER
- SECOND OFFENSE

The Court now assesses the Defendant's punishment at confinement in the Orange County Jail for 180 days / one year and a fine of \$_____.

The period of confinement, however, will be suspended, and the Defendant will be placed on community supervision for a term of _____ months/years.

Date of Offense:_____

During the period of community supervision you shall follow the conditions of community supervision and the rules and regulations of the Orange County Community Supervision and Corrections Department (hereafter referred to as CSCD).

GENERAL CONDITIONS:

1. Obey the law (commit no offense against the laws of this State or of any other state or the United States) and inform your supervision officer within 48 hours if you are arrested by a law enforcement official.
2. Stay out of all bars, taverns, lounges, night clubs, pool halls, liquor stores, honky tonks, beer joints, and other similar places.
3. Report to the Orange County CSCD today and at least once each month during regular business hours at an appointment time as directed by your supervision officer.
4. Remain in Orange County and Jefferson County, Texas. You must notify the supervision officer before you move your residence. You may not leave the State of Texas without a written travel permit. You may not leave the county for more than 3 nights without a written travel permit.
If you do not live in Orange County, remain in the following county or parish:_____. You must report in person to a supervision officer there as ordered in Condition no. 3. If you have not yet been accepted and you are not reporting to another probation department, report to the Orange County CSCD once each week by phone at 409-882-7865. Once accepted there, you must also report to the Orange County CSCD once each month by mail. Your envelope/card must be postmarked no later than the 10th day of each month. You may not leave the county or parish for more than 3 nights without a written travel permit.
5. Do not consume (such as inject, snort, ingest, or smoke) or possess the following: (a) any narcotic substance, controlled substance, or dangerous drug unless prescribed by a state-licensed medical doctor; (b) any beer or other alcoholic beverage; (c) marihuana; (d) any synthetic or chemically altered THC or herbal incense products containing JWH-018 and similar compounds (also known as Spice, K2, and many other names); (e) products marketed as "bath salts" or "plant food" containing mephedrone and/or MD PV (methylene dioxypyrovalerone) and similar compounds; (f) [FOR 17 YEAR OLD DEFENDANT] tobacco (including but not limited to cigarettes, cigars, smokeless tobacco, or chewing tobacco); (g) inhalants; and (h) a prescription drug unless prescribed by a state-licensed medical doctor and it is contained within a properly labeled prescription container bearing your name (you can never carry a prescription drug loose in your pocket, purse, or vehicle).
6. Do not consume or possess with the intent of consuming a substance that comes from a package or container that bears the warning: "not for human consumption."

7. Work at a suitable job to support yourself and any dependents. Notify your supervision officer of any job change within 3 days of such change and present your current pay stubs to your supervision officer at each report. If unemployed (and not disabled), you shall report to the Texas Workforce Commission twice a week until you begin work at a job.
8. Permit a supervision officer to visit you at your home or elsewhere.
9. Submit to a urinalysis or breath test, at your expense, at the request of your supervision officer. Never have a positive test result. Do not intentionally consume or use anything in order to alter the test results. A DILUTE SPECIMEN OR FAILURE TO SUBMIT A SPECIMEN WILL BE DEEMED A POSITIVE TEST RESULT.
10. Perform 80 (eighty) hours of community service restitution (CSR) as directed by your supervision officer at the rate of not less than 10 hours per month beginning the date of this Order. Provide proof of compliance to your supervision officer.

FINANCIAL AND RESTITUTION CONDITIONS: The following conditions apply in this cause if they are marked (✓ or x). All payments shall be made to the Orange County Community Supervision and Corrections Department.

11. Pay Court Costs of \$_____ within 120 days of the sentencing date on page 3.
12. Pay a Fine of \$_____ by _____, 20_____.
13. Pay a Supervision Fee in the amount of \$60.00 per month.
- _____ 14. Pay \$_____ to reimburse the cost of your court appointed attorney.
- _____ 15. Pay Restitution of \$_____, to be disbursed to:_____
- _____ 16. Pay Restitution of \$_____ as set forth in the attached Exhibit A or B.

SPECIAL CONDITIONS: The following conditions apply in this cause if they are marked (✓ or X).

17. Serve **30** days confinement in the Orange County Jail at the discretion of the Court.
- _____ 18A. Report to the Orange County Jail on _____, 20_____, at _____ p.m. to serve _____ hours/days. You shall receive _____ hours/days credit for time served. You shall serve the remainder of the sentence at the discretion of the Court. If you, the Defendant, are not serving your sentence continuously, see the Intermittent Confinement Order attached as Exhibit A or B. **[NOTE: MANDATORY MINIMUM OF 72 HOURS SERVED CONTINUOUSLY FOR DWI-2; 5 DAYS FOR DWI-2 WITHIN 5 YEARS OF MOST RECENT DWI OFFENSE DATE (C.C.P. 42.12 §13(a); P.C. §49.09(a) or (h))].**
- _____ 18B. Serve _____ days/hours confinement in the Orange County Jail with credit for _____ days/hours served.
19. Attend and successfully complete one or more of the following programs. Pay for the program(s) and provide proof of attendance.

<input type="checkbox"/> DWI Education [DWI-1]	<input type="checkbox"/> Victim Impact Panel	<input type="checkbox"/> Marijuana Awareness
<input type="checkbox"/> Repeat DWI Education [DWI-2]	<input type="checkbox"/> DV/Anger Management	<input type="checkbox"/> Drug Education
20. Observe a curfew and be home each night before 10:00 p.m. and remain until 6:00 a.m. If work prevents you from observing your curfew, provide written proof from your supervisor verifying your work schedule.
21. Submit a sample of your breath or blood when requested to do so by a law enforcement officer who suspects that you may be intoxicated.
22. Do not operate a motor vehicle on a public road unless you have a valid driver's license and valid proof of financial responsibility (insurance coverage) for the vehicle that you drive. If you do not already have one or both, obtain within 30 days and provide proof to your supervision officer.
23. Provide a supervision officer with any current and/or future User IDs and associated passwords to all social media (network) accounts including but not limited to Facebook, Twitter, etc. Do not change any of those User IDs or passwords without notifying a supervision officer and supplying the new information.
- _____ 24. [FOR DWI-2, UNDER AGE 21, or BAC OVER 0.15] Do not operate a motor vehicle unless the vehicle is equipped with an Ignition Interlock device. The device renders the vehicle inoperable if ethyl alcohol is detected in the breath of the operator. The device must be combined with a Photo ID camera.
 - Have an Ignition Interlock device installed on the motor vehicle that you most regularly drive at the Smart Start service center within 30 days of the date of this Order.
 - Never operate any motor vehicle unless the vehicle is equipped with an Ignition Interlock device.
 - Have the Ignition Interlock calibration performed at intervals specified by the service provider. If the Ignition Interlock device has programmable drive times, the allowable drive time begins at 6:00 a.m. and ends at 10:00 p.m.

- If you do not have a vehicle equipped with an Ignition Interlock device because you claim that you do not drive, YOU MUST PARTICIPATE IN AN IN-HOME ALCOHOL TESTING PROGRAM. You must pick up an in-home alcohol testing unit from the Smart Start service center and plug the device into a wall outlet in your home within 7 days of the date of this Order. Blow into the device when a test is requested. Take the device to the service center for data downloads or for other purposes when requested.
- Abide by the Ignition Interlock or in-home device program rules.
- Pay the monthly lease and any other fees as long as the Ignition Interlock or in-home device is in your possession.
- **WARNING:** IF YOU EVER DRIVE A VEHICLE WITHOUT AN IGNITION INTERLOCK DEVICE, YOU ARE VIOLATING THIS PROBATION CONDITION - EVEN IF YOU HAVE AN IN-HOME DEVICE.
- **WORK EXCEPTION:** You may, without an Ignition Interlock device, operate a motor vehicle owned by your employer if required to do so in the course and scope of your job, if the employer has been notified of this driving privilege restriction and if proof of the notification is with the vehicle. This exemption DOES NOT APPLY however, if the business that owns the vehicle is owned or controlled by you.
- These Ignition Interlock or in-home device conditions shall remain in effect during the period of probation, unless modified by this Court.

- ____ 24A. [FOR DEFENDANT UNDER AGE 21] Your driver’s license shall be suspended for 90 days beginning on the date of this Order if an ignition interlock device is ordered. Otherwise, the driver’s license suspension shall be for one year.
- ____ 24B. [FOR DWI-2] Your driver’s license shall be suspended for one year beginning on the date of this Order.
- ____ 25. Notify your supervision officer within 48 hours after receiving a prescription drug.
- ____ 26. Present all prescription containers and pharmacy receipts to your supervision officer within 7 days of having prescriptions filled.
- ____ 27. Never go on the premises (including parking lot) of a pain management clinic that requires you to wait outdoors in a line outside the office, that dispenses limited drugs, or that requires “cash only” payments.
- ____ 28. Write a letter of apology to _____ and have the letter approved by your supervision officer within 30 days.
- ____ 29. Obtain a G.E.D. or show proof of taking the test at least two times 60 days prior to the date you are set to be discharged from community supervision. Provide proof of compliance to your supervision officer.
- ____ 30. Other: _____

- ____ 31. Other conditions are attached as Exhibit A, B, or C.

SIGNED and ENTERED on this the _____ day of _____, 20_____.

 JUDGE PRESIDING
 COUNTY COURT AT LAW NO. 2
 ORANGE COUNTY, TEXAS

I, the Defendant, have received a copy of this community supervision Order. I have read these conditions (or someone has explained these conditions to me) and I understand each of the conditions imposed.

 DEFENDANT

 SUPERVISION OFFICER

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I, the undersigned, do hereby certify that on _____, 20_____, I was present with the Defendant in the above-numbered cause, and that the thumbprint found on this page is a true and correct impression of the right thumbprint of the Defendant.

BY: _____
 ORANGE COUNTY DEPUTY SHERIFF/CLERK