DEFERRED DISPOSITION (PROBATION)

Under certain conditions, you may request a probationary period to keep a citation off your driving record. The deferred disposition period will vary from 30, 60, 90 or 180 days.

**Intentionally or knowingly giving false information may result in your prosecution for the offense of aggravated perjury, a felony. The punishment for aggravated perjury includes imprisonment not to exceed ten (10) years and a fine not to exceed ten thousand dollars ($10,000.00).*

You are **NOT** eligible for Deferred Disposition if:

- You received your ticket in a construction zone with workers present.
- You received your ticket in a school zone.
- You have been approved for Deferred Disposition in another Court within the last 12 months.
- You were speeding 25 mph or more over the speed limit OR going 95 mph or more.
- You received a ticket for not having current liability insurance and you were involved in an accident.
- You have a CDL even if the violation occurred while you were driving a personal vehicle.

Upon submission of your sworn request and certified copy of your five (5) year driving record from the Texas Department of Public Safety, (www.texas.gov, request 3A Certified). The Judge will either approve or deny your request.

Deferred Disposition is at the Judge's discretion and not an automatic approval or option offered by the Court.

The Judge may also require any individual to complete a Driver's Safety Course, Anger Management or a Drug and Alcohol Awareness class as a condition of the deferred offer. Please note that a Driver's Safety Course is **mandatory** for all moving violations for any individual under the age of 25.

If approved:

- You will be notified by mail of the terms of the deferral.
- You will be notified by mail of additional conditions ordered.

If denied:

- You will be notified of said denial by mail and be given several options to take care of your citation.

Deferred Disposition Compliance

During the deferral period, defendants must drive and operate their vehicle without receiving another moving violation during the probationary period and adhere to any additional conditions.

Failure to Comply with Deferred Disposition

If you fail to comply with any of the requirements of Deferred Disposition, your case will be set for a Show Cause hearing. The hearing is your opportunity to speak with the Judge regarding why you failed to comply. If you fail to appear at your hearing, and conviction will be entered and reported to the Texas Department of Public Safety and your license will be placed on hold and your case will be transferred to a collections agency and accrue additional fees.

Upon successful completion of your probation period, the Court will dismiss the case if you have not received another citation.

Note: Juveniles 16 and under are required by law to appear before the court in person with a parent or legal guardian for all violations.

AFFIDAVIT AND REQUEST TO FOR DEFERRED ADJUDICATION

Your name: _____ Citation Number: _____

I understand that I may have this citation dismissed by Deferred Disposition (Probation) in lieu of a conviction on my driving record. I also understand that Deferred Disposition is a privilege, not a right, solely by the discretion of the Court.

I swear the following statements are true:

- I waive my right to trial and enter my plea of NO CONTEST; I was charged with an offense eligible for Deferred Disposition and have verified this fact with the Court.
- I was not cited for going 25 MPH over the speed limit.
- I do NOT hold a Commercial Driver's License in any State.
- I was NOT charged with a violation in a construction with workers present.
- I have not had probation for dismissal of a traffic citation within the one-year period prior to the issue date of my citation. I am not currently on probation for any citation in this Court.
- I understand that if I have not taken a Driver's Safety Course in the past 12 months that the deferred adjudication may be denied and I will have the option of requesting a Driver's Safety Course, if eligible.
- If I am under 25 years of age, I will also be required to complete a Driver's Safety Course, as a condition of my deferred probation.
- I will be required to provide a certified copy of my 5-year driving record. (3A Certified) from the Texas Department of Public Safety to the court within 10 days or unless otherwise specified.
- AFTER receiving approval from the Court, I will receive a copy of my probation order mailed to the address provided below. I understand I will be placed on Probation for a period of time not to exceed 6 months and IF I violate any term of my probation, this citation will not be dismissed, and a conviction may be reported to the Texas Department of Public Safety.
- I agree to pay the fine and costs the Judge assesses to the Court by money order, cashier's check, or card within 30 days of receiving approval from the Court.
- I understand the Court must be always informed of my current address until final disposition.
- I understand that this original notarized affidavit is due to the Court on us before the date the court specifies and if compliances is not met the Judge may deny my request.

Defendant's Signature: _____

Reason for Requesting Deferred: _____

Defendant's Mailing Address: _____

City _____ State _____ Zip _____

Sworn to and subscribed before me,

This _____ day of _____, _____

_____ _____

My Commission Expires

Notary Public of State of Texas OR
Justice Court Clerk, Precinct 3
Atascosa County, Texas