

THE STATE OF TEXAS
V

CAUSE NO. C-1-CR-

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§

IN THE COUNTY COURT
AT LAW NO.____
TRAVIS COUNTY, TEXAS

Driving While Intoxicated Pretrial Diversion Program **Contract, Stipulation, and Waivers**

Waivers and Acknowledgements

1. The participant acknowledges that the participant's acceptance in the DWI PTD program is at the County Attorney's sole, unreviewable discretion.
2. The participant acknowledges that participation in the program may be terminated for any reason and such termination is not subject to judicial or administrative review.
3. The participant acknowledges that any determination made regarding non-compliance or violation of terms and conditions is at the County Attorney's sole, unreviewable discretion and not subject to judicial or administrative review.
4. The participant knowingly and voluntarily waives any and all causes of action that may exist against the County Attorney based on the County Attorney's decision to terminate or remove from participation in the program and waives any and all causes of action that may exist against the County Attorney for determinations made regarding non-compliance or violation of terms and conditions.
5. The participant is entering into this program knowingly, voluntarily, and willingly and acknowledges that participant had sufficient time to read, understand, and consent to the program waivers and requirements.

Participation and Eligibility Stipulations

1. The participant's full legal name is _____ . The participants chosen name/preferred name is _____ , and the participant has not been known by any other name. If an alias exists, that alias has been disclosed to the County Attorney.
2. The participant's current place of residence is _____ .
3. The participant is not currently under indictment or charged by complaint or information with any other criminal offense (other than a Class C misdemeanor), is not currently on community supervision, deferred adjudication, parole, and is not currently a participant in another pretrial intervention or pretrial diversion program.
4. The participant stipulates that they have never been previously arrested for the offense of Driving While Intoxicated that has resulted in an expunction, pretrial intervention, or pretrial diversion program in this county or any other county.

5. The participant agrees that the County Attorney will keep an internal record of individuals who have participated in this program.

Program Requirements and Conditions

1. The participant agrees that the program requirements are at the sole, unreviewable discretion of the county.

2. The participant agrees that the program length is 12 months from the signing of this document.

3. The participant agrees to complete the following conditions during the duration of the program:

a. All CES recommendations

b. A MADD Victim Impact Panel

c. Complete 25 hours of CSR

d. To agree to a motion to modify bond conditions to include an alcohol monitoring device of the participant's choice.

e. Participants will incur the financial responsibilities for the classes and monitoring device. The participant may request funding for the monitor from the Court but any request for funding will be left to Court's discretion.

f. Participants will sign a jury waiver and plea agreement to be signed on the day this agreement is signed and entered

4. The participant understands that failure to comply with the above-listed conditions and/or any alcohol monitoring device violations will be considered factors for removal or unsuccessful completion from this program.

5. The participant agrees to scheduled hearings to monitor compliance and progress.

6. The participant understands and agrees that this program and any court setting regarding this program will be set in County Court at Law 3 or its designee. County Court at Law 3 or its designee will be the point of contact for any court related matters. **Please Note: The case will remain assigned to the original court assigned by court administration however the dockets will be held in County Court at Law 3.**

7. The participant understand that although County Court at Law 3 handles the court administration of these cases, this program is a pretrial diversion program of the County Attorney's Office; and it is the County Attorney's Office that determines a participant's eligibility or participant's violation of the terms of the program.

8. The participant understands and agrees that they may be continued on the program past the standard twelve months if deemed necessary and appropriate to ensure compliance with the program requirements and that this determination is at the sole, unreviewable discretion of the County Attorney.

9. After consultation with legal counsel, the participant agrees to waive any statute of limitations claim (see [Ch. 12 of the Code of Criminal Procedure](#)) and any claim under [CCP 17.151](#) or [32.01](#) in consideration for admittance into this program.

County Attorney's Responsibilities

1. The participant acknowledges that this case's prosecution will be stayed for the duration of the program length.
2. The participant acknowledges that the County Attorney may review the case for early termination as deemed appropriate by the County Attorney.
3. The participant acknowledges that review for early termination is at the county attorney's sole, unreviewable discretion.
4. Upon successful completion of the program, the County Attorney will dismiss the case.
5. Upon successful completion of the program, the County Attorney will agree to early expunction of the case and will keep an internal record of individuals who have participated in this program.

I certify under penalty of perjury that I have completed this application to the best of my ability, reviewed this affidavit in its entirety, and swear that all answers and written statements are true and correct to the best of my knowledge.

Participant's signature: _____
Date _____

I have read and explained this document to the participant and am satisfied that they understand the contents and are entering into this program knowingly and voluntarily.

Attorney signature: _____ Date _____
Bar Number: _____

Agreed to and Approved by: Alex Garcia Limon
Assistant CA Signature: *Alejandro A. Garcia*