



Deferred Disposition (Probation)

Under certain conditions, you may request a probationary period (deferred disposition) to keep a citation off your driving record. The deferred disposition period will vary from 60, 90 to 180 days. *Your sworn request must be received **PRIOR to or on the court date indicated on citation.**

*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).

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

- You do not have a valid driver's license; or
- Your license is suspended; or
- You received your ticket in a construction zone when workers were present; or
- You have been approved for Deferred Disposition in another Court within the last 12 months; or
- You were speeding 25 miles per hour or more over the speed limit; or
- You received a ticket for not having current liability insurance and you were involved in an accident; or
- You received a ticket for not having current vehicle liability insurance and you do not provide a copy of current vehicle liability insurance; or
- You have a commercial driver's license (CDL) even if the violation occurred while you were driving a private vehicle.

Upon submission of your sworn request form and certified copy of your five (5) year driving record from the Texas Department of Public Safety, (<https://txapps.texas.gov/tolapp/txldr/cdr/TXDPSLicenseeManagerrequest#3a>), the Judge will review your driving history and will either **approve or deny** your application. **Deferred disposition is at the Judge's discretion and not an automatic approval or option offered by the court.** The Judge may also require the defendant to take a driver safety course as a condition of the deferred offer.

If approved:

- You will be notified by mail of the term of the deferral.
- You will be notified by mail of additional conditions ordered, such as a driver safety course.
- You will be notified by mail of the date to return the Notarized Completion Affidavit to the Court.

If denied: You will receive a new court date to appear in Court in regards to your case.

All requests and payments must be paid upon approval of deferred disposition or payment arrangements must be made and approved by the Court. Failure to do so could result in the request being denied.

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, a conviction will be entered and reported to the Texas Department of Public Safety.

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

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



Sworn Request for Deferred Disposition

(Commercial Driver's License holders do not qualify)

Case#: _____
(Office Use Only)

My name is _____ and I received 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 understand that I can only make this request **PRIOR to or on the court date indicated on my citation.** I also understand that Deferred Disposition Probation is a privilege, not a right, offered solely by the discretion of the Court.

I swear that the following statements are true:

1. 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.
2. I possess a valid Texas Driver's License or permit.
3. I DO NOT hold a Commercial Driver's License in any State.
4. I am NOT charged with speeding 25 miles or more over the posted speed limit or construction zone workers present.
5. I have not had probation for dismissal of a traffic citation within the one (1) year period prior to the issue date of my citation. I am not currently on probation for any citation in any other Court.
6. I understand that if I have not taken a driving safety course in the past 12 months that deferred may be denied and I will have the option of requesting a driving safety course, if eligible.
7. I WILL provide a certified copy of my five (5) year driving record from the Texas Department of Public Safety to the Court within 10 days. (<https://txapps.texas.gov/tolapp/txldr cdr/TXDPSLicenseeManager> request #3a)
8. AFTER receiving approval from the Court, I will receive a copy of my probation order mailed to my address provided below. I understand I will be placed on Probation for a period of time not to exceed six (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.
9. I agree to pay the fine and costs the Judge assesses to the Court by credit card, money order or cashier's check within 10 days of receiving approval from the Court. Online payments can be made at: <https://atascosacountyjusticeofthepeaceprecinct2.us/online-payments-1>
10. I understand the Court must be informed of current address at all times until final disposition.

Complete Mailing Address (Print Clearly): _____

Reason for requesting deferred: _____

Defendant's Signature _____

Sworn to and subscribed before me,

This _____ day of _____,

My Commission Expires _____

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

***Signature must be notarized.**

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