

NO. CAUSE NUMBER

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IN THE MATTER OF:

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IN THE COURT DISTRICT COURT

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BEXAR COUNTY, TEXAS

STATE'S MOTION TO TRANSFER DETERMINATE SENTENCE
PROBATION TO APPROPRIATE ADULT DISTRICT COURT

NOW COMES, A.D.A., Assistant Criminal District Attorney of Bexar County, Texas, on behalf of the State of Texas, hereinafter called the Petitioner, and presents to this Court this Motion to Transfer Determinate Sentence Probation to the Appropriate District Court, and in support would show the Court the following:

I.

That !, hereinafter called the probationer, is a child, whose date of birth is RESP. D.O.B., is currently AGE SPELLED OUT (AGE IN #) years of age and who now resides in BEXAR County, Texas.

II.

Since the Probationer is currently under the age of 18, the State would show that the person(s) having custody and control of said Probationer is/are his/her PARENTS/MOTHER/FATHER/GUARDIAN, CUST. NAME, and currently reside/resides at ADDRESS, BEXAR COUNTY, SAN ANTONIO, TX. ZIP CODE.

III.

On ADJUDICATION DATE, in the above entitled cause, said Probationer, !, was adjudicated of a delinquent conduct offense, namely: OFFENSE/OFFENSES and was sentenced to YEARS SPELLED OUT (#) years and was placed on YEARS SPELLED OUT (#) years probation under a Determinate Sentence in accordance with §54.04(q) of the Texas Family Code.

IV.

Section 54.051 of the Texas Family Code and Article 42.12 of the Texas Code of Criminal Procedure allows this Court to order the continuation of the said probationer's probation after 18th birthday and to transfer the probationer's supervision to an appropriate adult District Court for the remainder of the probationer's probation period.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully prays that the Court grant the following:

1. That this cause be set for a hearing prior to the probationer's 18th birthday, DATE RESP. TURNS 18;
2. That all parties, to include but not limited to, the State's Attorney, the Defense Attorney, the Probationer and the legal guardian(s)/parent(s) and/or custodian of said Probationer, be given appropriate notice of time and place of said hearing;
3. That State's Motion to Transfer Determinate Sentence Probation to the Appropriate District Court be in all things GRANTED and said Probationer's probation be transferred to the appropriate District Court so that the aforementioned Determinate Sentence verdict may be continued until the period of such time that it is complete.

Respectfully submitted,

SUSAN D. REED
Criminal District Attorney
Bexar County, Texas

By: _____
A.D.A, Assistant District Attorney
State Bar No. BAR #
235 E. Mitchell, Suite 245
San Antonio, Texas 78210-3844
(210) 531-1960 - Office
(210) 531-1963 – Fax

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BEXAR COUNTY, TEXAS

F I A T

IT IS ORDERED that the above referenced matter be set for a hearing on Monday, the DAY OF MONTH of MONTH, 20YEAR, at 8:30 a.m., in the 386th District Court located in the Frank Tejada Juvenile Justice Center, 235 E. Mitchell, San Antonio, Texas 78210.

PRESIDING JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion To Transfer Determinate Sentence Probation To Appropriate Adult District Court and Fiat were mailed via certified mail this date to DEFENSE ATTY., Attorney for Respondent, at DEF. ATTY. ADDRESS, SAN ANTONIO, TEXAS, ZIP CODE.

Assistant Criminal District Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion To Transfer Determinate Sentence Probation To Appropriate Adult District Court and Fiat were inter-office mailed on this date to the Juvenile Probation office located at 235 E. Mitchell, San Antonio, Texas 78210, Attention: P.O., who as of this date December 1, 2009, is the current acting Probation Officer for the said Respondent.

Assistant Criminal District Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion To Transfer Determinate Sentence Probation To Appropriate Adult District Court and Fiat were mailed via certified mail this date to Sloan Kelly, Adult Probation Liaison, at 200 Main Plaza, Legal Professional Bldg., San Antonio, TX 78205.

Assistant Criminal District Attorney

IN THE MATTER OF

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IN THE DISTRICT COURT

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BEXAR COUNTY, TEXAS

ORDER TRANSFERRING THE DETERMINATE SENTENCE PROBATION
TO AN APPROPRIATE DISTRICT COURT

ON THIS the _____ day of _____, 20YEAR, came on to be heard the State's Motion to Transfer Determinate Sentence Probation to the Appropriate District Court in the above-styled and numbered cause pursuant to §54.051(d) of the Texas Family Code and after due notice had been issued to all parties and in full accordance with §54.051 of the Texas Family Code, came and appeared _____, Assistant Criminal District Attorney of Bexar County, and announced ready for this hearing. And thereupon also came !, said Probationer with his/her attorney, DEF. ATTY., and MOTHER/FATHER/PARENTS/GUARDIAN, NAME, of said Probationer, and announced ready for this hearing.

After careful consideration of the evidence and argument of counsel, the Court found the following: The Probationer is !, whose date of birth is RESP. D.O.B., is currently SEVENTEEN (17) years of age and who now resides in County, Texas and that this hearing has been held before the Probationer's 18th birthday pursuant to §54.051(b) of the Texas Family Code.

Further it is found that on or about ADJUDICATION DATE, the Probationer was adjudicated of a delinquent conduct offense, namely: OFFENSE/OFFENSES and was sentenced to YEAR SPELLED OUT (#) years and was placed on YEARS SPELLED OUT (#) years probation under a Determinate Sentence in accordance with §54.04(q) of the Texas Family Code.

IT IS THEREFORE ORDERED that the probationary supervision of ! be transferred, pursuant to §54.051(d) of the Texas Family Code, to an adult District Court of Bexar County, Texas on the _____ day of , _____, _____, the probationer's 18th birthday.

SIGNED AND ENTERED on this the _____ day of _____, 20YEAR.

PRESIDING JUDGE
COURT DISTRICT COURT