

# Sealing of Records

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## Speaker Information

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## Biographical Information

Stacey Brownlee has been a prosecutor in Texas since 1991. A major portion of that time has been devoted to the prosecution of juvenile offenders. She is currently a Felony and Juvenile attorney with the Gregg County District Attorney's Office. She has also served as the Chief of Juvenile Probation in Ft. Bend and Jefferson County and as a felony prosecutor in Bastrop County. Stacey received her undergraduate degree from the University of Texas and her law degree from the University of Houston. She was appointed and served as an Administrative Law Judge for the State Office of Administrative Hearings in Austin. For the past ten years, she has provided training on juvenile topics for area schools, police agencies, probation departments and community organizations. She enjoys country living on a small farm with her husband Kevin and their two boys, Colt and Beaux and fund raising for Special Olympics and the Texas Torch Run.

18<sup>th</sup> Annual Juvenile Law Conference

**PROFESSOR ROBERT O. DAWSON**  
**JUVENILE LAW INSTITUTE**

February 1- 3, 2005 • Renaissance Hotel • Austin, Texas

IN THE MATTER OF  
JIMMY JUVENILE,  
DOB: 07/04/83

§  
§  
§

IN THE COUNTY COURT AT LAW  
OF GREGG COUNTY, TEXAS  
SITTING AS A JUVENILE COURT

APPLICATION FOR SEALING OF FILES AND RECORDS

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, JIMMY JUVENILE, born on the 4<sup>th</sup> day of July 1983, the subject of the above-numbered cause, and requests the Court in accordance with provisions of §58.003 of the Texas Family Code, to order the sealing of all files and records in this case and in support of this application would show the Court:

I.

On the 4<sup>th</sup> day of July, 1999, the applicant was referred by the Gregg County Sheriff's Department to the Juvenile Probation Department and the Gregg County District Attorney's Office for the FELONY/MISDEMEANOR offense of OFFENSE. Applicant was granted ADJUDICATED/DEFERRED probation on the 4<sup>th</sup> day of August, 1999 and completed the terms and conditions of such probation on the 4<sup>th</sup> day of August, 2000.

II.

The applicant has reason to believe and does believe that the files and records relating to the applicant and this offense are held by the following officials and agencies:

1. Gregg County Juvenile Probation Department  
310 Turk  
Longview, Texas  
PID#
2. Gregg County District Attorney's Office  
101 E. Methvin, Suite 333  
Longview, Texas  
Cause #
3. Gregg County Sheriff's Department  
101 E. Methvin  
Longview, Texas  
Offense #
4. Gregg County District Clerk's Office  
101 E. Methvin  
Longview, Texas  
Cause #
5. TCIC  
Texas Department of Public Safety  
Crime Records Services  
PO Box 4143  
Austin, Texas 78765-4143

6. NCIC  
Federal Bureau of Investigation  
Attn: Custodian of Records  
PO Box 61369  
Houston, Texas 77208
7. Longview ISD  
Office of the Superintendent  
1301 E. Young  
Longview, Texas

III.

Pursuant to §58.003 of the Texas Family Code, applicant is entitled/eligible to have all the files and records concerning the case sealed for the following reasons:

1. Applicant is now 21 years of age or older; (or two years has elapsed since final discharge);
2. Applicant was not transferred by the juvenile Court under §54.02 to a criminal Court for prosecution, nor was this offense a determinate sentence offense under §53.045 nor habitual felony conduct under §51.031;
3. There has been no adjudication or conviction for any offense of the applicant since the time of this adjudication;
4. These records have not been used as punishment evidence in a criminal proceeding; and,
5. No proceeding is pending seeking an adjudication or conviction against applicant.

Wherefore, applicant requests that the Court grant this application and:

1. Set this matter for a hearing;
2. Give reasonable notice of the hearing to the applicant and to each agency and official named in Paragraph II. of this application, pursuant to the Texas Family Code;
3. After haring on this matter, order each official and agency named as possessing records or files concerning this applicant to, within sixty (60) days, :
  - (a) send all such files and records to the Court;
  - (b) delete all index references to the sealed files and records; and,
  - (c) if an inquiry is made regarding such files and records, respond that no such record exists.

Applicant further requests the Court to direct the clerk to send a certified copy of the sealing order to each agency or official named above and to order that all proceedings in this cause be vacated and the proceeding dismissed and treated for all purposes as if it had never occurred.

Respectfully submitted,

Attorney at Law  
123 Tyler Street  
Longview, Texas

**AFFIDAVIT OF CHILD**

Before me the undersigned authority, on this date personally appeared, JIMMY JUVENILE, who after being duly sworn stated:

“I am the person who is the subject of the above entitled and numbered cause. I have read the foregoing Application for Sealing of Files and Records, and swear that all of the allegations of fact contained in it was true and correct.”

\_\_\_\_\_  
Applicant

Subscribed and sworn to before me on the 2<sup>nd</sup> day of February, 2005, to certify which, witness my hand and seal.

\_\_\_\_\_  
Notary Public

IN THE MATTER OF  
JIMMY JUVENILE,  
DOB: 07/04/83

§  
§  
§

IN THE COUNTY COURT AT LAW  
OF GREGG COUNTY, TEXAS  
SITTING AS A JUVENILE COURT

**ORDER SEALING FILES AND RECORDS**

On the 3<sup>rd</sup> day of February, 2005, the Court heard Applicant's Application for Sealing of Files and Records in the above entitled and numbered cause, and it appears to the Court that the application should be granted.

The Court finds that:

- 6. Applicant is now 21 years of age or older; (or two years has elapsed since final discharge);
- 7. Applicant was not transferred by the Juvenile Court under §54.02 TFC to a Criminal Court for prosecution, nor was this offense a determinate sentence offense under §53.045 TFC nor habitual felony conduct under §51.031 TFC;
- 8. There has been no adjudication or conviction for any offense of the applicant since the time of this adjudication;
- 9. These records have not been used as punishment evidence in a criminal proceeding; and,
- 10. No proceeding is pending seeking an adjudication or conviction against applicant.

**IT IS THEREFORE ORDERED THAT:**

- 1. The files and records of JIMMY JUVENILE concerning the matter for which he was taken into custody on the 4<sup>th</sup> day of July, 1999 and adjudicated for on the 5<sup>th</sup> day of August, 1999 shall be sealed.
- 2. Each official and agency listed below shall within sixty (60) days, send all such files and records to the Court;
- 3. Each official and agency listed below shall, within sixty (60) days, delete all index references to the sealed files and records; and,
- 4. Each official and agency listed below shall, if an inquiry is made regarding such files and records, respond that no such record exists.
- 5. The Clerk of the Court shall send a certified copy of this sealing order to:

Gregg County Juvenile Probation Department  
310 Turk  
Longview, Texas  
PID#

Gregg County District Attorney's Office  
101 E. Methvin, Suite 333  
Longview, Texas  
Cause #

Gregg County Sheriff's Department  
101 E. Methvin  
Longview, Texas  
Offense #

Gregg County District Clerk's Office  
101 E. Methvin  
Longview, Texas  
Cause #

TCIC  
Texas Department of Public Safety  
Crime Records Services  
PO Box 4143  
Austin, Texas 78765-4143

NCIC  
Federal Bureau of Investigation  
Attn: Custodian of Records  
PO Box 61369  
Houston, Texas 77208

Longview ISD  
Office of the Superintendent  
1301 E. Young  
Longview, Texas

Further this Court finds and orders that all proceedings in this cause be vacated and the proceeding dismissed and treated for all purposes as if it had never occurred except as provided by law.  
Signed this the 3<sup>rd</sup> day of February, 2005.

\_\_\_\_\_  
Judge Presiding

**THE COURT ISSUES A NEW ORIGINAL CAUSE NUMBER FOR RESTRICTED ACCESS PROCESSING**

CAUSE NO. \_\_\_\_\_

IN THE INTEREST OF:

IN THE \_\_\_\_\_ COURT

NO \_\_\_\_\_

\_\_\_\_\_  
COUNTY, TEXAS  
SITTING AS A JUVENILE COURT

\_\_\_\_\_  
A JUVENILE

**ORDER OF RESTRICTED ACCESS**

On \_\_\_\_\_, 200\_, this court received notice from the Texas Department of Public Safety (TDPS) that under the provisions of §58.203 of the Texas Family Code, TDPS has restricted access to the juvenile records of **[Insert Name, Date of Birth, State Identification Number, Personal Identification Number if applicable of the person named in the DPS Notice]**

Accordingly, it is ordered

1. That each official, agency, or entity named below shall restrict access to these records and permit access only as allowed in §58.204 (b) of the Texas Family Code.
2. That future inquiries about records of the person named above shall be answered by the statement that no record exists regarding that person.
3. That you may permit access to a criminal justice agency for a criminal justice purpose as defined by § 411.082 of the Texas Government Code.
4. That screening for employment by a criminal justice agency is a criminal justice purpose.
5. That you are required by law to identify any computer entry within the scope of this order as a restricted access file in such a way as to preclude computerized access to the file by any agency other than a criminal justice agency.
6. That you shall place a restricted access notation on any physical file within the scope of this order limiting access.
7. That you must return this order to:

**[INSERT NAME AND ADDRESS OF JUVENILE PROBATION DEPARTMENT]**

within 30 days with the acknowledgement by the custodian of records that this order has been fully implemented

**[INSERT THE APPLICABLE OFFICIALS, AGENCIES, ENTITIES AND PERSONS]**

Official, Agencies, Entities:

- 1) The Texas Youth Commission  
Records Custodian - Boyd Onderdonk  
P.O. Box 4260  
Austin, Texas 78765  
(512) 424-6290

**2) [INSERT NAME AND ADDRESS OF THE APPLICABLE COUNTY JUVENILE PROBATION DEPARTMENT]**

**3) [INSERT NAME AND ADDRESS OF COURT CLERK]** Clerk of Court of the \_\_\_\_\_ Court in \_\_\_\_\_ County Texas

**4) [INSERT NAME AND ADDRESS OF PROSECUTOR'S OFFICE]**

**5) [INSERT NAME AND ADDRESSES FOR ALL LAW ENFORCEMENT AGENCIES]**

**6) [INSERT NAME AND ADDRESS OF ANY AGENCY THAT PROVIDED CARE FOR THE PERSON IDENTIFIED IN THIS ORDER UNDER ARRANGEMENT OR ORDER OF THE COURT]**

7) [INSERT NAME AND ADDRESS OF ANY AGENCY OR ENTITY THAT PROVIDED CUSTODY FOR THE PERSON IDENTIFIED IN THIS COURT ORDER UNDER ARRANGMENT OR ORDER OF THE COURT]

SIGNED AND ENTERED on this the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
JUDGE PRESIDING

ACKNOWLEDGEMENT OF IMPLEMENTATION OF COURT ORDER

I am the custodian of records within the scope of this court order. I acknowledge that the court's order has been fully complied with and that the records within the scope of the order have been placed on restricted access.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Custodian of Records

Subscribed and Sworn to before me on the \_\_\_\_\_ [insert date], to certify which, witness my hand and official seal.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

**[THE COURT ISSUES A NEW ORIGINAL CAUSE NUMBER FOR RESTRICTED ACCESS PROCESSING]**

CAUSE NO. \_\_\_\_\_

IN THE INTEREST OF:

IN THE \_\_\_\_\_ COURT

NO \_\_\_\_\_

\_\_\_\_\_  
JUVENILES

\_\_\_\_\_  
COUNTY, TEXAS  
SITTING AS A JUVENILE COURT

**ORDER OF RESTRICTED ACCESS**

On \_\_\_\_\_, 200\_, this court received notice from the Texas Department of Public Safety (TDPS) that under the provisions of §58.203 of the Texas Family Code, TDPS has restricted access to the juvenile records of the persons identified later in this order.

Accordingly, it is ordered

- 8. That each official, agency, or entity named below shall restrict access to these records and permit access only as allowed in §58.204 (b) of the Texas Family Code.
- 9. That future inquiries about records of the person named above shall be answered by the statement that no record exists regarding that person.
- 10. That you may permit access to a criminal justice agency for a criminal justice purpose as defined by § 411.082 of the Texas Government Code.
- 11. That screening for employment by a criminal justice agency is a criminal justice purpose.
- 12. That you are required by law to identify any computer entry within the scope of this order as a restricted access file in such a way as to preclude computerized access to the file by any agency other than a criminal justice agency.
- 13. That you shall place a restricted access notation on any physical file within the scope of this order limiting access.
- 14. That you must return this order to

**[INSERT NAME AND ADDRESS OF JUVENILE PROBATION DEPARTMENT.]**

within 30 days with the acknowledgement by the custodian of records that this order has been fully implemented.

**[A SEPARATE ORDER WILL HAVE TO BE SIGNED FOR EACH OFFICIAL, AGENCY, ENTITY OR PERSON AS APPLICABLE TO THE PERSON]**

Official, Agencies, Entities:

- 8) The Texas Youth Commission  
Records Custodian - Boyd Onderdonk  
P.O. Box 4260  
Austin, Texas 78765  
(512) 424-6290

9) [INSERT NAME AND ADDRESS OF THE APPLICABLE COUNTY JUVENILE PROBATION DEPARTMENT]

10) [INSERT NAME AND ADDRESS OF COURT CLERK] Clerk of Court of the \_\_\_\_\_ Court in \_\_\_\_\_ County Texas

11) [INSERT NAME AND ADDRESS OF PROSECUTOR'S OFFICE]

12) [INSERT NAME AND ADDRESSES FOR ALL LAW ENFORCEMENT AGENCIES]

13) [INSERT NAME AND ADDRESS OF ANY AGENCY THAT PROVIDED CARE FOR THE PERSON IDENTIFIED IN THIS ORDER UNDER ARRANGEMENT OR ORDER OF THE COURT]

14) [INSERT NAME AND ADDRESS OF ANY AGENCY OR ENTITY THAT PROVIDED CUSTODY FOR THE PERSON IDENTIFIED IN THIS COURT ORDER UNDER ARRANGMENT OR ORDER OF THE COURT]

SIGNED AND ENTERED on this the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
JUDGE PRESIDING

[INSERT A LIST OF THE ALL PERSONS' NAMES, DATES OF BIRTH, STATE IDENTIFICATION NUMBERS AND PERSONAL