



CASE NO. 153725801010
INCIDENT NO./TRN: 9172494263A001

p. 6

THE STATE OF TEXAS

v.

CRUZ, RICHARD XAVIER

STATE ID No.: TX03582644

§
§
§
§
§
§

IN THE 184TH DISTRICT

COURT

HARRIS COUNTY, TEXAS

ORDER OF DEFERRED ADJUDICATION

Judge Presiding **HON. JAN KROCKER**

Date Order Entered **01/17/2017**

Attorney for State **SIMONS, DANIEL**

Attorney for Defendant **CORNELIUS, R.P.**

Offense:

AGG ASSAULT W/DEADLY WEAPON (NAMELY, A FIREARM)

Charging Instrument:
INFORMATION

Statute for Offense:
N/A

Date of Offense:
01/13/2017

Degree of Offense:
2ND DEGREE FELONY

Plea to Offense:
GUILTY

Findings on Deadly Weapon:
YES, A FIREARM

Terms of Plea Bargain:
4 YEARS DADJ

Plea to 1st Enhancement Paragraph **N/A**

Plea to 2nd Enhancement/Habitual Paragraph **N/A**

Findings on 1st Enhancement Paragraph **N/A**

Findings on 2nd Enhancement/Habitual Paragraph **N/A**

ADJUDICATION OF GUILT DEFERRED; DEFENDANT PLACED ON COMMUNITY SUPERVISION.

PERIOD OF COMMUNITY SUPERVISION: 4 YEARS

Fine:
\$ N/A

Court Costs:
As Assessed

Restitution:
\$ N/A

Restitution Payable to:
☐ VICTIM (see below) ☐ AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was **N/A**.

Time Credited: **N/A DAYS** NOTES: **N/A**

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in **Harris County, Texas**. The State appeared by her District Attorney as named above.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered a plea as indicated above. The Court admonished the Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging.

submitted. the Court **FINDS** such evidence substantiates Defendant's guilt. The Court **FINDS** that, in this cause, it is in the best interest of society and Defendant to defer proceedings without entering an adjudication of guilt and to place Defendant on community supervision

The Court **FINDS** the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM PROC. art. 42.12 § 9

The Court **ORDERS** that Defendant is given credit noted above for the time spent incarcerated The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

The Court **ORDERS** that no judgment shall be entered at this time. The Court further **ORDERS** that Defendant be placed on community supervision for the adjudged period so long as Defendant abides by and does not violate the terms and conditions of community supervision See TEX. CODE CRIM PROC art 42.12 § 5(a)

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated The Court further **ORDERS** that if the defendant is convicted of two or more offenses in a single criminal action, that each cost or fee amount must be assessed using the highest category of offense. Tex Code Crim P art 102.073.

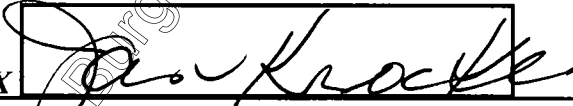
Furthermore, the following special findings or orders apply:

APPEAL WAIVED. NO PERMISSION TO APPEAL GRANTED.

DEADLY WEAPON.

THE COURT FINDS DEFENDANT USED OR EXHIBITED A DEADLY WEAPON, NAMELY, A FIREARM, DURING THE COMMISSION OF A FELONY OFFENSE OR DURING IMMEDIATE FLIGHT THEREFROM OR WAS A PARTY TO THE OFFENSE AND KNEW THAT A DEADLY WEAPON WOULD BE USED OR EXHIBITED. TEX. CODE CRIM. PROC. ART. 42.12 §3G.

Signed and entered on 01/17/2017

X 
JAN KROCKER
JUDGE PRESIDING

Notice Appeal Filed

Mandate Received

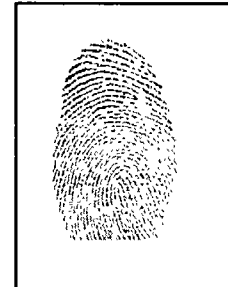
Def Received on at ☐ AM ☐ PM

By , Deputy Sheriff of Harris County

Clerk J ANDERSON

Case: 153725801010

Name: CRUZ, RICHARD XAVIER



Right Thumbprint

FIN (CAS 20 10):


EN/KR13

LCBT:

LCBU:









CONDITIONS OF COMMUNITY SUPERVISION

THE STATE OF TEXAS
VS.
RICHARD XAVIER CRUZ

IN THE 184th DISTRICT COURT OF
HARRIS COUNTY, TEXAS
CAUSE NUMBER 153725801010

On this the 17th day of January, 2017, you are granted 4 Years community supervision for the felony offense of AGG ASSAULT W/DEADLY WEAPON in accordance with section 5 of Article 42.12, Texas Code of Criminal Procedure, in the 184th District Court of Harris County, Texas, by the Honorable JAN KROCKER, Judge Presiding. It is the order of this Court that you abide by the following Conditions of Community Supervision:

- (1) **Commit no offense** against the laws of this or any other State or of the United States.
- (2) **Not ingest, use or consume alcohol**; an alcoholic beverage; any item which is marked "not for human consumption"; any synthetic version of an illegal drug; or any substance causing you to be impaired or intoxicated.
You shall not use, possess, or consume any illegal drug or prescription drug not currently prescribed to you by a medical professional.
You shall bring all current prescription containers to your Community Supervision Officer on your first reporting date.
If new medication is prescribed, you must bring the new prescription container to your Community Supervision Officer on your next scheduled report date.
- (3) **Avoid persons or places** of disreputable or harmful character.
- (4) **Report immediately in person**, to the Community Supervision Officer for the 184 District Court on the 17th day of January, 2017 and continue to report to the Community Supervision Officer on the 17th of each month thereafter or as directed by the Community Supervision Officer for the remainder of the supervision term unless so ordered differently by the Court.
- (5) **Permit a Community Supervision Officer to visit you at your home, place of employment or elsewhere.**
- (6) **Abide by the rules and regulations** of the Harris County Community Supervision and Corrections Department (hereinafter referred to as HCCS&CD). Refrain from disorderly conduct, abusive language or disturbing the peace while present at any HCCS&CD office or facility.
- (7) **Work faithfully** at suitable employment and present written verification of employment (including all attempts to secure employment) to your Community Supervision Officer on each reporting date. You must notify HCCS&CD within 48 hours of any change in your employment status.
- (8) **Remain within a specified place, to wit: Harris County and Contiguous Counties, Texas.** You may not travel outside of Harris County and Contiguous Counties, Texas unless you receive prior written permission from the Court through your Community Supervision Officer. You must notify HCCS&CD within 48 hours of any change of residence.
- (9) **Support your dependents** as required by law. Provide your Community Supervision Officer with a certified copy of all Court orders requiring payment of child support.
- (10) **Submit to RANDOM AND FREQUENT drug/alcohol analysis** by authorized personnel of HCCS&CD, including any department having courtesy supervision jurisdiction. Provide proof of any medication legally prescribed to you prior to submitting a specimen.
- (11) **Participate in the HCCS&CD Community Service Restitution Program (CSRP).** You shall perform a total of 40 hours, at the rate of 8 hours per MONTH beginning 07/17/2017.
- (12) **Pay the following fees through HCCS&CD as specified herein.** All payments MUST be in the form of a MONEY ORDER or Cashier's Check. Write SPN and Cause # on Money Order or Cashier's Check. Personal checks will not be accepted. A \$ 2.00 transaction fee will be charged each time you make a payment.
 - 12.1 **Pay a Supervision Fee** at the rate of \$ 40.00 per month for the duration of your community supervision beginning 02/17/2017 to HCCS&CD. SF RATE REDUCED PER JUDGE KROCKER

CONDITIONS OF COMMUNITY SUPERVISION

For: RICHARD XAVIER CRUZ

Cause: 153725801010

- 12.2 Pay a Fine of \$ 0.00 and Court Costs at the rate of \$ 25.00 per month beginning 02/17/2017 to Harris County through HCCS&CD.
- 12.3 Pay Laboratory Fees of \$ 10.00 per MONTH for the duration of your community supervision beginning 02/17/2017 to HCCS&CD.
- 12.4 Pay a \$ 12.50 fee for an Offender Identification Card by 02/17/2017 to HCCS&CD.
- 12.5 Pay \$ 50.00 to Crime Stoppers of Houston at the rate of \$ 50.00 per MONTH beginning 02/17/2017 through HCCS&CD.
- 12.6 Pay Attorney Fees of \$ 175.00 at the rate of \$ 25.00 per month beginning 02/17/2017 to Harris County through HCCS&CD.
- (13) Report in person to HCCS&CD by 02/17/2017 for the purpose of creating and obtaining your Offender Identification Card. You are to carry this identification card on your person at all times.
- (14) Submit to an alcohol/drug evaluation by 02/17/2017. Attend outpatient treatment and aftercare as recommended. If ordered by the Court, enter in-patient treatment. Comply with all program rules, regulations and guidelines until successfully discharged or released by further order of the Court. On each reporting date, submit written verification of your enrollment, attendance and/or successful completion of the program to your Community Supervision Officer, to be retained in HCCS&CD's file.
- (15) Participate in the HCCS&CD Maximum Supervision Program any time that you are assessed by HCCS&CD to require maximum supervision. Comply with all program rules, regulations and guidelines until successfully discharged or released by further order of the Court.
- (16) Submit to an evaluation of your educational skill level by 03/17/2017. If it is determined that you have not attained the average skill of students who have completed the sixth grade in public schools in this State, you shall participate in a program that teaches functionally illiterate persons to read. If you are non- English speaking, you will participate in English as a Second Language (ESL) program, if it is determined there is a need in order for you to meet the state mandate beginning upon referral. Comply with all program rules, regulations and guidelines until successfully discharged or released by further order of the Court. On each reporting date, submit written verification of your enrollment, attendance and/or successful completion of the program to your Community Supervision Officer, to be retained in HCCS&CD's file.
- (17) Provide proof of your High School Diploma/G.E.D. or participate in a General Educational Development (G.E.D.) program beginning 04/17/2017. Comply with all program rules, regulations and guidelines until successfully discharged or released by further order of the Court. On each reporting date, submit written verification of your enrollment, attendance and/or successful completion of the program to your Community Supervision Officer, to be retained in HCCS&CD's file.
- (18) Participate in the HCCSCD Change Though Intervention (CTI) Program, anytime you are assessed and deemed appropriate. Comply with all program rules, regulations, and guidelines until successfully completed or released by further order of the Court. You will be subject to a system of graduated sanctions and incentives. You may be placed on a special caseload, which includes periodic appearances in Court.
- (19) You are not to enter a nightclub, bar or establishment where alcoholic beverages are primarily sold.
- (20) You will not use, ingest, or consume any substance that will alter or adulterate any urinalysis results.
- (21) You are not to lie or make false statements to any employee of HCCS&CD or the Court beginning 01/17/2017.
- (22) During term of supervision, client is strictly prohibited from shipping, transporting, possessing, receiving, or purchasing a firearm, altered firearm, or ammunition, or attempting to ship, transport, possess, receive, or purchase a firearm, altered firearm, or ammunition.
- (23) Participate in an anger management treatment program beginning 01/17/2017. Comply with all program rules, regulations and guidelines until successfully discharged or released by further order of the Court. On each reporting date, submit written verification of your enrollment, attendance and/or successful completion of the program to your Community Supervision Officer, to be retained in HCCS&CD's file.

CONDITIONS OF COMMUNITY SUPERVISION

For: RICHARD XAVIER CRUZ

Cause: 153725801010

- (24) You are not to contact the complainant, CHRISTAIN CREAR, in person, in writing, by telephone, via the internet, a third party or any other means for any reason except as specifically permitted by the Court.
- (25) You may not work as a security guard/officer until further order of the Court.
- (26) Submit to an assessment through the HCCSCD Assessment Unit by 02/17/2017 and participate in any program deemed appropriate, following all rules, regulations and guidelines until successfully completed or further order of the Court.

Unofficial Copy Office of Marilyn Burgess District Clerk

CONDITIONS OF COMMUNITY SUPERVISION

For: RICHARD XAVIER CRUZ

Cause: 153725801010

I understand that under the laws of this State, the Court shall determine the terms and conditions of Community Supervision, and may alter or modify said conditions during the period of Community Supervision. I further understand that failure to abide by these Conditions of Community Supervision may result in the revocation of Community Supervision or an adjudication of guilt.

Community Supervision expires the 16th day of January A.D. 2021


RICHARD XAVIER CRUZ, DEFENDANT

January 17, 2017
DATE

Signed this 17th day of January A.D. 2017

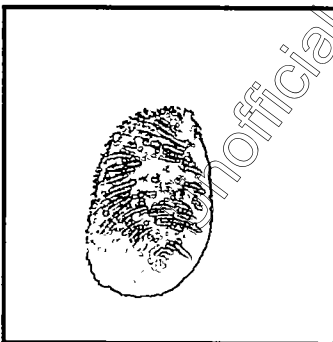

JAN KROCKER, PRESIDING JUDGE


WILLIE DICKERSON, CLO/CSO OFFICER

January 17, 2017
DATE

SPN: 00729622

PLEA: GUILTY



Defendant's Right Thumbprint