

CLERK'S CERTIFICATE

THE STATE OF TEXAS

COUNTY OF DENTON

I, CYNTHIA MITCHELL, Clerk of the County Courts within and for the county of Denton, and State of Texas, do hereby certify that the above and foregoing pages are true and correct copies of documents entered in Cause No. CR-2012-02385-D styled,

THE STATE OF TEXAS VS. Donald Jonathon Beal.

TO CERTIFY WHICH, Witness my hand and seal of office at Denton, Texas this on this the 9th day of October, 2012

CYNTHIA MITCHELL, COUNTY CLERK
DENTON COUNTY, TEXAS



Linda Alonzo
By Linda Alonzo, Deputy Clerk

1846

MAR 27 2012

CYNTHIA MITCHELL
DEPUTY

COMPLAINT

CAUSE NO.: CR - 2012 - 02385 - D

DEFENDANT: DONALD BEAL

CHARGE: DRIVING WHILE INTOXICATED

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant who, after being by me duly sworn on oath, deposes and says that the affiant has good reason to believe, and does believe, that DONALD BEAL hereinafter styled defendant, on or about the 9th day of October, 2011, and before the making and filing of this Complaint, in the County of Denton of the State of Texas, did then and there drive or operate a motor vehicle in a public place in Denton County, Texas, while intoxicated;

against the peace and dignity of the State of Texas.

James A Wells
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME this 21st day of

March, 2012.

JM Pl
ASSISTANT CRIMINAL
DISTRICT ATTORNEY
DENTON COUNTY, TEXAS



MAR 27 2012

CYNTHIA MITCHELL
DEPUTY

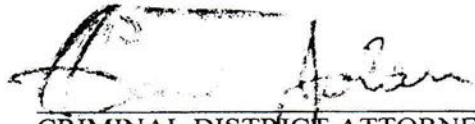
INFORMATION

CAUSE NO.: CR - 2012 - 02385 - D
DEFENDANT: DONALD BEAL
CHARGE: DRIVING WHILE INTOXICATED

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

NOW COMES, Paul Johnson, Criminal District Attorney of the County of Denton of the State of Texas, and in behalf of the State of Texas, presents in the County Criminal Court of Denton County, Texas, at the January Term, 2012, of said Court, that DONALD BEAL who is hereinafter styled defendant, on or about the 9th day of October, 2011, and before the making and filing of this Information, in the County of Denton of the State of Texas, did then and there drive or operate a motor vehicle in a public place in Denton County, Texas, while intoxicated;

against the peace and dignity of the State.



CRIMINAL DISTRICT ATTORNEY
COUNTY OF DENTON
STATE OF TEXAS



CAUSE NUMBER

11-10575

THE STATE OF TEXAS
COUNTY OF Denton

X
X
X

IN THE JUSTICE/MUNICIPAL
OR COUNTY COURT #
DENTON COUNTY, TEXAS

FILE FOR RECORD
DENTON COUNTY CLERK

MAR 27 2012

CYNTHIA MITCHELL
DEPUTY

COMPLAINT / AFFIDAVIT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

The undersigned Affiant, who after being duly sworn by me, on oath, makes the following statement:

My belief of the foregoing statement is based upon:

CR - 2012 - 02385 - D

I, Richard Eledge, being duly sworn, do state upon my oath that I have good reason to believe, I do believe, and I charge heretofore, that before the filing of this complaint, that DONALD J. BEAL, on or about the 9 day of October, 2011, in LEWISVILLE, Denton County, Texas, did then operate a motor vehicle while intoxicated in a public place in the said County and State, to wit: 1300 S. SH 121 BUSINESS. At the time he/she operated the motor vehicle, the said driver did not have normal use of his/her mental or physical faculties as a result of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into his/her body or a blood alcohol concentration of 0.08 or more.

CASE # Lewisville Police Department Case # 11-10575

{ RE / 217 }
Affiant Initials / ID #

Page 1 of 4

Original



Probable cause for arrest was based on the following facts:

On 10/9/2011 at around 0201 hours, Officers Eledge and Stebbins were dispatched to the Minor Accident call at 130012
S. SH 121 Business, Lewisville, Denton County, Texas.

MAR 27 2012
CYNTHIA MITCHELL
DEPUTY

Upon arrival, Officer Eledge was second on scene and observed a Nissan SUV with damage to the rear bumper/rear tailgate area. Officer Eledge also observed a smaller blue Dodge sedan stopped behind the SUV with extensive front end damage. Officer Eledge found Officer Stebbins already on scene, speaking to the driver of the SUV, so Officer Eledge approached the driver of the SUV who stated that he had been stopped for the red light at the intersection of S. SH 121 Business and Bellaire Blvd, when he was hit from behind by the blue Dodge. Officer Eledge then spoke to the driver of the Dodge, Donald Beal, herein after referred to as the Defendant.

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Officer Eledge asked the Defendant for his driver's license and insurance. The Defendant handed Officer Eledge his DL and started digging through his glove compartment for his insurance. The Defendant stated that he had just come from Taco Bell down the street, turned left onto S. SH 121 Business, before striking the SUV. Officer Eledge noted a moderate smell of alcohol coming from the breath and person of the Defendant despite the windy and rainy weather conditions. The Defendant then began crying saying something about being concerned for the kids in the SUV, and about going through a divorce. Defendant stated that he had been coming from Taco Bell and before that, had been at a friend's house at Oak Forest apartments playing Guitar Hero. Officer Eledge asked the Defendant how much he had to drink and the Defendant responded that he had about 4 or 5 Bud Lite beers but didn't know what size. Defendant stated that he had no other type of alcohol other than beer.

Officer Eledge asked the Defendant if he had had anything to eat and the Defendant began talking about how someone from the SUV had punched him but that he did not want to file charges. The Defendant then removed a piece of paper from the glove compartment, looked at it, and handed it to Officer Eledge. Officer Eledge observed that the piece of paper was not proof of insurance but instead a receipt from Joe's Auto Repair. Officer Eledge handed it back to the Defendant who apologized and then dug around some more in the glove compartment and then handed Officer Eledge his proof of insurance.

Officer Eledge then verified with the Defendant that he had about 5 beers with friends at Oak Forest apartments but the Defendant mumbled something about being at the bar Crazy 8s where he had 2 beers. Officer Eledge then confirmed with the Defendant that he had about 7 beers total. The Defendant only stated that he had 4 to 6 beers total.

Officer Eledge then put the Defendant into the rear of his squad car to transport him to the Chevron at SH 121 Business and Bellaire Blvd in order to continue the investigation out of the rain. The Defendant was not handcuffed. While enroute, the Defendant began mumbling something about being punched by a bald guy wearing a red Texas Rangers Jersey. The Defendant stated that he totally understood and that the punch did not hurt. Officer Eledge then asked the Defendant about what time he went to Crazy 8s but he did not know. He again stated that while there he had a couple of beers. Officer Eledge then confirmed with the Defendant that he had 2 beers at Crazy 8s and about 5 more at Oak Forest. The Defendant responded, "No that's pretty much it, 4 or 5 total beers. The Defendant then stated that he had 2 beef burritos. The Defendant upon inquiry stated that he took no prescription medication, was not under the care of a doctor for anything, and had no injuries, diabetes, head injuries, and no head, neck problems. The Defendant then began holding his head saying that he didn't feel good. Officer Eledge asked the Defendant if he needed an ambulance and he said he did so one was requested. The Defendant then said that he had had a prior concussion and he felt like he had another because light hurt his eyes. Officer Eledge asked the Defendant if he had migraine headaches and he said he did but that he did not take medication. The Defendant then began crying.

After speaking with the occupants of the SUV for a few minutes, Officer Eledge then asked the Defendant if he felt intoxicated at all and he said no. The Defendant then began holding his nose complaining of pain. Officer Eledge asked the Defendant if he felt buzzed at all and he said, "Maybe a little bit." The Defendant then began saying something incoherent about his car having bad brakes.

CASE # 11-10575

{ RE / 717 }
Affiant Initials / ID #

CAUSE NUMBER _____

FILE FOR RECORD
DENTON COUNTY CLERK

Medics arrived on scene and began asking questions. The Defendant said that he had been knocked on the wreck and began saying that he needed to go to the hospital. Officer Eledge asked the Defendant to rank himself on a scale of 1 to 10 with 1 being sober and 10 being as drunk as he had ever been and the Defendant ranked himself at 5 or 6, and then changed his answer to 4 to 6. Officer Eledge asked the Defendant about his level of education and the Defendant stated that he was working on his bachelor degree. Officer Eledge confirmed with the Defendant that he knew his numbers and letters pretty good and he said that he did. Officer Eledge asked the Defendant to say the alphabet slowly without singing it, and then demonstrated how slowly he needed to say it. The Defendant starting at A and as he continued to say the alphabet, he began speeding up saying the alphabet in the rhythm of the alphabet song.

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Officer Eledge then asked the Defendant to count backwards from 56 to 23. The Defendant then started at 55, then said 54. Officer Eledge reminded the Defendant to start at 56. He began counting and counted from 56 down to 24, then 22 down to 20, then mumbled something before counting from 19 down to 0. Officer Eledge asked the Defendant where he was asked to start and stop counting and he said 56 down to 0.

Officer Eledge, who is certified to administer the Standardized Field Sobriety Tests, then prepared to administer the tests on the Defendant. Officer Eledge asked the Defendant to place his feet together with his arms down to his sides, and demonstrated to the Defendant how he was supposed to stand. The Defendant put his feet together and held his arms straight out to his sides. When the Defendant finally dropped his arms, Officer Eledge began to administer the HGN test. While checking for equal tracking, the Defendant stopped taking the test saying that moving his eyes made his nose hurt. The Defendant then began acting like he was crying, holding his eyes. Officer Eledge observed no tears coming out of the Defendant's eyes. The Defendant had to hold onto the squad car to keep from falling down. The Defendant then became more upset saying that he had to go to the hospital because he felt air coming out the sides of his eyes. Officer Eledge asked the Defendant if he would take any more tests but he would not, only crying more loudly. The Defendant said that he would provide a blood sample at the hospital. The Defendant was then transported to the hospital where he was read the DIC 24 and refused to provide a blood sample.

AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS

Through the course of the investigation, the Affiant has learned the following additional facts:

I, Texas Peace Officer Richard Eledge, have good reason to believe, and do believe, the aforesaid was driving a motor vehicle to wit: 2008 Avenger, Blue, Light, Dodge, upon 1300 S. SH 121 BUSINESS, a public place in Denton County, Texas.

COLLISION: Accident Injuries of any party: Possible Injuries

The accused was identified as the driver of the vehicle by:

DEFENDANT ADMITTED TO OPERATING A MOTOR VEHICLE IN A PUBLIC PLACE WHICH LED UP TO THE CRASH.

The Identity of the driver was: **DONALD J. BEAL**

Alias (if any):

Race: **W** Sex: **M** DOB: **8/27/1989** Hair Color: **BRO** Eye Color: **BRO**
Height: **5' 11"** Weight: **250** DL#: **17613624** ID#: _____ SSN#: _____

TYPE of DWI ☒ Alcohol only ☐ Drug only ☐ Combination of Drug and Alcohol Drug suspected _____

CASE # 11-10575

{ RE/717 }
Affiant Initials / ID #



statements made by suspect:

DRIVER ADMITTED TO HAVING 2 BEERS AT THE CRAZY 8s BAR. DRIVER ADMITTED TO HAVING 4 OR 5 BEERS WITH FRIENDS AT THE OAK FOREST APARTMENTS AFTER LEAVING CRAZY 8s.

THE ABOVE STATED OFFENSE WAS COMMITTED AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS

FILE FOR RECORD
DENTON COUNTY CLERK
MAR 27 2012

CYNTHIA MITCHELL
DEPUTY

Ru P. Elledge
Affiant

10/9/2011
Date

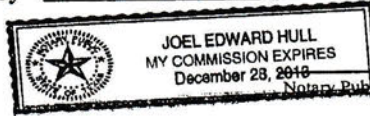
CR - 2012-02385-D

Sworn and subscribed to before me by

R. Elledge

, a credible person, on this

October 9, 2011
Date (month/day/year)



Notary Public / Peace Officer in and for Denton County, Texas

On this day, 10/9/11, I hereby acknowledge I have examined the foregoing affidavit along with all evidence available to me, and have determined that probable cause exists for the issuance of a warrant of arrest for the individual accused therein.

Magistrate, Judge/Justice of the Court, Denton County, Texas

[Signature]
Magistrate/Judge Signature

CASE # Lewisville Police Department Case # 11-10575

{ RE / 717 }
Affiant Initials / ID #
Original



WARRANT OF ARREST

FILE FOR RECORD
DENTON COUNTY CLERK

STATE OF TEXAS

VS.

DONALD JONATHON BEAL

TO ANY PEACE OFFICER OF THE STATE OF TEXAS:

IN THE MUNICIPAL COURT
CITY OF LEWISVILLE
DENTON COUNTY, TEXAS

CR - 2012 - 02385 - D

Whereas, a written complaint sworn to under oath has been made before me, charging that on or about the 9 day of October, 2011, in the City of Lewisville, Denton County, Texas, the defendant,

DONALD JONATHON BEAL,

did then and there commit the offense of:

DRIVING WHILE INTOXICATED,

which is contrary to the laws of the State of Texas and/or against the municipal ordinances of the city of Lewisville, and against the peace and dignity of the State of Texas.

You are hereby commanded to arrest the above-named defendant and immediately bring said defendant before a magistrate, pursuant to Article 15.01 *et. seq.*, Code of Criminal Procedure, to be dealt with according to law and to answer said complaint.

The said defendant may be admitted to bail in the sum of \$ 2,500

Herein fail not, but make due service and return of this warrant of arrest as the law permits, showing how same was executed.

Signed this 9 day of October, 2011.

Judge, Lewisville Municipal Court
Denton County, Texas

Docket Number: 11-1986
OCA Number: 11-10575

OFFICER'S RETURN

Came to hand on this the 9 day of October, 2011, and executed on this the 9 day of October, 2011, by arresting the above-named defendant.

Peace Officer
Lewisville Police Department



The State of Texas
County of Denton

Donald Jonathon
Beal *EB*

Denton County Appearance Bond
Know All Men By These Presents

That we, Donald Jonathon Beal, also known as 948161 as Principal and other subscribers hereto, are held

FILE FOR RECORD
DENTON COUNTY CLERK

firmly bound unto the State of Texas in the penal sum of (\$ 2500.00) Dollars, and in addition thereto are bound for the payment of all necessary and reasonable expenses of any and all Sheriffs and the other Peace Officers in re-arresting the Principle in the event the conditions of the bond are violated. For the payment of which sum or sums, well and truly to be made, each of us do bind ourselves, our heirs, executors, and administrators jointly and severally by these presents.

The conditions of the above obligation are such that whereas the above named Principle stands charged with a **FELONY / MISDEMEANOR** offense, duly presented in the County Court of Denton County, Texas, to wit: Driving While Intoxicated

Warrant Number: On View Cause Number: CR - 2012 - 02385

Now if the said Principal shall well and truly make a personal appearance before said Court at its regular term, to be begun and holden at the courthouse of Denton County, Texas, in the town of Denton on the Instant day of October A.D. 2011 at the hour of a.m./p.m., and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said charge and any and all subsequent proceedings had relative to the charge against him, this obligation shall become void, otherwise to remain in full force and effect.

☐ CASH BOND: Following the disposition of this case, any monies not held by the court will be paid to the defendant (Texas Code of Criminal Procedure, Article 17.02).

Surety Initial

Signed and dated on this 09 day of October A.D., 2011

Principal's Signature or Mark

Donald Beal

Surety's Signature

Lic. # 11-28-07

--- Bond Information ---

Printed Name of Surety/Licensed Surety (Company Name)

1512 E. McKinney #204

Surety's Mailing Address

Denton, TX 76209
City State Zip

Race: W Sex: M DOB:

State of Issue: TX

S.O.#:

Date of Arrest: 10/09/11

Lewisville PD
Arresting/Detaining Agency (if other than D.C.S.O.)



OATH OF SURETIES

THE STATE OF TEXAS
COUNTY OF DENTON

I do swear that I am worth, in my own right, at least the sum set opposite my signature, after deducting all that which is exempted by the Constitution and laws of the state from forced sale, and after payment of all my debts of every description, whether individual or security debts, and after satisfying all encumbrances upon my property which are known to me; that I reside in Denton county, and have property in this state liable to execution worth (\$ 5000.00 five thousand Dollars or more.

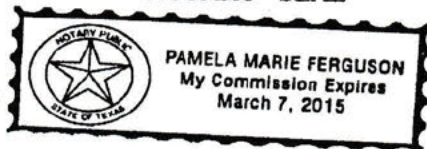
Dated this, the 09 day of October A.D., 2011.

Signature _____

SUBSCRIBED AND SWORN to before me this, the

09 day of October A.D. 2011

NOTARY SEAL



POWER OF ATTORNEY ATTACHED

Signature of Licensed Agent _____

Date _____

ATTORNEY BAIL BOND / AFFIDAVIT OF ATTORNEY

By my signature, witness that I am the attorney representing the defendant whose name appears on the face of this bond, a current inmate of the Denton County Jail. I am obtaining the inmate's release from custody based on representation. If at any time, I cease to represent the accused, I will immediately notify the appropriate court of such action. I understand that I will remain on the accused's bond until my representation is legally terminated.

Attorney At Law _____

Bar Card Number _____

Date _____

CERTIFICATE OF SOLVENCY OF BOND

THE STATE OF TEXAS
COUNTY OF DENTON

I, Benny Parkey, Sheriff in and for Denton County, Texas do hereby certify that _____ whose genuine signature(s) appear(s) signed to the annexed Bond, have/has (circle one) in my opinion, good and ample security for the amounts therein specified; that he/she/they (circle one) has/have (circle one) property in said _____ County, Texas of a larger amount and subject to execution, and that if said property were offered to me for approval the same would be accepted and approved. WITNESS my hand and seal of office, at

Denton County this the _____ day of _____ A.D. 20 _____.

BENNY PARKEY, Sheriff of Denton County



SO# _____

PID 422879Warrant No. /Jail Id. No./CR- Bond # 948161

DWT

THE STATE OF TEXAS

§
§
§
§
§

IN THE COUNTY CRIMINAL

VS.

COURT NO. _____

FILE FOR RECORD
DENTON COUNTY CLERKDonald Jonathon Beal

DENTON COUNTY, TEXAS

FINDING REGARDING INDIGENCE
AND ORDER TO APPEAR WITH ATTORNEY

OCT 11 2011

CYNTHIA MITCHELL
DEPUTY

On the date signed below, the court considered an application for an appointed attorney and FINDER

CR - 2012 - 02385 - D

INDIGENCE WITH REIMBURSEMENT

The defendant is indigent and in the interests of justice is entitled to the appointment of counsel. The court further finds that the defendant has sufficient financial resources to offset in whole or in part the cost of legal services and related expenses to be provided by this order. It is therefore ORDERED that the defendant be appointed counsel in this matter. It is further ORDERED that the defendant contribute to the cost of the legal services and related expenses provided by this order.

INDIGENCE WITHOUT REIMBURSEMENT

The defendant is indigent and in the interests of justice is entitled to the appointment of counsel. The court further finds that the defendant has insufficient financial resources at the present time to offset in whole or in part the cost of legal services and related expenses to be provided by this order. It is therefore ORDERED that the defendant be appointed counsel in this matter. However, if the Court later finds that the defendant's financial status changes during the pendency of this case the Court may order the defendant to pay for all or part the appointed counsel.

INDIGENCE BY INCARCERATION

The defendant is indigent but only because of being incarcerated and in the interests of justice is entitled to the appointment of counsel. The Court finds that the defendant is able to work; and if the defendant gets out of jail by posting a bond or otherwise, he or she is ordered to appear with appointed counsel in County Criminal Court No. 3 at 8:30 a.m. on the next Monday following their date of release to review the defendant's ability to pay for an attorney. Failure to so appear after release on bond shall by this order cause the immediate issuance of a warrant for arrest for the defendant's failure to appear.

DWT

NO FINANCIAL NEED

The defendant has sufficient financial resources to employ counsel and the appointment of counsel in the interests of justice is not necessary. The motion is DENIED at this time.

INSUFFICIENT INFORMATION has been provided to make a determination of indigence, therefore, the request is DENIED. The Court will reconsider the request for appointed counsel upon receipt of a fully completed application.

ORDER OF APPOINTMENT

The Court hereby appoints _____ to represent the Defendant herein until the defendant is acquitted, appeals are exhausted, or the court, after entering a finding of good cause on the record, relieves the attorney and/or replaces the attorney with other counsel.

SIGNED this 11th day of October, 2011 at 4:05 o'clock P m.DWT
MAGISTRATE

ATTORNEY'S NAME

TELEPHONE NUMBER OCT 11 2011

ADDRESS

CITY

STATE

ZIP



Beal, Donald J.

422877

Lewisville Municipal Jail

Date: 10/9/11

Time: 7:29

APPLICATION FOR COURT-APPOINTED ATTORNEY AND FINANCIAL AFFIDAVIT

FILE FOR RECORD
DENTON COUNTY CLERK

OCT 11 2011

Offense(s) Charged: DWI

I, My full legal name is DONALD DONATHON BEAL and I am fully competent to execute this affidavit.

2. I live at: [Redacted]

Street Address City State Zip

3. Social Security Number: [Redacted] Phone Number: [Redacted]

4. Age: 31 Date of Birth: 8/27/80 Place of Birth: DALLAS

5. Names and relationship of those persons who live with me or who are otherwise dependent upon me for support:

Name	Relationship	Age
[Redacted]	DAUGHTER	[Redacted]

6. Number of years married to a person listed above: 0

7. How long at this address: 2 yrs How long at last address: 6 mo's

8. House, apartment, condominium: House (Parents) Renting or Buying: Parents

9. Job or occupation: Network Admin How long: 6 mo's

10. I am ☒ Employed ☐ Unemployed. If employed, Employer's Name: Robert Half Technology

12. Employer's Address: [Redacted]

13. Work telephone number: 972-307-5787 Supervisor's Name: HR

14. If unemployed, my last job was and the date(s) I was employed:

15. My average TOTAL monthly income from all sources \$ 2560 pre-tax - 2000 post-tax

16. Average TOTAL income of spouse/significant other \$

17. Identify and list any and all other sources of income not considered in questions 15 and 17 (including child support, allowance, scholarships, gifts etc.): \$

TOTAL VALUE of 15 thru 17

\$ 2560

18. Total of cash on hand, checking or savings accounts, Certificates of Deposit, stocks, mutual funds, etc \$ 50

19. Value of real estate owned less amount owed (other than family residence) \$ 0

20. Make model and year of automobile(s): Vehicle Totaled - Dodge Avenger

Value of automobile, less amount owed \$ - 1800

TOTAL VALUE of 18 thru 20

\$ - 1750



Monthly housing payment
Monthly utilities
Monthly vehicle payments
List all other monthly expenses:
Total Debt

Child Support
Insurance
Back Taxes

\$ 80
\$ 80
\$ 417

\$ 580
\$ 130
\$ 150

FILE FOR RECORD
DENTON COUNTY CLERK
OCT 11 2011
CYNTHIA MITCHELL
DEPUTY

CR - 2012-02385-D

\$ 1357

TOTAL MONTHLY DEBTS AND EXPENSES of 21 thru 24

5. Are you or your dependents currently receiving any benefits from the following governmental programs?

- | | | | | | |
|---|-------|-----|-------|----|-------|
| (a) Food Stamps | _____ | Yes | _____ | No | _____ |
| (b) Denton County Health Services | _____ | Yes | _____ | No | _____ |
| (c) Temporary Assistance for Needy Families | _____ | Yes | _____ | No | _____ |
| (d) Supplemental Security Income | _____ | Yes | _____ | No | _____ |
| (e) Public Housing | _____ | Yes | _____ | No | _____ |
| (f) Other | _____ | Yes | _____ | No | _____ |

26. I am currently: ☒ In jail ☒ On bond

27. If on bond, what type of bond: ☒ Cash ☒ Personal ☒ Surety

28. If in jail, will you be able to make bond in the near future: ☒ Yes ☒ No

29. I ☒ have ☐ have not attempted to hire an attorney in this case.

30. Do you read or write the English language? ☒ Yes ☐ No. If you answered "no", do you need an interpreter and in what language? _____

The names of the attorneys I have contacted are: _____

I certify the above financial affidavit to be correct and further certify that I have been advised of my rights to representation by counsel for the charge(s) listed above pending against me and that I am without means to employ counsel of my own choosing and hereby request the Court to appoint counsel for me. Alternatively, I certify that the interests of justice require court-appointed representation for me before this Court.

I understand that if I intentionally or knowingly give false information either in this affidavit or during the hearing on this motion, that I may be prosecuted for the offense of aggravated perjury, a third degree felony, punishable by imprisonment not to exceed (10) years or less than 2 years and a fine not to exceed ten thousand dollars (\$10,000.00) or both.

[Signature]
Defendant

Sworn to and subscribed before me this 9th day of October, 2011.
MICHAEL MOORE
MY COMMISSION EXPIRES
September 26, 2013

[Signature]
Presiding Judge / Magistrate / Notary Public



3*

LAW OFFICES OF TIM POWERS

ATTORNEYS AND COUNSELORS AT LAW
121 N. WOODROW LANE, SUITE 201
DENTON, TEXAS 76205
940.483.8000 940.483.8300 (FAX)
940.320.1300 (METRO)

ADMINISTRATIVE STAFF
LORI GOAD
SANDY HETNER
DEBRA TROWELL
ALYSIA DUCOTE
CAMERON CARPENTER
KORY REDDING
DREW GARRISON
DAHYAN VERA

October 18, 2011

Denton County Clerk
1450 East McKinney Street
Denton, Texas 76209

FILE FOR RECORD
DENTON COUNTY CLERK

OCT 19 2011

CYNTHIA MITCHELL
DEPUTY

CR - 2012-02385-D

re: ***The State of Texas v. Donald Jonathon Beal (D.O.B. 08/27/1980);
Driving While Intoxicated (Unfiled),
Offense Date: 10/09/2011,
currently pending in Denton County, Texas***

Dear Clerk:

Please be advised that this firm has been retained to represent the above-named individual. We will contact the Misdemeanor Intake Attorney to discuss any pre-filing issues if necessary.

Thank you for your assistance.

Sincerely yours,

LAW OFFICES OF TIM POWERS

Timothy E. Powers
TBN 00797261
Attorney for Donald Jonathon Beal

Beal, Donald



JONATHAN BEAL

SETTING AS MAGISTRATE
FOR
DENTON COUNTY, TEXAS**DEFENDANT'S ACKNOWLEDGEMENT OF ALLEGED OFFENSE(S), BOND(S) AND RIGHTS**

I am the person whose name appears above. I have been brought before a magistrate after my arrest on the following charges:

OFFENSE CHARGED**Agency & Warrant No./On Sight****Bond Set**

- DRIVING WHILE INTOXICATED

ON VIEW

2,500
FILE FOR RECORD
DENTON COUNTY CLERK

MAR 27 2012

CYNTHIA MITCHELL
DEPUTY

CR - 2012-02385-D

"Regarding the offense(s) listed above, I acknowledge and understand the following:


1. "I have the right to remain silent and I do not have to make any statement to the police or attorney(s) representing the state; However, any statements I make may be used against me as evidence in court at a later time;
2. "I have the right to hire a lawyer and to have my lawyer present prior to and/or during any questioning by peace officer(s) or lawyer(s) representing the State of Texas;
3. "I have the right to stop any interview or questioning by any peace officer(s) or lawyer(s) representing the State of Texas at any time;
4. "If I am too poor to afford a lawyer, I have the right to request that the court appoint a lawyer to represent me at the state's expense, except in Class C Misdemeanor cases;
5. "If I am charged with a felony level offense, I have the right to have an examining trial;
6. "If I am not a U.S. citizen, a plea of guilty or no contest to the charge(s) could affect my right to remain in this country;
7. "If I am not a U.S. citizen and I am arrested or detained, I am entitled to notify my country's consular representatives here in the United States. Do Not Notify _____ Notify _____ the (country) _____ consulate."

REQUEST FOR APPOINTMENT OF ATTORNEY AND STATEMENT OF INDIGENCY

"The Magistrate before whom I now appear has explained to me that if I am too poor to hire a lawyer, the county will appoint and pay for a lawyer to represent me. The Magistrate has asked me if I am indigent and if I want the court to appoint legal counsel to represent me. Based on my current financial status and ability to pay, I make the following declaration:

() I am NOT INDIGENT. I am able to pay for my own lawyer and do not request court-appointed counsel.

☒ I am INDIGENT. I am unable to pay for my own lawyer and I request the court to appoint legal counsel to represent me. I have been given an "Application for Court-Appointed Attorney and Financial Affidavit" and the magistrate has provided me with reasonable assistance in its preparation. I understand this form will be transmitted to the appropriate office within 24 hours of completion."

SIGNED on the 9 day of October 2011.Witness: CurtisDefendant's Signature: **MAGISTRATE'S VERIFICATION OF WARNINGS AND DETERMINATION OF PROBABLE CAUSE**

As the reviewing magistrate, I certify to the following: I personally advised the Defendant of the rights listed above and inquired if he or she was indigent and whether they wanted court-appointed counsel. If the Defendant requested appointment of counsel, I provided him with the appropriate forms and reasonable assistance to complete them and caused the documents to be forwarded to the appropriate office for processing and, if granted, appointment of counsel.

I have reviewed the charges listed above and find:

(☒) **PROBABLE CAUSE EXISTS** for each charge alleged above which is supported by (☒) sufficient factual detail set forth in a sworn affidavit, () (a) verified complaint(s) or () documentation confirming the existence of (an) arrest warrant(s). There IS therefore sufficient basis for further detention of the defendant, absent posting of bond or bail as set above; or

() **NO PROBABLE CAUSE EXISTS** for further detention. The defendant is **ORDERED** to be **RELEASED IMMEDIATELY**.

SIGNED on the 9 day of October 2011 at 6:45 o'clock P.M.

ORIGINAL


MAGISTRATE FOR DENTON COUNTY, TEXAS

TIM POWERS
BY N. SHANKLIN
ABEL

LAW OFFICES OF TIM POWERS

ATTORNEYS AND COUNSELORS AT LAW
121 N. WOODROW LANE SUITE 201
DENTON, TEXAS 76205-6338
940.483.8000 940.483.8300 (FAX)
940.320.1300 (METRO)

ADMINISTRATIVE STAFF
LORI GOAD
SANDY HETNER
DEBRA MAYS
ALYSSA DUCOTE
CAMERON CARPENTER
KORY REDDING
DAHYAN RUALES
ASHLEIGH BULLS

FILE FOR RECORD
DENTON COUNTY CLERK

March 28, 2012

Honorable Joe Bridges
County Criminal Court No. 4
127 N. Woodrow
Denton, TX 76209

MAR 28 2012
CYNTHIA MITCHELL
DEPUTY

RE: Cause No. CR-2012-02385-D
Defendant: Donald Jonathon Beal

Dear Clerk:

Please be advised that this firm has been retained to represent the above defendant in the above-referenced case. Please send all future hearing notices and correspondence to this firm at the address above.

Should you have any questions, please do not hesitate to contact our office.

Thank you for your kind assistance in this matter.

Sincerely yours,
LAW OFFICES OF TIM POWERS



TBN: 00797261

Attorney for Donald Jonathon Beal

TP/ab

cc: Criminal District Attorney's Office
1450 E. McKinney Street
Denton, TX 76209



MAR 28 2012

Cause No. CR-2012-02385-D

THE STATE OF TEXAS

VS.

Donald Jonathon Beal

§
§
§
§

IN THE COUNTY CRIMINAL COURT
CYNTHIA MITCHELL
DEPUTY

COURT NUMBER 4

DENTON COUNTY, TEXAS

**AUTHORIZATION FOR COURT APPEARANCES
AND WAIVER OF APPEARANCES**

THE STATE OF TEXAS §
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared

Donald Jonathon Beal, who after being duly sworn, on oath deposed and stated
as follows:

"My name is Donald Jonathon Beal. My telephone number is [REDACTED]
My mailing address is [REDACTED]
My Physical address is [REDACTED]

"I am executing this document authorizing my attorneys, Law Offices of Tim Powers, to make all appearances for any docket calls or arraignments that the Court might have in this matter. I hereby state that I waive my right to appear in Court for these hearings. I further promise that I will appear in Court at such time as is necessary to dispose of my case, whether the same be by plea, trial before the Court, or trial by jury. I further state and promise that should it be necessary for me to appear for any pretrial hearings, I will appear at same on the date and at the time directed. I want my attorney to appear for me for the reason that if I have to appear in Court for each and every docket call or arraignment, it will create a hardship for me because of employment reasons and/or the distance that I must travel to appear in Court.

I hereby authorize my attorney to make any and all appearances before this Honorable



Court on my behalf. I hereby state that when my attorney is ordered by the Court to secure my presence in Court for any hearing, trial or plea of this matter, I will obey the order of the Court and Appear.

"I hereby state that I will keep my attorney fully informed at all times of my whereabouts, by current mailing and/or residence addresses and my current residence and work telephone numbers. I further state that I will inform my attorney within 5 days if my address or telephone numbers change.

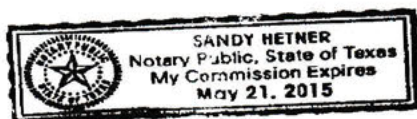
"This authorization will remain in full force and effective until revoked by me in writing."

[REDACTED]
Defendant

The State of Texas §
County of Denton §

Before me, the undersigned authority, and on this day personally appeared the aforementioned Defendant, known to me, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Signed before me on the 17th day of Oct., 2011.



[REDACTED]
Notary Public in and for the State of Texas



MAR 28 2012

CYNTHIA MITCHELL
CRIMINAL DEPUTY

CAUSE NO. CR-2012-02385-D

STATE OF TEXAS

§

IN THE COUNTY

§

vs.

§

COURT NO. 4

§

DONALD JONATHON BEAL

§

DENTON COUNTY, TEXAS

**REQUEST FOR NOTICE OF INTENT TO OFFER
EXTRANEIOUS CONDUCT UNDER RULE 404(b) AND EVIDENCE
OF CONVICTION UNDER RULE 609(f) AND EVIDENCE
OF AN EXTRANEIOUS CRIME OR BAD ACT UNDER ARTICLE 37.07**

TO THE DISTRICT ATTORNEY'S OFFICE OF DENTON COUNTY:

I.

Pursuant to Rule 404(b) of the Texas Rules of Criminal Evidence, defendant requests the state to give reasonable notice in advance of trial of its intent to introduce in its case-in-chief evidence of crimes, wrongs, or acts other than that arising in the same transaction.

II.

Pursuant to Rule 609(f) of the Texas Rules of Criminal Evidence, defendant requests that the state give sufficient advance written notice of its intent to use evidence of a conviction against the following witness:

Name of Witness: DONALD JONATHON BEAL

III.

Pursuant to Article 37.07, § 3(g) of the Texas Code of Criminal Procedure, defendant requests that the state give reasonable notice of intent to introduce against the defendant evidence of an extraneous crime or bad act at the punishment phase of the trial.

**REQUEST FOR NOTICE OF INTENT TO OFFER EXTRANEIOUS CONDUCT UNDER RULE 404(b) AND
EVIDENCE OF CONVICTION UNDER RULE 609(f) AND EVIDENCE OF AN EXTRANEIOUS CRIME OR BAD ACT
UNDER ARTICLE 37.07 - Page 1**



Respectfully submitted,

LAW OFFICE OF TIM POWERS
Attorneys at Law
121 North Woodrow Lane, Suite 201
Denton, Texas 76205
940.483.8000
940.483.8300 fax

[REDACTED]
Timothy E. Powers
TBN 00797261

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Request for Notice of Intent to Offer Extraneous Conduct Under Rule 404(b) and Evidence of Conviction under Rule 609(f) and Evidence of an Extraneous Crime or Bad Act Under Article 37.07 was delivered to the District Attorney's Office at 1450 E. McKinney Street, Denton, Texas 76201, on March 28, 2012.

[REDACTED]
Timothy E. Powers

REQUEST FOR NOTICE OF INTENT TO OFFER EXTRANEIOUS CONDUCT UNDER RULE 404(b) AND
EVIDENCE OF CONVICTION UNDER RULE 609(f) AND EVIDENCE OF AN EXTRANEIOUS CRIME OR BAD ACT
UNDER ARTICLE 37.07 - Page 2



CR- 2012-023551

FILE FOR RECORD
DENTON COUNTY CLERK

THE STATE OF TEXAS

IN THE COUNTY CRIMINAL COURT NO. 4 MAY 08 2012

VS. Donald Breal

COURT NO. 4
DENTON COUNTY, TEXAS

CYNTHIA MITCHELL
DEPUTY

CASE RESET FORM

THIS CASE IS SET IN COUNTY CRIMINAL COURT NO. 4, DENTON COUNTY ON
July 10th 2012 AT 9:00 AM, FOR:

APPEARANCE TO HIRE ATTY
REPORT EVERY 24 HOURS

REVOCATION HEARING/
ADJUDICATION HEARING

PLEA
2nd must be approved by Judge

UNFILED/FILED OTHER CASE
misd./felony (revocations do not apply!)

COMMENT _____

***SEE COURT ADMINISTRATOR FOR A JURY TRIAL RESET FORM**

I understand that I will not receive any other notice to appear in court and my failure to appear as agreed can result in a warrant being issued for my arrest.

wavick
DEFENDANT

C. Abel
ATTORNEY OF RECORD/BAR # (PRINT CLEARLY)

STREET ADDRESS

STREET ADDRESS

CITY/STATE/ZIP/PHONE

CITY/STATE/ZIP/PHONE

NO OTHER REMINDER WILL BE SENT



JUL 05 2012

CYNTHIA MITCHELL
DEPUTY

CAUSE NO. CR-2012-02385-D

THE STATE OF TEXAS

IN THE COUNTY CRIMINAL

VS.

COURT NO. 4

DONALD BEAL

DENTON COUNTY, TEXAS

CASE RESET FORM

THIS CASE IS SET IN COUNTY CRIMINAL COURT NO. 4, DENTON COUNTY ON

August 11, 2012 AT 9:00, AM/PM, FOR:

JURY TRIAL ANNOUNCEMENT _____ 20__ AT 1:30 PM FOR JURY

TRIAL ON _____ 20__ AT 1:30 PM.

_____APPEARANCE
REPORT EVERY 24 HOURS _____

☒ PLEA _____
2 + APPROVE BY JUDGE

_____REVOCATION

_____PRE-TRIAL

_____NON-JURY TRIAL

_____JURY TRIAL/
JURY TRIAL ANNOUNCEMENT
_____FELONY PENDING

_____SUPPRESSION HEARING

_____OTHER _____

I understand that I will not receive any other notice to appear in court and my failure to appear as agreed can result in a warrant being issued for my arrest.

DEFENDANT

STREET ADDRESS

CITY/STATE/ZIP/PHONE

Law Offices of Tim Powers
ATTORNEY OF RECORD/BAR #

121 N. Woodrow, Suite 201
STREET ADDRESS

Denton, Texas 76205, 940.483.8000
CITY/STATE/ZIP/PHONE

NO OTHER REMINDER WILL BE SENT.



AUG 07 2012

CAUSE NO. CR-2012-02385-D

THE STATE OF TEXAS

IN THE COUNTY CRIMINAL COURT
CYNTHIA MITCHELL
DEPUTY

VS.

COURT NO. 4

DONALD BEAL

DENTON COUNTY, TEXAS

CASE RESET FORM

THIS CASE IS SET IN COUNTY CRIMINAL COURT NO. 4, DENTON COUNTY ON

8-14-12 8-18-12 20 AT 9 AM PM, FOR:

JURY TRIAL ANNOUNCEMENT 20 AT 1:30 PM FOR JURY

TRIAL ON 20 AT 1:30 PM.

✓ APPEARANCE
REPORT EVERY 24 HOURS

✓ PLEA 1B
+ APPROVE BY JUDGE

 REVOCATION

 PRE-TRIAL

 NON-JURY TRIAL

 JURY TRIAL/
JURY TRIAL ANNOUNCEMENT

 FELONY PENDING

 SUPPRESSION HEARING

 OTHER

I understand that I will not receive any other notice to appear in court and my failure to appear as agreed can result in a warrant being issued for my arrest.

DEFENDANT

STREET ADDRESS

CITY/STATE/ZIP/PHONE

Law Offices of Tim Powers
ATTORNEY OF RECORD/BAR #

121 N. Woodrow, Suite 201
STREET ADDRESS

Denton, Texas 76205, 940.483.8000
CITY/STATE/ZIP/PHONE

NO OTHER REMINDER WILL BE SENT.



CR- 2012-02385-0

AUG 28 2012

THE STATE OF TEXAS

VS.

Donald Beal§
§
§
§
§IN THE COUNTY CYNTHIA MITCHELL
CRIMINAL COURT NO. 4
DEPUTY
DENTON COUNTY, TEXAS**ADMONISHMENTS**

The Court hereby admonishes you of the following Statutory and Constitutional Rights prior to your entry of a plea of guilty/nolo contendere in this case pursuant to Article 26.13 of the Texas Code of Criminal Procedure and the Constitutions of Texas and the United States of America.

1. The punishment for the offense with which you are charged by information is 72 Hours to 180 days confinement in the Denton County Jail and/or a fine of \$ 0 to \$ 2000.
2. In return for your plea of ~~GUilty~~/NOLO CONTENDERE, the State will recommend that you be punished by 150 days confinement in the Denton County Jail and a fine of \$ 400. The State will/ ~~will not~~ also recommend that the jail sentence be suspended and the defendant be placed on community supervision for a period of 15 months. Additionally you will have to pay court costs, restitution (if applicable), and any other fees as determined by the Court. The terms and conditions of supervision are to be determined by the court and may include jail time. I will follow the plea bargain agreement in this case, if there is one, unless evidence is presented that make me unable to do so and, if so, I will tell you and allow you to withdraw your plea.
3. If you receive a second conviction, including any by deferred adjudication, probation or judgment and conviction, for a violation of Section 21.08 (Indecent Exposure) of the Texas Penal Code, you will be required to meet the sex offender registration requirements of Chapter 62 of the Texas Code of Criminal Procedure regardless of whether your case is on appeal.
4. If you are not a citizen of the United States, a plea of guilty or nolo contendere for the offense charged may result in deportation, the exclusion of admission to this country, or denial of naturalization under federal law.
5. If the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed by you, you cannot appeal any matter without the Trial Court's permission, except for those matters raised by written motions prior to trial.
6. If you are convicted of a misdemeanor involving family violence, as defined by Section 71.004, Family Code, it is unlawful for you to possess or transfer a firearm or ammunition.

Signed before me this 28 day of August, 20 12.


Judge Presiding

ACKNOWLEDGEMENT

I have read the above and foregoing admonitions by the Court regarding my rights. I understand the admonitions, and I understand and am aware of the consequences of my plea. Furthermore, my lawyer has explained to me all the admonitions given by the Court in this document and has advised me of any sex offender registration requirements under Chapter 62 of the Texas Code of Criminal Procedure that may apply to me.


Attorney for Defendant


Defendant


Attorney for the State


Translator



AUG 28 2012

CR- 2012-02385 -1

THE STATE OF TEXAS

VS.

Donald BealIN THE COUNTY CYNTHIA MITCHELL
CRIMINAL COURT NO. 4
DENTON COUNTY, TEXAS
DEPUTY**WAIVER OF RIGHT OF REPRESENTATION BY COUNSEL**

On this _____ day of _____, 20____, pursuant to Art. 1.051 of the Texas Code of Criminal Procedure I freely, voluntarily and intelligently waive my constitutional right to counsel. I have been advised by the Judge of said Court of my Constitutional and statutory right to representation by counsel in the trial of the charge pending against me and of the dangers and disadvantages of self-representation. I have been further advised that if I am unable to afford counsel, an attorney will be appointed for me free of charge. I further understand that should I choose to represent myself, that I will be held to the same standards as an attorney. (i.e., I understand the court will not give me preferential treatment with regards to the rules and complexities of the law simply because I represent myself.)

I further state that I fully understand the charges filed against me. Understanding my right to have counsel appointed for me free of charge if I am not financially able to employ counsel, and understanding the dangers and disadvantages of self-representation, I hereby waive the right to counsel and demand that I be allowed to proceed with my case without an attorney.

Defendant

The court finds that the defendant understands the right to counsel, the disadvantages and dangers of self-representation and the charges filed, and the demand for self-representation is granted on this the _____ day of _____, 20____.

Judge Presiding
County Criminal Court No. 4**WAIVER OF TRIAL RIGHTS**

I understand that I have the following rights and do freely and voluntarily waive each and every one as listed: the right to a Jury Trial; the right to be presumed innocent until proven guilty by legal and competent evidence presented in court that discharges the State's burden of proof; the right to confront and cross-examine any witnesses against me; the right to compel attendance of witnesses on my behalf; the right to remain silent and the right to an arraignment and formal reading of the information filed against me, and the right to a presentence report. I further waive a record of the court proceedings.

Attorney for DefendantC. Abel

Printed name of Attorney

Texas Bar No. 24043516_____
Defendant_____
Translator_____
Attorney for the StateApproved on this 29 day of August, 2012._____
Judge Presiding
County Criminal Court No. 4

Address Change

FILE FOR RECORD
DENTON COUNTY CLERK

AUG 28 2012

CYNTHIA MITCHELL
DEPUTY

Date: 8/28/2012
Printed Name: Donald Jonathon Beal
Case No.: CR-2012-02385-D
Date of Birth: 08/27/1980

New Address:



Phone Number(s): (Home)



(Cell)



(Work)



(Signature)



CAUSE NO. CK-0012-00385-0

AUG 28 2012

THE STATE OF TEXAS

§

IN THE COUNTY OF CYNTHIA MITCHELL
CRIMINAL COURT NO. 4 DEPUTY

V.

§

DENTON COUNTY, TEXAS

Donald Beal

§

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I, judge of the trial court, certify this criminal case:

- ☐ is not a plea-bargain case, and the defendant has the right of appeal.
- ☐ is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal.
- ☐ is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal.
- ☒ is a plea-bargain case, and the defendant has NO right of appeal.
- ☒ the defendant has waived the right of appeal.
- ☐ involves another appealable order (specify: _____).

[Redacted Signature]

Judge

8-28-12

Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a pro se petition for discretionary review pursuant to rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals' judgment and opinion to my last known address and that I have only 30 days in which to file a pro se petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a pro se petition for discretionary review.

[Redacted Defendant Name]

Defendant
Mailing address: _____
Telephone number: _____
Fax # (if any): _____

Chal

Defendant's Counsel
State Bar of TX ID # 24043516
(21 N. Woodrow # 201)
Mailing address: Denton, TX 76205
Telephone number: 940-483-8000
Fax # (if any): 940-483-8300

*A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case—that is, a case in which a defendant's plea was guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant—a defendant may appeal only (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal. Tex. R. App. P. 25.2(a)(2).



AUG 28 2012

CYNTHIA MITCHELL
DEPUTY

**NOTICE OF INTENT TO DESTROY EVIDENCE AND
WAIVER OF PRESERVATION AND ARTICLE 38.43 RIGHTS**

COMES NOW the undersigned Assistant Criminal District Attorney in the above entitled case and informs the Defendant, the defendant's attorney, and the Court that the State intends to destroy any and all evidence in the possession of the State, any clerk, court reporter, law enforcement agency, or other person or entity relating to this case, even if that evidence is covered by Texas Code of Criminal Procedure, Article 38.43. The State does not affirmatively claim that any of said evidence contains biological material if subjected to scientific testing would more likely than not either establish the identity of the person committing the offense or exclude a person from the group of persons who could have committed the offense, but it might.

The undersigned further certifies that by the execution of this document and filing it in the papers of this cause, written notice of the State's intent to destroy evidence has been given to the Defendant, the defendant's attorney or record, and this Honorable Court.

Attorney for the State

WAIVER OF PRESERVATION AND ARTICLE 38.43 RIGHTS

By this document and by my attorney I have been advised that any evidence in possession of the attorney representing the State or a clerk or any other officer, which is known to contain biological material and which, if subjected to scientific testing would more likely than not establish the identity of the person committing the offense for which I am charged in this case or which would exclude a person from a group of persons who could have committed the offense in this case, is required to be preserved in accordance with the requirements of Texas Code of Criminal Procedure, Article 38.43. I have further been advised that I have a right to receive written notice by mail of the State's intent to destroy the evidence and that I have a right to object to the destruction of such evidence. I understand today that in this very motion the State is giving me notice of its intent to destroy any such evidence.

Joined and approved by my attorney as evidenced by our signatures below and fully understanding my rights to 1) the preservation of evidence; 2) mailed written notice of any planned destruction of evidence; and 3) the right to object within ninety days to the destruction of evidence, I wish to waive all of those rights and I consent to the destruction of all evidence in this case.

Defendant

☒ I Do Consent

☐ I Do Not Consent

Attorney for Defendant

ORDER

The Court approves the Defendant's waiver of rights secured under Texas Code of Criminal Procedure, Article 38.43 and finds that defendant's attorney waives mailed written notice rights under that same article. The Court itself waives its right to mailed written notice under said article. Signed on the date reflected as the entry of judgment.

JUDGE PRESIDING



CAUSE NO. CR-2012-02385-D

FILE FOR RECORD
DENTON COUNTY CLERK

AUG 28/2012

THE STATE OF TEXAS

VS.

Donald Beal

§
§
§
§
§

IN THE COUNTY CRIMINAL COURT

COURT NO. 4

DENTON COUNTY, TEXAS

CYNTHIA MITCHELL
DEPUTY

ALCOHOL CONCENTRATION STIPULATION AND VERIFICATION

The parties in this case stipulate evidence as follows: (Complete the following as applicable to this Defendant).

There is no scientific evidence of Defendant's alcohol concentration in connection with this case.

✓ There is scientific evidence of Defendant's alcohol concentration in connection with this case as follows:

Breath Test – Defendant's alcohol concentration in connection with this case was _____ grams of alcohol per 210 liters of breath.

Blood Test – Defendant's alcohol concentration in connection with this case was 0.07 grams of alcohol per 100 milliliters of blood.

Urine Test – Defendant's alcohol concentration in connection with this case was _____ grams of alcohol per 67 milliliters of urine.

Signed this 28 day of August, 20 12.

Assistant District Attorney
Denton County, Texas

Defendant

Defense Attorney

Accepted this 28 day of August, 20 12.

Judge Joe Bridges

30



CR- 2012 - 02385 - D

AUG 28 2012

THE STATE OF TEXAS

VS.

Donald Beal§
§
§
§
§IN THE COUNTY OF CYNTHIA MITCHELL
CRIMINAL COURT NO. 4 DEPUTY
DENTON COUNTY, TEXAS**JUDGMENT OF COMMUNITY SUPERVISION**

(TRIAL BEFORE THE COURT)

On the 28 day of August, 2012, the above case was called, the State appeared through her Assistant District Attorney Shelene Mitchell, and the Defendant appeared with counsel C. Abel, and waived the right to trial by jury, and thereafter, the Defendant entered a plea of ~~NOT GUILTY~~ NOLO CONTENDERE to the information, and upon submission of evidence, the Court found the Defendant guilty of the misdemeanor offense of driving while intoxicated committed on the 9 day of October, 2011, and upon such conviction the Defendant's punishment was assessed at confinement in the Denton County Jail for a period of 150 days with a fine in the amount of \$ 400. The Court finds that the ends of justice and best interest of the public and the Defendant will be served by suspending the imposition of the jail sentence and placing the Defendant on Community Supervision.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that imposition of the jail sentence be suspended and the Defendant is hereby placed on Community Supervision for a period of 15 months subject to the following terms and conditions.

THE COURT ORDERS that the Defendant shall:

- (A) Commit no offense against the laws of this State, of any other State, or the United States, and avoid the illegal use or possession of controlled substances and/or marijuana;
- (B) Avoid persons or places of disreputable or harmful character;
- (C) Report in person to the Community Supervision and Corrections Department of Denton County, Texas immediately following this hearing, and not less than monthly thereafter, or as scheduled by the court or supervision officer and obey all rules and regulations of the department.
- (D) Pay to the Community Supervision and Corrections Department, P.O. Box 1309, Denton, Texas 76202, a supervision fee in the amount of \$ 50 on or before the 20th day of Sept., 2012 and pay that amount on or before the 20th day of each month thereafter during the period of Community Supervision;
- (E) Permit the Supervision Officer to visit you at your residence or elsewhere, and notify your Supervision Officer of any change of address or employment prior to such move;
- (F) Work faithfully at suitable employment as far as possible and support your dependants;
- (G) Remain within the State of Texas during the term of Community Supervision unless given permission to leave the State in writing by the Court;
- (H) Pay a fine in the amount of \$ 400 together with court costs of \$ 443.50 and fees to the Denton County Clerk INSTANTLY; however, if applying for a payment plan, you are Ordered to immediately report to the Denton County Collections Compliance Department located in the Courts Building at 1450 E. McKinney and make payments in accordance with the terms and conditions agreed upon;
- (I) Complete 40 hours of community service restitution at a community service project or projects for an organization or organizations listed in the addendum marked "Exhibit A" to this condition and attached to this order, to be completed at a rate of not less than four hours per week starting by, but not later than, 60 days from the effective date of this order, and provide your Supervision Officer with written verification of hours worked monthly;
- (J) Submit to testing for alcohol or illicit drug usage at the request of the Supervision Officer and pay for the costs of these tests within 30 days of giving the specimen;
- (K) Furnish a sample of your breath, blood or urine at the request of any peace officer who has probable cause to believe the defendant may have committed any crime under chapter 49 of the Texas Penal Code;

THE FOLLOWING TERMS AND CONDITIONS ARE APPLICABLE IF CHECKED

- ☒ (1) Pay restitution and/or unpaid community supervision fees through the Denton County Community Supervision and Corrections Department ~~or Denton County Collections Department~~ in the amount of \$ 600 in installments of \$ 10 per month (plus any administrative fee associated with the installment payments) beginning on the 20 day of Sept., 2012, and a like payment on the same day of each month thereafter until paid;
- ☐ (2) Serve _____ days in the Denton County Jail, beginning _____;
- ☒ (3) Within 60 days, the defendant shall complete a drug/ alcohol evaluation through an agency which offers such services and approved by his/her Community Supervision Officer. If treatment is deemed necessary, the defendant shall abide by any and all treatment directives, comply with the rules and regulations of the approved agency, pay all costs incurred for such services. The defendant shall continue in said treatment until successfully completed as stated by the counselor with the agreement of his/her Community



Supervision Officer;

- ✓ (4) Consume no alcoholic beverages during the term of Community Supervision;
- ✓ (5) Successfully complete, within 181 days, a DWI Safety Education Program / ~~the Drug Offender Education Program/DWI Repeat Offender Program~~, through an agency approved by your Supervision Officer, pay all required fees for the program, and provide written proof of the completion of the program to the Denton County Community Supervision and Corrections Department within 10 days of the date of completion;
- ✓ (6) Attend AA/NA of monthly by \$3 times weekly and provide written proof of attendance to your Supervision Officer at each monthly report beginning the first week after this order;
- (7) Have a device installed, on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant, that uses a deep-lung breath analysis mechanism to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the operator and that the defendant not operate a motor vehicle for a period of _____ months not equipped with that device. Have the device installed on or before _____, follow recalibration schedules and rules of the monitoring agency and pay all costs incurred;
- (8) Participate in the CHANGE Program/ Life Skills Program/ Anger Management Program; Alcohol Seller/Server Program; begin participation in the program(s) within 60 days of this order at an approved agency, comply with the rules of the agency, and pay all costs of the services. Continue in said treatment until successfully completed as stated by the counselor with the agreement of your community supervision officer. Provide written proof of completion to the Supervision Officer within 270 days of this order;
- (9) Within 10 days submit to an evaluation for sexual deviancy through an agency approved by your Supervision Officer and provide written proof of completion to your Supervision Officer within 30 days; if treatment is deemed necessary, attend, participate and comply with the rules of the agency, and pay all costs incurred; continue in treatment until successfully completed as determined by your Supervision Officer;
- (10) Enroll in an "English As A Second Language (ESL)" class within thirty (30) days of date of this judgment, and successfully complete and provide proof of completion to your Community Supervision Officer no later than thirty (30) days prior to the expiration of the probationary period;
- ✓ (11) Pay \$ 10 to the Denton County Crime Stoppers Program through the Denton County Community Supervision and Corrections Department within 30 days;
- ✓ (12) Successfully complete within 181 days of this order the ~~Youthful Drinking and Driving Prevention Program/~~ DWI Victim Impact Panel/ ~~Domestic Violence Victim Impact Panel~~ and pay all costs of such panel; provide written proof of completion to your Supervision Officer within 10 days of the date of completion;
- ✓ (13) Maintain proof of financial responsibility for any motor vehicle you own or operate, and provide proof to your Supervision Officer each time you report and at any other time it is requested;
- (14) Beginning _____, you shall attach a SCRAM ankle monitor (Secure Continuous Remote Alcohol Monitor) for the entire period of community supervision or until released by the court. You are **Ordered** to pay all costs associated with the SCRAM monitor and are **Ordered** not to tamper with, remove or obstruct the monitor. You are further **Ordered** to abide by all rules and requirements required under any participation agreement including not missing any communication times set out by the participant agreement. You are further **Ordered** to allow for the visual inspection of the ankle monitor at the request of your Supervision Officer.
- (15) _____

You are hereby advised that under the law of this State, the Court shall determine the terms and conditions of your Community Supervision. The Court also has the authority at any time during the period of Community Supervision to revoke your Community Supervision, or to proceed to adjudication for violation of any of the conditions of your Community Supervision set out above.

DONE AND ENTERED this the 23 day of August, 2012.

JUDGE PRESIDENT
COUNTY CRIMINAL COURT NO. 4
DENTON COUNTY, TEXAS

I AM THE DEFENDANT WHO RECEIVED THIS JUDGEMENT
OF CONVICTION AND SENTENCE ON THE ABOVE DATE IN
OPEN COURT

DEFENDANT

8/27/80
DATE OF BIRTH

5763624
TX D.L.

RIGHT THUMB



Exhibit A

Abundant Children's Home
 Advocacy & Pregnancy Center
 AIDS Services
 All Texas Family Rescue
 American Legion Senior Center
 Animal Guardians Of America
 Ann's Haven, VNA
 ARC Of Denton County, The
 Argyle Food Bank
 Aubrey Church of Christ
 Boy Scouts - Longhorn Council
 Boys & Girls Clubs Of Denton
 County
 Briarwood Retreat Center
 Children's Advocacy Center
 Christian Community Action
 City Of Argyle
 City Of Coppell
 City Of Denton - Fleet
 Maintenance
 City Of Denton - Parks And
 Recreation
 City Of Flower Mound
 City Of Hickory Creek
 City Of Roanoke
 City Of Sanger Library
 City Of The Colony -Parks/Rec
 Only
 Communities In Schools In North
 Texas
 Community Education L.I.S.D.
 Court Appointed Special
 Advocates
 Covenant Fellowship Church
 Day Stay for Adults
 Denton Affordable Housing
 Denton Black Chamber of
 Commerce
 Denton Commercial Solid Waste
 Denton Community Food Center
 Denton Community Theatre
 Denton County Friends Of The
 Family
 Denton County M.H.M.R.
 Denton County Operations
 Denton County Records
 Management
 Denton County Veteran's Services
 Denton Housing Authority
 Denton Kiwani's Children's Clinic

Denton Public Library Emily
 Fowler Branch
 Denton Public Library North
 Branch
 Denton Public Library South
 Branch
 Denton Senior Center
 Fairhaven Retirement Home
 Fair Oaks Retirement Apartment
 Family Health Care
 Family Resource Center Of North
 Texas
 Flower Mound Y.M.C.A.
 Fred Moore Day Nursery School
 Freedom Row Hopes Tomorrow
 Frisco Family Y.M.C.A.
 Frisco Project For The Future
 Frisco Public Works
 Goodwill Industries, Inc.
 Habitat For Humanity
 Human Resources (Aging &
 Medicaid)
 Integrity Park
 Interfaith Ministries Of North
 Texas
 Keep Denton Beautiful
 Keep Lewisville Beautiful
 Krum Public Library
 Lake Dallas Community Service
 Program
 Legal Aid Of North West Texas
 Lewisville Aquatic Center
 Lewisville Environmental Learning
 Area
 Lewisville Lake Environ. Learning
 Area
 Lewisville Parks And Leisure
 Services
 Lewisville Public Library
 Lewisville Senior Activity Center
 Martin Luther King, Jr. Recreation
 Center
 Meals On Wheels (SPAN)
 Metrocrest Social Services Center
 Metroport Meals On Wheel -
 Roanoke
 Mothers Against Drunk Drivers -
 Denton
 Mothers Against Drunk Drivers -
 Lewisville
 North Lakes Recreation Center
 Northwest Christian Services

Operation Kindness - Animal
 Shelter
 Pecan Creek Reclamation Plant
 PediPlace
 Phillip's Wish
 Pilot Point Community Opera
 House
 Project Access
 Ranch Hand Rescue
 Reading & Radio Resource
 Reata Rehabilitation
 Retired & Senior Volunteer
 Program
 Riding Unlimited
 Roanoke Parks Department
 Ruth's Room
 S.P.C.A. Of Texas - The Colony
 Salvation Army Of Denton
 Saturday Morning Work Crew
 Save The Animals Rescue Society
 Services Program For Aging
 Needs
 St. Vincent DePaul Society
 Stable Strides Farm
 Stewart Creek Park
 T.R.U.S.A.R. (Texas Response
 Unit)
 Tactical Enforcement K-9's
 Tessa's Resale Shop
 Texas Cares
 Texas Department Of Human
 Services
 Texas National Guard
 Texas Parks & Wildlife (Lake Ray
 Roberts)
 Texas Workforce
 Transformations
 Visions Ministries

(Revised 12/10/10)

