

NO. 000000

STATE OF TEXAS)	IN THE DISTRICT COURT
VS.)	186th JUDICIAL DISTRICT
JOE SMITH)	BEXAR COUNTY, TEXAS

**MOTION TO SUSPEND FURTHER EXECUTION OF SENTENCE
AND TO PLACE DEFENDANT ON COMMUNITY SUPERVISION
[“SHOCK PROBATION”]**

TO THE HONORABLE JUDGE OF SAID COURT:

Joe Smith moves the Court to suspend further execution of the sentence and to place him on community supervision in this case, pursuant to TEX. CODE CRIM. PROC. ANN. art. 42.A.202, and for good cause shows the following:

I.

Defendant was convicted of burglary of a building and sentenced to 10 years imprisonment on June 26, 2018. Execution of this sentence began at that time. Defendant is presently incarcerated in the Fabian Dominguez Unit of the Texas Department of Criminal Justice, in Bexar County, Texas.

II.

It has been less than 180 days subsequent to the date execution of sentence actually began.

III.

Defendant has never previously been incarcerated in the penitentiary serving a sentence for a felony offense.

IV.

Defendant is otherwise eligible for community supervision under Chapter 42A of the Texas Code of Criminal Procedure.

V.

Defendant will not benefit from further incarceration.

VI.

Defendant has maintained an excellent record while incarcerated on this sentence.

VII.

1. Defendant's participation in the instant offense was, by all accounts, minor. Defendant's biggest failure was in being in the wrong place at the wrong time, and in not reporting the crime committed, by his companions. For this reason, defendant pleaded guilty to the reduced offense of burglary of a building. It was the defendant's minor role that prompted the prosecutor, Mary Johnson, to reduce this offense, as it pertained to the defendant, from burglary of a habitation to burglary of a building.

2. Prior to the instant offense, defendant had no adult criminal history.

3. While this case was pending trial, defendant was incarcerated for four and a half months (June 16 to November 1, 2016), in the Bexar County Adult Detention Center. Defendant was then released on bond with electronic leg monitoring for nineteen months (November 1, 2017 to June 26, 2018). Defendant conducted himself in an exemplary fashion while in this program. Specifically, he always reported when required, he regularly notified the staff of his schedule, his random drug tests were always negative, and he was unfailingly

polite to personnel. Defendant has attached a letter from his pre-trial bond officer, Ms. Veronica Salinas. (See Exhibit A, attached]

4. While on bond, defendant was a model student at Southern Careers Institute in San Antonio where he studied to be a Pharmacy Technician. [See Exhibits B,C and D, attached] School Director, James C. Lane has written a letter to the Court expressing that defendant will be accepted for re-entry when released from incarceration. [See Exhibits E, attached]

VIII.

In light of the above, defendant requests that this Court:

1. request its clerk to request a copy of defendant's record while imprisoned or confined on this case;
2. hold a hearing on this motion and provide an opportunity for the state and the defendant to present evidence; and
3. grant this motion, suspend further execution of the sentence and place defendant on community supervision under the terms of article 42.12 of the Texas Code of Criminal Procedure.

Respectfully admitted:

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Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of this Motion has been delivered to the Bexar County District Attorney's Office on November 26, 2018.

MARK STEVENS

ORDER

On this the _____ day of _____, 2018, came to be considered Defendant's Motion To Suspend Further Execution Of Sentence And To Place Defendant On Community Supervision, and said motion is hereby

(GRANTED)

(DENIED)

JUDGE PRESIDING