

EFFECTIVE IMMEDIATELY IN THE 10TH DISTRICT COURT

It is hereby ORDERED by the 10th District Court:

I.

Effective immediately, no plea bargain agreements involving probation or deferred adjudication will be approved in this Court which involve:

1. Assault of a Public Servant
2. Evading Arrest or Detention
3. Failure to Identify
4. Resisting Arrest, Search or Transportation
5. Hindering Apprehension or Prosecution
6. Escape
7. Permitting or Facilitating Escape
8. Prohibited Substances and Items in Correctional Facility
9. Contraband in Correctional Facility
10. Taking or Attempting to Take Weapon From Peace Officer, Federal Special Investigator, Employee or Official of Correctional Facility, Parole Officer, Community Supervision and Corrections Department Officer, or Commissioned Security Officer
11. Interference with Public Duties
12. Interference with Police Service Animals
13. Any other offense in which a member of law enforcement is threatened, harmed, placed in danger or otherwise verbally or physically abused because of his or her status as a member of law enforcement.

II.

The Court will consider, but is not obligated to accept, any plea bargain agreement in which the State and the defense can present compelling evidence to support such an agreement. Such compelling evidence may include a written statement from the officer or all officers involved that he or she or they agree to the plea bargain agreement. In the absence of such a written statement, the Assistant District Attorney assigned to the case MUST inform the Court that he or she has permission from the officer or all

officers involved to represent to the Court that such officer or officers approves of the plea bargain agreement.

Such evidence MUST include a written statement from the defendant directed to the officer or officers involved, by name if known, and to the officers involved in general, apologizing for placing the officer or officers in danger or fear or for having threatened the officer or his or her family or any other person involved in the incident in question.

III.

The written statement of apology is NOT to be written by defense counsel, although he or she may assist in preparing the statement.

It is the expectation of the Court that such written statement shall express sincere feelings of remorse and apology. The Court will closely examine any such written statements, and WILL reject any which fail to demonstrate appropriate remorse. Prior criminal history WILL be considered by the Court in the examination.

If the plea agreement is accepted, the defendant will be required to read the written statement in open Court.


IV.

Counsel for any defendant seeking probation or deferred adjudication under the terms of this Order should caution his or her client approval of any agreement may include the imposition of additional terms of probation announced by the Court at the time any agreement is approved.

V.

Counsel for the State and defense are encouraged to approach the Court informally to discuss any prospective plea agreement. Additional facts will be considered by the Court in evaluating any plea bargain agreement.

SIGNED: July 18, 2016.



KERRY L. NEVES
JUDGE PRESIDING