

CAUSE #

THE STATE OF TEXAS

IN COUNTY COURT AT LAW NO. 5

V.

OF

MONTGOMERY COUNTY, TEXAS

MOTION TO WAIVE FINES AND COSTS

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes, **DEFENDANT**, Defendant herein, by and through his attorney of record and moves the Court to waive the fines and costs imposed in this case pursuant to § 709.001 of the Transportation Code. In support of this Motion, Defendant would respectfully show unto this Honorable Court the following:

1. A Defendant who pleads guilty to an offense relating to the operating of a motor vehicle while intoxicated assigned by Tex. Penal Code § 49.09 shall pay a fine provided in Tex. Transp. Code § 709.001(b). Pursuant to Tex. Transp. Code § 709.007(c) if the Court having jurisdiction over an offense that is the basis for a fine imposed under this section makes a finding that the person is indigent, the Court should wave all fines and cost imposed on the person under this section.

On _____, 2021, in the above-entitled and numbered cause entered a plea of guilty to the offense of driving while intoxicated.

The Defendant is indigent and offers as proof the following information for this Court:

- A. _____ A copy of defendant’s most recent federal income tax return that shows that the defendant’s income or the defendant’s household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines
- B. _____ A copy of the person's most recent statement of wages that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines
- C. _____ Documentation from a federal agency, state agency, or school district that indicates that the person or, if the person is a dependent as defined by Section 152, Internal Revenue Code of 1986, the taxpayer claiming the person as a dependent, receives assistance from:
 - (A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;
 - (B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;

- (C) the medical assistance program under Chapter 32, Human Resources Code;
 - (D) the child health plan program under Chapter 62, Health and Safety Code; or
 - (E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.
- D. _____ Has been found indigent by the Montgomery County Office of Indigent Defense and has not had an improvement in financial situation since finding
- E. _____ Other; please see attached documentation

WHEREFORE, the Defendant respectfully prays that this Honorable Court finds the Defendant indigent and grant this Motion to Waive Fines and Costs. This motion is not brought for delay, but for the interest of justice.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's **Motion to Waive Fines and Costs**

was sent to the Montgomery County District Attorney's Office by:

- _____ Electronic delivery;
- _____ Agent or by courier receipted delivery;
- _____ Certified Mail, receipt required
- _____ Telephonic document transfer (Facsimile)
- _____ In open court
- _____ Other

on this _____ of _____, 2021.

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ORDER ON MOTION TO WAIVE FINES AND COSTS

Came on to be heard on ____ day of _____, 2021, Defendant's **Motion to Waive Fines and Costs** is hereby:

GRANTED

DENIED

SIGNED ON THIS _____ DAY OF _____, 2021.

JUDGE PRESIDING

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AFFIDAVIT

I, _____, retained / was appointed _____ on the _____ of _____, 2021, and my financial condition:

_____ Remains the same

_____ Meets the requirements of indigence;

Place of Employment: _____

Gross Income: _____

Government Assistance: _____

Dependents: _____

Expenses: _____

Defendant