

June 12, 2009

Texas Department of Public Safety  
Crime Records Service (MSCO234)  
P.O. Box 4143  
Austin, Texas 78765-4143

Re: No. 2000-00007J; In the Matter of Ima Juvenile; 318<sup>th</sup> District Court of Harris  
County, Texas

Dear Crime Records Division:

Enclosed please find the Juvenile Respondent's Application For Sealing Records in the above referenced matter. This Application only seeks to seal any records in connection with the named incident, and not all other records. As an agency or official with records or files relating to Ima Juvenile, you are receiving this Application. Please note that the hearing date is set for July 7 at 9:00 A.M. in the 318<sup>th</sup> District Court, 1200 Congress, 4<sup>th</sup> Floor, Houston, Texas 77002.

Thank you for your attention and cooperation in this matter. Please call me if you have any questions.

Sincerely,

Miriam J. Riskind

Enclosure

NO.2004-00007J

IN THE MATTER OF  
IMA JUVENILE,  
RESPONDENT

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IN THE DISTRICT COURT OF  
HARRIS COUNTY, TEXAS  
318<sup>TH</sup> JUDICIAL DISTRICT

APPLICATION FOR SEALING RECORDS

TO THE HONORABLE JUDGE OF THIS COURT:

Comes now, IMA JUVENILE, born on the 16<sup>th</sup> of April, 1984, the subject of the above numbered cause, and requests the Court, in accordance with the provisions of Section 58.003 of the Texas Family Code, to order the sealing of all files and records in this case, and in support of this application would show the court:

I.

On July 2, 2004, the applicant was taken into custody by the Harris County Sheriff, at 8333 Wettwater, Houston, Texas, and was subsequently referred to the Juvenile Court for possession of marijuana. He was given deferred prosecution on August 4, 2004. The applicant successfully completed probation on February 5, 2005 and was discharged and so notified by the Juvenile Probation Department. The Non-Suit was granted on March 6, 2005.

II.

The applicant has reason to believe that the files and records relating to the applicant are held by the following officials and agencies:

Harris County Juvenile Probation Department  
1200 Congress  
Houston, Texas 77002  
Juvenile #  
Cause No. 2004-0007J; 318th District Court

Harris County District Attorney  
1201 Franklin  
Suite 600  
Houston, Texas 77002  
Cause No. ; District Court

Adrian Garcia, Harris County Sheriff  
1301 Franklin Street  
Houston, Texas 77002  
Incident Report # SHF  
NCIC #  
LOG and JOT #  
AFIS #  
CJIS #

Mr. Jim Faulkner  
Harris County Sheriff's Office  
1301 Franklin Street  
Houston, Texas 77002  
Incident Report # SHF  
NCIC #  
LOG and JOT #  
AFIS #  
CJIS #

Harris County District Clerk  
Juvenile Court Division  
1200 Congress, 4<sup>th</sup> Floor  
Houston, Texas 77002  
Incident Report # SHF  
NCIC #  
LOG and JOT #  
AFIS #  
CJIS #  
Juvenile #

Principal  
Wetwater Methodist School  
1112 Overloaded Bayou  
Houston, Texas 77009  
Ima Juvenile  
DOB 4-16-1984  
Student #

Texas Department of Public Safety  
Driver Records Division  
10110 Northwest Freeway  
Houston, Texas 77092  
Ima Juvenile  
DOB: 4-16-1984  
NCIC #  
LOG and JOT #  
AFIS #  
CJIS #

Texas Department of Public Safety  
Legal Services Division  
P.O. Box 4087  
Austin, Texas 78773  
Ima Juvenile  
DOB: 4-16-1984  
NCIC #  
LOG and JOT #  
AFIS #  
CJIS #

### III.

Pursuant to Section 58.003(d), applicant is entitled to have all files and records concerning the case sealed for the following reasons:

1. More than two years have passed since the adjudication in the case.
2. Since August 5, 2005, the applicant has not:
  - (a) Been convicted of a felony or misdemeanor involving moral turpitude;
  - (b) Been found to have engaged in delinquent conduct or conduct indicating a need for supervision; or
  - (c) Become the subject of a pending proceeding seeking conviction or adjudication.It is unlikely that the applicant will engage in further delinquent conduct or conduct

indicating a need for supervision or will commit a felony or a misdemeanor involving moral turpitude.

WHEREFORE, the applicant requests that the Court grant this application and:

1. Set this matter for hearing.
2. Give reasonable notice of the hearing to the applicant and to each agency and official named in Section II of this application, pursuant to Texas Family Code Section 58.003(e).
3. After the hearing on this matter, order each official and agency that possesses records or files concerning the above-entitled and numbered cause to:
  - (a) Send all files and records to the Court.
  - (b) Delete all index references to the sealed files and records.
  - (c) Reply on inquiry that no record exists with respect to the applicant.
4. Direct the clerk of the Court to send a certified copy of the sealing order to each agency or official named in the order, and to order that the proceeding be dismissed and treated for all purposes as if it had never occurred.

Respectfully submitted,

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Miriam J. Riskind  
ISENBERG & RISKIND  
12 Greenway Plaza, Suite 1100  
Houston, Texas 77046  
State Bar #16939900  
Phone: (713) 940-0640  
Fax: (713) 880-0780

Certificate of Service

I certify that a true copy of the above was delivered to the Harris County District Attorney at 1201 Franklin, Suite 600, Houston, Texas 77002, Harris County Juvenile Probation Department, 3540 West Dallas, Houston, Texas 77019, Tommy Thomas, Harris County Sheriff, 1301 Franklin, Houston, Texas 77002; Mr. Jim Faulkner, Harris County Sheriff's Office, 1301 Franklin, Houston, Texas 77002; Harris County District Clerk, Juvenile Court Division, 1200 Congress, 4<sup>th</sup> Floor, Houston, Texas 77002, Texas Department of Public Safety, Driver Records Division, 10110 Northwest Freeway, Houston, Texas 77092, Texas Department of Public Safety, Legal Services Division, P.O. Box 4087, Austin, Texas 78773, Principal, Wetwater Methodist School, 77004, by Certified Mail, Return Receipt Requested, in accordance with the Texas Rules of Civil Procedure on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Miriam J. Riskind

AFFIDAVIT OF CHILD

BEFORE ME, the undersigned authority, on this day personally appeared Ima Juvenile, who after being duly sworn, stated:

"I am the child who is the subject of the above-entitled and numbered cause. I have read the foregoing Application For Sealing Records, and swear that all of the allegations of fact contained in it are true and correct."

\_\_\_\_\_  
Ima Juvenile

SUBSCRIBED AND SWORN TO BEFORE ME on the \_\_\_\_ day of \_\_\_\_\_, 2009,  
to certify which witness my hand and official seal.

\_\_\_\_\_  
Notary Public in and for  
the State of Texas

NO. 2004-00007J

IN THE MATTER OF  
IMA JUVENILE,  
RESPONDENT

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IN THE DISTRICT COURT OF  
HARRIS COUNTY, TEXAS  
318<sup>TH</sup> JUDICIAL DISTRICT

ORDER SETTING HEARING DATE

IT IS ORDERED that the hearing on the Application for Sealing Records is hereby set for  
\_\_\_\_\_ o'clock \_\_\_\_ .M., on \_\_\_\_\_, 2009 in the 318<sup>TH</sup> District Court in Harris County,  
Texas.

\_\_\_\_\_  
JUDGE PRESIDING

July 9, 2009

Principal Naurita Munier  
Contemporary Learning Center School  
1906 Cleburne  
Houston, Texas 77004

Re: Cause No. 2004-00007J; In the Matter of Ima Juvenile; In the District Court of Harris County, Texas, 318<sup>th</sup> District Court

Attention: Principal Naurita Munier

The 318<sup>th</sup> District Court has ordered all records of my client, Ima Juvenile, related to the above referenced case to be sealed.

Enclosed is a certified copy of the Court's Order for the above referenced case. **Within 60 days of receipt of this order**, your agency and others listed are required to return all records concerning this incident concerning Ima Juvenile to the 318<sup>th</sup> District Court, Family Law Center, 1200 Congress, 4<sup>th</sup> Floor, Houston, Texas 77002, or if removal is impracticable, to obliterate all references to Ima Juvenile and notify the Court of your compliance.

Please note that you are ordered to delete only any references to the particular incident concerning Ima Juvenile. **This does not affect any other school records.** If there are no records of this incident contained in Ima Juvenile's school records, advise the court and myself by letter.

If you have any questions, please call me at (713) 940-0640. Thank you for your assistance.

Sincerely,

Miriam J. Riskind

Enclosure

NO. 2004-00007J

IN THE MATTER OF  
IMA JUVENILE,  
RESPONDENT

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IN THE DISTRICT COURT OF  
HARRIS COUNTY, TEXAS  
318<sup>TH</sup> JUDICIAL DISTRICT

ORDER

On this day came to be heard the Application to Seal Files and Records filed by IMA JUVENILE in the above captioned cause. All requirements of law concerning notice to other parties having been complied with, and it appearing to the court that it has jurisdiction over this case, the Court proceeded to hear evidence. The Court having considered the sworn Application and evidence presented, makes the following findings:

1. Applicant successfully completed the requirements of probation in Cause No. 2004-00007J on August 4, 2009, and Respondent was so notified.
2. Since the completion of probation in this case, Applicant has not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct in need for supervision, and no proceeding is pending seeking conviction or adjudication.
3. It is unlikely that Applicant will commit a felony or a misdemeanor involving moral turpitude.
4. Applicant is eligible under Section 58.003 of the Texas Family Code to have all files and records related to his detention in Cause No. 2004-00007J and subsequent court proceedings in Harris County, Texas, sealed.

It is therefore ORDERED, ADJUDGED AND DECREED that:

5. Any and all records or files of IMA JUVENILE, date of birth: December 11, 1984,

concerning his detention on or about August 4, 2001 (HPD OR# 123456789), and subsequent court appearance on the petition filed under Cause No. 2004-00007J in the 318<sup>th</sup> District Court of Harris County, Texas, alleging possession of marijuana in Harris County, Texas, shall be sealed.

6. Each official, agency, or other entity listed below return all records and files described in Paragraph 5 above to the Court, or if removal is impractical, to obliterate all references concerning the Applicant and notify the court of its action in compliance with this Court's Order.
7. Each official, agency, or other entity listed below delete from its public records all index references to the reason for investigation or detention of the Applicant that is the subject of this cause. The Texas Department of Public Safety is Ordered to delete from its records both the NCIC and TCIC references to this Applicant, obtain from the FBI all references to this Applicant, and request that the FBI delete all references to this Applicant in their records.
8. A certified copy of this Order be sent to the following:

Harris County Juvenile Probation Department  
1200 Congress  
Houston, Texas 77002  
Juvenile # 1234567  
Cause No. 2004-00007J; 318<sup>th</sup> District Court

Harris County District Attorney  
1201 Franklin  
Suite 600  
Houston, Texas 77002  
Cause No. 2004-00007J; 318<sup>th</sup> District Court

Ms. Naurita Munier, Principal  
Contemporary Learning Center School  
1906 Cleburne  
Houston, Texas 77004  
Ima Juvenile  
DOB 12-11-1984  
Student # 33468

Harris County District Clerk  
Juvenile Court Division

Houston, Texas 77002  
Incident Report #0999786  
NCIC #653213  
LOG and JOT #010714  
AFIS #3465789098765  
CJIS #9087654332-A001  
Juvenile #1234567

Houston Police Department  
% City of Houston Legal Department  
Attention: Arthur Crumpton  
1400 Lubbock, Room 133  
Houston, Texas 77002  
Incident Report #453257890  
NCIC #673213  
LOG and JOT #010714  
AFIS #3465789098765  
CJIS #9087654332-A001  
Juvenile #1234567

Texas Department of Public Safety  
Driver Records Division  
10110 Northwest Freeway  
Houston, Texas 77092  
Ima Juvenile  
DOB: 12-11-1986  
Incident Report # Same Number (Houston Police Department)  
NCIC #356210 and applicable TCIC Number  
LOG and JOT #010714  
AFIS# Same number  
CJIS #Same number  
Juvenile #1234567

Texas Department of Public Safety  
Legal Services Division  
P.O. Box 4087  
Austin, Texas 78773  
Ima Juvenile  
DOB: 12-11-1984  
Incident Report # Same number (Houston Police Department)  
NCIC #356210 and applicable TCIC Number  
LOG and JOT #010714  
AFIS # Same number  
CJIS # Same number  
Juvenile #1234567

Upon receipt of the records and files requested pursuant to this Order, the clerk of the Court shall maintain the files or other returned records in an area not open to inspection by anyone except as permitted by Order of this Court on petition of Applicant. When all records and files requested have been received, the Clerk of the Court shall obliterate all public references to this proceeding.

9. The officials and agencies named above shall reply that no record exists with respect to Applicant upon inquiry into any matter sealed by this Order.
10. The prior court proceedings under Cause No. 2004-00007J are treated for all purposes, including the purpose of showing a prior adjudication of delinquent conduct as if it had never occurred.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

\_\_\_\_\_  
Judge Presiding