

CAUSE NO. 22FC-2748 -A

THE STATE OF TEXAS

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IN THE DISTRICT COURT

V.

28<sup>TH</sup> JUDICIAL DISTRICT

Zachry Brent Bailey

NUECES COUNTY, TEXAS

PLEA AGREEMENT

The Defendant named above is charged by information / indictment in this case with the offense(s) of Physicians Asst Act w/o license and agrees as follows:

☒ To plead guilty to the offense(s)

☒ as charged

☐ or to the lesser included offense(s) of \_\_\_\_\_

☒ To waive all pretrial motions on file.

☒ To waive his/her right against self-incrimination and make a written/oral judicial confession under oath.

☒ To be punished as recommended by the State.

In consideration of the defendant's plea of guilty, the State agrees:

☐ (TDC) to recommend to the Court that punishment be assessed at confinement in the Texas Department of Criminal Justice - Institutional Division for a term of \_\_\_\_\_ years.

☐ (State Jail) to recommend to the Court that punishment be assessed at confinement in the Texas Department of Criminal Justice - State Jail Facility for a term of \_\_\_\_\_ days / months / years.

☐ (TPC 12.44(a) Punishment) to recommend that Defendant be punished under Texas Penal Code §12.44(a).

☐ (TPC 12.44(b) Punishment) to recommend that Defendant be punished under Texas Penal Code §12.44(b).

☐ (Nueces County Jail) to recommend to the Court that punishment be assessed at confinement in the Nueces County Jail for a term of \_\_\_\_\_ months / days.

☐ (Sentence Suspended) to recommend to the Court that the confinement be suspended and that the Defendant be placed on community supervision for a period of \_\_\_\_\_ months / years.

☒ (Deferred Adjudication) to recommend that the Court defer adjudication of guilt and place the Defendant on community supervision for a period of 6 months / years.

☒ (Fine) to recommend to the Court that the defendant be punished by a fine of \$ 1,000.

☐ (Fine Suspended) and further recommend suspending \$ \_\_\_\_\_ amount of said fine.

☒ (Probation Conditions) to recommend to the Court that as a condition of community supervision, the Defendant be ordered the following:

☒ GED

☐ DOEP

☒ Felony VIP

☒ 180 CS Hours

☒ HS Diploma

☐ CBOP

☒ Theft Class

☐ \_\_\_\_\_ Days in NCJ

☐ SATF

☒ TAIP Evaluation\*

☐ Family Violence Caseload

☐ Anger Management

☐ SAFPF

☐ BIPP / AIR

☐ MHMR Caseload

☐ Felony DWI Conditions

☐ RITE

☐ SCRAM

☐ Parenting Classes

☒ Felony Theft Conditions

☐ ELM

☐ Ignition Interlock

☒ Curfew

☐ Felony Drug Conditions

☐ Other \_\_\_\_\_

\*And compliance with any recommendation resulting from TAIP evaluation

State's Exhibit #1

Page 1 of 2



☐ (DPS Lab Fee) to recommend to the Court that the Defendant be ordered to pay restitution to the Texas Department of Public Safety for the cost of drug analysis in the amount of \$180.00.

☐ (CCPD Storage Fee) to recommend to the Court that the Defendant be ordered to pay restitution to the Corpus Christi Police Department for the cost of analysis, storage and/or disposal of materials/substances seized in connection with this offense in the amount of \$65.00. TxCCP Art. 42.12 §11(a)(19).

☒ (Victims of Crime Fund) to recommend that the Defendant be ordered to reimburse the compensation to victims of crime fund for any amounts paid from that fund to or on behalf of a victim, as defined by Article 56.32 TxCCP, of the defendant's offense or if no reimbursement is required, make one payment of \$100.00 to the compensation to victims of crime fund. TxCCP Art. 42.12 §11(a)(18).

☐ (Women's Shelter of South Texas) to recommend that the Defendant, if placed on community supervision for an offense involving family violence arising from Texas Penal Code, Title 5 - Offenses Against the Person, Chapters 19-22, be ordered to pay one payment of \$100.00 to the Women's Shelter of South Texas, 813 Buford, Corpus Christi, Texas 78404. TxCCP Art. 42.12 §11(h).

☐ (Restitution) to make restitution in the amount of \$\_\_\_\_\_ to the victim.

☒ to recommend that the sentence in this case run concurrently / consecutively with the sentence(s) imposed in

22FC-2748A

☐ (Enhancement Dismissal) to dismiss the portion of the enhancement paragraph in the indictment alleging the following convictions:\_\_\_\_\_

☐ (Dismissal of Unadjudicated Offenses) to dismiss the following unadjudicated charges pending against the defendant:\_\_\_\_\_

☐ (M-12.45) to consent to the Court's consideration of the following unadjudicated offenses in determining punishment as permitted under Penal Code Section 12.45:\_\_\_\_\_


☐ Other Agreements:\_\_\_\_\_

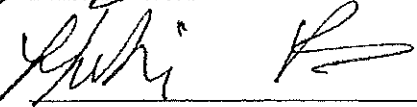
Attorney for the Defendant approves the agreements made by the State and the Defendant.

The Defendant understands the following:

1. That should the Court reject this agreement, he/she shall be permitted to withdraw his/her plea of guilty or *nolo contendere*, and neither the fact that he/she had entered the pleas nor any statements made by him/her at the hearing on the plea may be used against the Defendant on the issue of guilty or punishment in any future criminal proceeding;
2. That if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the Defendant and his/her attorney, he/she cannot appeal this conviction without the permission of the Court for nonjurisdictional defects or errors that occurred before entry of the plea; and
3. That he/she may appeal this conviction only on matters raised by written motion and ruled on before trial.

  
DEFENDANT

  
DEFENSE ATTORNEY

  
STATE'S ATTORNEY  
LYNDSIE RODRIGUEZ  
SBN: 24121091

12/12/22  
DATE

### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Abel Cavada on behalf of Abel Cavada  
Bar No. 4021300  
Abelcavada@yahoo.com  
Envelope ID: 70948158  
Status as of 12/13/2022 9:15 AM CST

Associated Case Party: ZachryBrentBailey

Name	BarNumber	Email	TimestampSubmitted	Status
Abel Cavada		Abelcavada@yahoo.com	12/13/2022 9:05:33 AM	SENT

Associated Case Party: State of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Abel Cavada		Abelcavada@yahoo.com	12/13/2022 9:05:33 AM	SENT
Mark Gonzales		da.eFile@nuecesco.com	12/13/2022 9:05:33 AM	SENT



CASE NO. 22FC-2748A  
INCIDENT NO./TRN: 9194153442

THE STATE OF TEXAS

V.

ZACHRY BRENT BAILEY

STATE ID No.: TX19861360

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IN THE 28TH DISTRICT

COURT

NUECES COUNTY, TEXAS

## ORDER OF DEFERRED ADJUDICATION

Judge Presiding:	NANETTE HASETTE	Date Proceedings Deferred:	12/13/2022
Attorney for State:	LYNDSIE RODRIGUEZ BAR NO. 24121091	Attorney for Defendant:	ABEL CAVADA BAR NO. 04021300
<u>Offense:</u> PHYSICIANS ASST ACT W/O LICENSE			
<u>Charging Instrument:</u> INDICTMENT		<u>Statute for Offense:</u> 204.352 Occupations Code	
<u>Date of Offense:</u> 3/31/2022		<u>Defendant waived the right to trial by jury and entered the plea below:</u> GUILTY	
<u>Degree of Offense:</u> 3RD DEGREE FELONY		<u>Findings on Deadly Weapon:</u> N/A	
<u>1<sup>st</sup> Enhancement Paragraph:</u> N/A		<u>Finding on 1<sup>st</sup> Enhancement Paragraph:</u> N/A	
<u>2<sup>nd</sup> Enhancement Paragraph:</u> N/A		<u>Findings on 2<sup>nd</sup> Enhancement Paragraph:</u> N/A	
<u>Terms of Plea Bargain (if any):</u> or <input checked="" type="checkbox"/> Terms of Plea Bargain are attached and incorporated herein by this reference.			

### ADJUDICATION OF GUILT DEFERRED;

DEFENDANT PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION.

PERIOD OF DEFERRED ADJUDICATION COMMUNITY SUPERVISION: SIX (6) YEARS.

### CONFINEMENT AS A CONDITION OF DEFERRED ADJUDICATION COMMUNITY SUPERVISION:

☐ The Court ORDERS Defendant confined \_\_\_\_\_ DAYS in ☐ THE COUNTY JAIL ☐ A STATE JAIL FACILITY as a condition of deferred adjudication community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

<u>Fine:</u> \$ 1,000.00	<u>Court Costs:</u> \$ 900.40	<u>Restitution:</u> \$ 100.00 (see Cond. C.S.)	<u>Restitution Payable to:</u> AGENCY/AGENT-Victims of Crime Fund (See special finding or order of restitution which is incorporated herein by this reference.)
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☐ Defendant is required to register as sex offender in accordance with Chapter 62, Tex. Code Crim. Proc.  
(For sex offender registration purposes only) The age of the victim at the time of the offense was N/A

Was the victim impact statement returned to the attorney representing the State? N/A

This cause was called and the parties appeared. The State appeared by her District Attorney as named above.

### Counsel / Waiver of Counsel (select one)

☒ Defendant appeared with Counsel.  
☐ Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court admonished Defendant. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of the plea. The Court received the plea and entered it of record. Having

heard the evidence submitted, the Court FINDS that such evidence substantiates Defendant's guilt. However, the Court FINDS that it is in the best interest of society and Defendant to defer proceedings without entering an adjudication of guilt and to place Defendant on deferred adjudication community supervision.

Therefore, the Court ORDERS no judgment entered at this time. The Court further ORDERS Defendant placed on deferred adjudication community supervision for the period of time indicated above as long as Defendant abides by the conditions of the deferred adjudication community supervision.

The Court FINDS that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

After having conducted an inquiry into Defendant's ability to pay, the Court Orders Defendant to pay the fine, court costs, and restitution, if any, as indicated above.

The document setting forth the conditions of deferred adjudication community supervision is attached and incorporated herein by this reference.

Signed on \_\_\_\_\_

*January 31, 2023*

*Paul Foster*  
\_\_\_\_\_  
JUDGE PRESIDING

# CONDITIONS OF COMMUNITY SUPERVISION

☒ DEFERRED ADJUDICATION

☐ STATE JAIL FELONY

☐ FELONY PROBATION-SUSPENDED SENTENCE

☐ FELONY REDUCED MISDEMEANOR

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CAUSE NO. 22FC-2748A

THE STATE OF TEXAS

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IN THE 28TH JUDICIAL DISTRICT COURT

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VS.

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OF

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ZACHRY BRENT BAILEY

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NUECES COUNTY, TEXAS

OFFENSE: Physicians Asst Act W/O License (F3) (To run concurrent with 22FC-3913A)

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## ORDER PLACING DEFENDANT ON COMMUNITY SUPERVISION

On the 13th day of December, 2022, Defendant was placed on Community Supervision by the HONORABLE JUDGE Nanette Hasette, for a period of SIX(6) Years with the following terms and conditions.

1. COMMIT no offense against the laws of this State or of any other State or of the United States;
2. AVOID injurious or vicious habits and/or, avoid the use of alcoholic beverages, narcotics or any other controlled substances and submit to testing/blood analysis/urinalysis as directed for alcohol or controlled substances, at defendant's expense;
3. REPORT to the Community Supervision Corrections Department (CSCD) Officer as directed and at least once each month while under supervision;
4. PERMIT the CSCD Officer to visit defendant's home, work, or elsewhere;
5. Refrain from the use of vulgar or obscene language and remain courteous and respectful to the Court, CSCD Staff, and Court Personnel;
6. WORK faithfully at suitable employment;
7. REMAIN within Nueces County, Texas unless permitted to leave by the Court or CSCD Officer;
8. REPORT any change of residence, job, or job status to the CSCD Officer within 24 hours;
9. SUPPORT dependents (current and future). If divorced (with children), furnish CSCD a copy of Divorce Decree and pay child support as court-ordered;

10. PAY the following by cashier's check, credit card, or money order to the Nueces County CSCD as determined by the Court:

- a. \$1000.00 FINE( **TO BE PAID WITHIN ONE YEAR**): at the rate of \$85.00 per month beginning 01/13/2023 and due in full by 12/13/2023.
- b. \$180.00 BOND SUPERVISION FEE ARREARS: at the rate of \$20.00 per month beginning 01/13/2024 and the same day of each month thereafter until Bond Supervision Fee Arrears has been paid in full.
- c. \* \$500.40 COURT COSTS: at the rate of \$20.00 per month beginning 10/13/2024 and the same day of each month thereafter until Court Costs has been paid in full.
- d. \$100.00 VICTIMS OF CRIME FUND: at the rate of \$20.00 per month beginning 11/13/2026 and the same day of each month thereafter until Victims of Crime Fund has been paid in full.
- e. \$100.00 ATTORNEY FEES: at the rate of \$20.00 per month beginning 04/13/2027 and the same day of each month thereafter until Attorney Fees has been paid in full.
- f. \$50.00 CRIME STOPPERS FEE: due in full on or before 11/13/2028.
- g. \$60.00 MONTHLY SUPERVISION FEE: beginning 01/13/2023 and each and every month thereafter while under supervision.
- h. \$ \_\_\_\_\_ URINALYSIS BLOOD ANALYSIS FEE: For each specimen collected, pay a \$15.00 fee for urinalysis testing, a \$35.00 fee for drug confirmation, and/or a \$25.00 fee for blood analysis testing.

\*A time payment fee of \$25.00 will be assessed if court costs are not paid within 30 days from today's date 12/13/22, and if assessed, will be due on or before 11/13/28.

- 11. REGISTER with Texas State Employment Agency or with the Department of Assistive and Rehabilitative Services (DARS) for job search assistance as directed.
- 12. SIGN an order withholding wages from defendant's paycheck in order to pay for Court ordered fees.
- 13. FURNISH CSCD with a copy of Defendant's Federal Income Tax return by May 15th of each year and a copy of Defendant's W-2 Form (or similar tax document) by February 15th each year.
- 14. SUBMIT to DNA testing as directed through the Texas Department of Public Safety in order to create a DNA RECORD and pay a \$25.00 fee to the CSCD.
- 15. DO not go to bars, taverns, nightclubs, saloons, gambling establishment(s) or enter any package liquor stores where alcoholic beverages are sold for on premises consumption, except for the sole purpose of eating in a restaurant where alcoholic beverages are sold incidental to the restaurant business.
- 16. DO not work in any establishment where alcoholic beverages are sold or served unless approved by the Court.

17. ON the basis of a 'Reasonable Suspicion', Defendant shall permit any CSCD Officer to search Defendant's person, property, vehicle(s), residence or any place where Defendant may be living, with or without a search warrant.

18. Do not buy, sell or possess firearms, knives or other weapons of any kind under any circumstances.

19. REPORT any new and/or subsequent arrest to the CSCD Officer within 24 hours.

20. DO not work as a confidential informant for any law enforcement agency in the United States unless approved by the sentencing Court.

21. Report by mail or web report to the Nueces County Community Supervision and Corrections Department between the 1st and the 15th day of the month during the period of community supervision beginning in the month of February 2023.

22. You are ordered to Attend, Participate, Pay for and complete in a Satisfactory manner:

a. FELONY VICTIM IMPACT PANEL Program as directed.

b. THEFT REHABILITATION Program as directed.

c. As deemed necessary, SATISFACTORILY participate in a screening/assessment for substance abuse and submit to any counseling, urinalysis, and/or any diversionary program as determined within the CSCD's TREATMENT ALTERNATIVE TO INCARCERATION PROGRAM (TAIP) or any Substance Abuse Evaluation/Assessment as directed.

23. ABIDE BY THE FOLLOWING:

a. DO not operate a vehicle without a valid Driver's License (D.L.).

b. IF Defendant operates a motor vehicle, obtain and maintain at least minimum limits of automobile liability insurance. Proof of such insurance shall be shown to the CSCD Officer within 15 days of the date of this order and monthly throughout the Community Supervision Term.

c. COMPLETE 180 hours of Community Service Restitution (CSR) at the rate of 16 hours per month 4 hours per week or 8 hours every two weeks as directed by your community Supervision Officer.  
(Concurrent with 22FC-3913A)

d. OBSERVE a curfew from 9:00 p.m. to 6:00 a.m. for ONE(1) YEAR beginning 12/13/2022.

e. If at any time during the term of supervision you request to relocate out of the State of Texas, and the Courts approves your transfer, you will be required to pay a \$500.00 transfer fee prior to leaving the State of Texas.

24. REVIEWS:

a. APPEAR in person, in the 28th District Court on April 2023, at TBD for a 120-DAY Court Hearing.

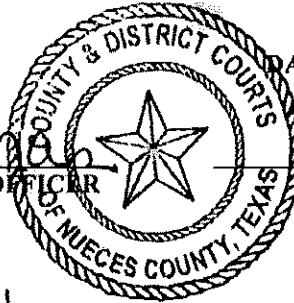
b. APPEAR in person, in the 28th District Court on December 2023, at TBD for an ANNUAL Court Hearing.

c. APPEAR in person, in the 28th District Court as directed for any scheduled Probation Review Court Hearing.



STATEMENT OF OFFENDER

On the above date, I was granted a community supervision sentence in the above styled and numbered cause. The conditions of my community supervision in this same cause as listed herein have been explained to me by the CSCD Officer whose signature appears below. I do verify by my own signature below that I fully understand all of the terms and conditions of my community supervision.

*Zachry Bailey*  
OFFENDER  
PRESIDING JUDGE  
COMMUNITY SUPERVISION OFFICERNSID # 20014806

DATE SIGNED: \_\_\_\_\_

JAN 10 2023

ANNE LORENTZEN, DISTRICT CLERK

ANNE LORENTZEN, DISTRICT CLERK

*Allison Rackley*Supervisor / Sr. Initial Approval: AH