



CAUSE: 23-379232

The State of Texas

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In County Court

v.

At Law 5

DON STEVEN MCDOUGAL

D.O.B.: 12/03/1981 SEX: MALE RACE: WHITE

State ID No.: TX-05745658

Montgomery County, Texas

JUDGMENT OF CONVICTION BY COURT

Judge Presiding: HON. JUDGE PATRICE
MCDONALD

Date Sentence Imposed: December 19, 2023

Attorney for State: ANN KUYKENDALL

Attorney for Defendant: Baker, Benton, Iv

Offense for which Defendant Convicted:**RESIST ARREST SEARCH OR TRANSPORT**Charging Instrument:**INFORMATION**Date of Offense:**SEPTEMBER 29, 2023**Degree of Offense:**CLASS A MISDEMEANOR**Plea to Offense:**GUILTY**Terms of Plea Bargain (if any): or ☐ Terms of Plea Bargain are attached and incorporated herein by this reference.**\$ 600.00 Fines/CC/ 0 DAYS Montgomery County Jail**Plea to 1st Enhancement Paragraph: N/AFindings on 1st Enhancement Paragraph: N/APlea to 2ND Enhancement Paragraph: N/AFindings on 2ND Enhancement Paragraph: N/ADefendant's Texas Driver's License
shall be suspended for a period of☐ Drivers License Suspension to run concurrent and or be
credited with ALRDate Sentence Commences: **December 19, 2023**

(Date does not apply to confinement served as a condition of community supervision.)

Punishment and Place
of Confinement: **0 DAYS Montgomery County Jail**Fines:
\$ 600.00Court Appointed Attorneys Fees:
\$Court Costs:**\$ 270.00**Reimbursement Fees:**\$20.00**If All Monies not paid with in 30 days, add \$15.00 to
Reimbursement fees☐ Warrant fees includedRestitution:**\$ 0.00**Restitution Payable to: N/A

(See special finding or order of restitution which is incorporated herein by this reference.)

☐ Fines ☐ Court Cost ☐ Reimbursement Fees ☐ Court Appointed Attorneys fee ☐ Jail Time ☐ Drivers License
Suspension are to run concurrent with _____☐ 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

Time If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.Credited: **ANY DAYS NOTES: TOWARD INCARCERATION**

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 in person with Counsel.
- ☐ Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.
- ☐ Defendant was tried in absentia.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. 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. After hearing the evidence submitted, if any, the Court **ADJUDGES** Defendant **GUILTY** of the offense indicated above. 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.

Having been convicted of the offense designated above, the Court **ORDERS** Defendant punished in accordance with the Court's findings as to the proper punishment as indicated above, and after having conducted an inquiry into Defendant's ability to pay, as directed by Article 42.15, Code Crim. Proc., the Court **ORDERS** Defendant to pay the fine, court costs, reimbursement fees, and restitution as indicated above and further detailed below.

Punishment Options (select one)

- ☐ **County Jail—Confinement / Confinement in Lieu of Payment:** The Court **ORDERS** Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall have satisfied all conditions of this judgment and any monies owed from this sentence shall run concurrent with confinement.
- ☒ **Fine Only Payment:** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the County Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay the fine, court costs, reimbursement fees, and restitution ordered by the Court in this cause.
- ☐ **Fine Payment and County Jail—Confinement:** The punishment assessed against Defendant is for a **FINE PAYMENT AND COUNTY JAIL—CONFINEMENT**. The Court **ORDERS** Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the County Jail for the period indicated above. Upon release from confinement, the Court **ORDERS** Defendant to proceed without unnecessary delay to the County Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, reimbursement fee, and restitution due.

Fines Imposed Include (check each fine and enter each amount as pronounced by the court):

- | | |
|--|---|
| ☒ General Fine (§12.32, 12.33, 12.34, or 12.35, Penal Code, Transp. Code, or other Code) | \$ 600.00 (not to exceed \$10,000) |
| ☐ EMS, Trauma Fine (Art. 102.0185, Code Crim. Proc.) | \$ 100.00 |
| ☐ Family Violence Fine (Art. 42A.504 (b), Code Crim. Proc.) | \$ 100.00 |
| ☐ Juvenile Delinquency Prevention Fine (Art. 102.0171(a), Code Crim. Proc.) | \$ 50.00 |
| ☐ State Traffic Fine (§ 542.4031, Transp. Code) | \$ 50.00 |
| ☐ DWI Traffic Fine (a/k/a Misc. Traffic Fines) (§ 709.001, Transp. Code) | \$ 0.00 (not to exceed \$6,000) |
| ☐ Local Traffic Fine (Rules of the Road TC 541-560) | \$ 3.00 |

Accordingly, the Court enters the following orders:

- ☐ The defendant shall pay all of the fine and costs immediately.
- ☐ The defendant shall pay all of the fine and costs on the date of _____.
- ☒ The defendant shall pay \$ 25 of the fine and costs at designated intervals, namely monthly, to begin on January 15th, 2024.
- ☐ The defendant shall pay all of the fine and costs to the District Clerk or its designee upon release on parole or completion of his/her sentence.
- ☐ The fine and costs shall be waived in the amount of \$ _____ under Article 43.091.
- ☐ The fine and costs shall be waived in full.

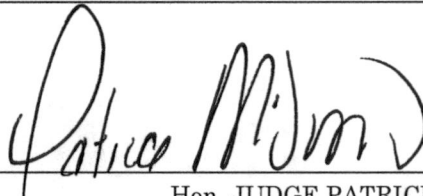
Execution of Sentence

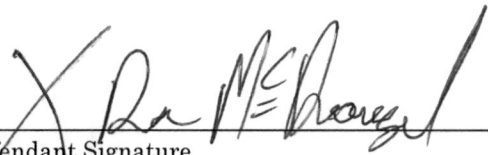
- ☒ The Court **ORDERS** Defendant's sentence **EXECUTED**. The Court **FINDS** that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.

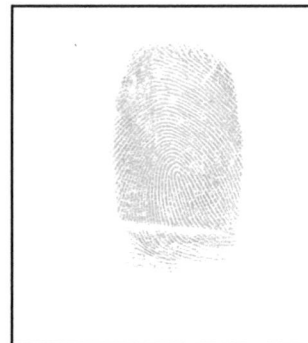
Furthermore, the following special findings, orders or conditions apply:

Protective Order: Filed NA

Signed and Entered on this the 19th day of December, 2023

X 
Hon. JUDGE PATRICE MCDONALD

X 
Defendant Signature



Right Thumbprint

Cause: 23-379232

The State of Texas

In The County Court

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At Law 5

MCDUGAL, DON STEVEN

Montgomery County, Texas

D.O.B.: 12/03/1981 SEX: MALE RACE: WHITE

State ID No.: TX-05745658

MISDEMEANOR PLEA OF GUILTY/NOLO CONTENDERE

The above named defendant prior to entering a plea represents to the Court the following:

I am mentally competent and I understand that I am charged with the misdemeanor offense of RESIST ARREST SEARCH OR TRANSPORT, for which thepunishment is a fine not to exceed \$ 4000.00 and /or confinement in jail not to exceed 1 year

I understand that I have the right to a jury trial; the right to compel witnesses to testify on my behalf; the right to confront and cross examine my accusers; the right to be arraigned and have the charge read to me in open court; and the right to remain silent and not discuss my case with anyone including the Assistant District Attorney, and that anything I say can be used against me. I understand that I may represent myself and that if I choose to represent myself I will be required to follow the rules of evidence, criminal procedure and related laws of this state and of the United States in the same manner and to the same degree as any attorney who might represent me. I understand that upon a plea of guilty or nolo contendere, with a jury waiver, punishment may be assessed by the court either upon or without evidence, at the discretion of the Court; that if I am not a citizen of the United States, my plea of guilty or nolo contendere may result in deportation, exclusion from admission to this country, or denial of naturalization under federal laws; that if I am on probation or parole my plea of guilty or nolo contendere may result in the revocation of my probation or parole resulting in further confinement; that if I am found guilty, that this case may be used to enhance my punishment if I am convicted of another offense; and that if the Court does not exceed the agreed recommendation in assessing punishment, my right to appeal my conviction will be limited to matters raised by written motion and ruled on before trial unless the Court gives permission to raise other matters. Further, I understand that it will be unlawful for me to possess or transfer a firearm or ammunition if I am convicted of a misdemeanor involving family violence.

I understand that I have the right to have an attorney represent me both at trial and on appeal and that I will be allowed a reasonable amount of time and opportunity to talk with an attorney if I so desire; the Court may reset my case to allow me a reasonable amount of time to hire my own attorney. I understand that any plea bargain agreement is not binding upon the Court and that if the Court sets punishment that exceeds that agreed recommendation, I may withdraw my plea of guilty/nolo contendere.

After being duly admonished of the nature of the charge against me, of all my rights, and the consequences of entering a plea of guilty or nolo contendere, I hereby state in open court and in writing that; I understand the charges against me; I knowingly, intelligently and voluntarily waive the above mentioned rights; and I ask the Court to accept my plea of guilty or nolo contendere and waiver of trial by jury. I further ask the court to enter a judgment and proceed to sentence me according to the law. I ask the Court to decide all of the issues in this case upon my plea of guilty or nolo contendere. I request that a presentence investigation report not be made prior to sentencing.

Defendant's Signature: Don S McDugalDate: 12/19/2023Age: 42 Education: 9thDefense Attorney Signature: Baker, Benton, Iv

The undersigned Assistant District Attorney, on behalf of the State of Texas, consents to and approves defendant's waiver of trial by jury.

Assistant District Attorney: [Signature]

The Court finds the defendant is competent and that the defendant understood the rights as set out above, and the Court accepts the defendant's waiver of these rights. The Court further finds the defendant's plea of guilty/ nolo contendere was knowingly, intelligently, and voluntarily made.

Signed and Entered on this the 19th day of December, 2023

[Signature]
Hon. JUDGE PATRICE MCDONALD

eDiscovery Audit Log

Defendant: McDougal, Don Steven
 Prosecuting Attorney: Amber Mitchell

County Court at Law #5

Control#: 23M-007196
 Cause#: 23-379232

Baker, Benton
 (Bar #: 24006785)

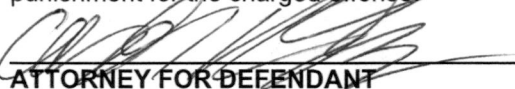
Name/Description	Pages	Date	Status	Released To
CRIMINAL HISTORY - DEFENDANT	26	Oct 18 2023 3:10PM	Item Shared by: Seale, Madison	
		Oct 18 2023 3:10PM	Item Shared by: Seale, Madison	
		Oct 20 2023 10:00AM	Item Viewed in Portal by: Baker IV , Benton	
INTAKE - COMPLAINT & INFORMATION	2	Oct 18 2023 3:10PM	Item Shared by: Seale, Madison	
		Oct 20 2023 10:01AM	Item Viewed in Portal by: Baker IV , Benton	
REPORT - ARREST RECORD	4	Oct 20 2023 9:59AM	Item Viewed in Portal by: Baker IV , Benton	
		Oct 18 2023 3:10PM	Item Shared by: Seale, Madison	
		Oct 18 2023 3:10PM	Item Shared by: Seale, Madison	

I hereby certify this **eDiscovery and Axon Evidence and Discovery Log** is true and correct to the best of my knowledge, and the items listed above have been made available to the undersigned attorney for defendant or to Defendant, *Pro Se*, for inspection and/or electronic duplication pursuant to Art. 39.14 Texas Code of Criminal Procedure


 ASSISTANT DISTRICT ATTORNEY

12/19/23
 DATE

I hereby acknowledge the items listed in this **eDiscovery and Axon Evidence and Discovery Log** have been made available to me, and I had sufficient opportunity to inspect and/or obtain copies of said items. I am satisfied with the discovery provided and hereby wish to **withdraw** any unfulfilled request for discovery pursuant to Texas Code of Criminal Procedure Article 39.14, **other than** to the State's continuing duty under Article 39.14(k), the United States Constitution, and the Texas Constitution, to provide any exculpatory, impeachment or mitigation evidence tending to negate the defendant's guilt or reduce his punishment for the charged offense.


 ATTORNEY FOR DEFENDANT


 DEFENDANT

12/19/23
 DATE





Report generated by:

User Cutter, Kirsten (15928)
Username Cutter, Kirsten
Department Montgomery County District Attorney's Office
Local Timezone America/Chicago
Generated on Dec 19, 2023 2:07 PM

Evidence ID	ID	Title	Evidence Group	Owner	Uploaded by	Uploaded on	Recorded on	Duration	Category	Status	File Type	Source
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