

Appendix

Order Denying Petition for Rehearing

Feb. 16, 2021

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 16, 2021

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

IRA LEE WILKINS,

Defendant - Appellant.

No. 19-5114
(D.C. No. 4:19-CR-00116-JED-1)
(N.D. Okla.)

ORDER

Before **BRISCOE**, **MURPHY**, and **BACHARACH**, Circuit Judges.

Appellant's petition for rehearing is denied.

The petition for rehearing en banc was transmitted to all of the judges of the court who are in regular active service. As no member of the panel and no judge in regular active service on the court requested that the court be polled, that petition is also denied.

Appellant's second motion for extension of time to file a petition for rehearing filed on January 29, 20201 is denied as moot.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk

Order and Judgment

Jan. 6, 2021

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 6, 2021

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,
v.

IRA LEE WILKINS,

Defendant - Appellant.

No. 19-5114
(D.C. No. 4:19-CR-00116-JED-1)
(N.D. Okla.)

ORDER AND JUDGMENT*

Before **BRISCOE**, **MURPHY**, and **BACHARACH**, Circuit Judges.

Mr. Ira Lee Wilkins was convicted of possessing a firearm after a felony conviction. *See* 18 U.S.C. § 922(g)(1). On appeal, Mr. Wilkins argues that the district court plainly erred before trial and at the sentencing.

Before trial, the attorneys stipulated to two elements: (1) a prior felony conviction and (2) knowledge of the prior felony conviction. The

* We conclude that oral argument would not materially help us to decide the appeal. *See* Fed. R. App. P. 34(a)(2)(C); 10th Cir. R. 34.1(G). So we have decided the appeal based on the record and the parties' briefs.

Our order and judgment does not constitute binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. But the order and judgment may be cited for its persuasive value if otherwise appropriate under Fed. R. App. P. 32.1(a) and 10th Cir. R. 32.1(A).

district court accepted these stipulations, but Mr. Wilkins argues that the district court shouldn't have accepted them without confirming that he had personally agreed. But even if the district court had erred, the error would not have affected the fairness, integrity, or public reputation of the judicial proceedings. We thus affirm the conviction.

At sentencing, the district court imposed supervised-release conditions, including inpatient treatment for drug abuse. Mr. Wilkins argues that the district court plainly erred by requiring inpatient treatment without particularized findings. Even if the district court had erred, however, the error would not have affected Mr. Wilkins's substantial rights. So we also affirm the sentence.

1. Before trial, the district court accepted stipulations that Mr. Wilkins had a prior felony conviction and had known that the conviction was for a felony.

On a charge of possessing a firearm after a felony conviction, the government must prove four elements: (1) the defendant had a prior conviction of a crime punishable by over a year in prison, (2) the defendant knew of the prior conviction, (3) the defendant knowingly possessed a firearm, and (4) the possession was in or affected interstate commerce. 18 U.S.C. § 922(g)(1); *see United States v. Trujillo*, 960 F.3d 1196, 1200–01 (10th Cir. 2020). Before trial, the district court accepted stipulations to the first two elements. But the district court did not read the stipulations aloud or ask Mr. Wilkins if he had agreed to them.

2. The jury found Mr. Wilkins guilty of possessing a firearm after a felony conviction.

In light of the stipulations, the government did not present any evidence about the existence of a prior felony conviction or Mr. Wilkins's knowledge of his status as a convicted felon. But the content of the stipulations was mentioned three times.

The prosecutor referred to the stipulations in her opening statement: "The defendant has stipulated that he had been convicted of a crime we call a felony." R., vol. II at 86.

The district court then referred to the stipulations in the opening instructions to the jury:

[T]he parties have stipulated that . . . [Mr. Wilkins] was a convicted felon, and knew that he was a convicted felon Therefore, [those] elements are proven beyond a reasonable doubt, and the government need not present evidence that the defendant was a convicted felon and knew that he was a convicted felon.

Id. at 88; *id.*, vol. I at 46.

After the evidence closed, the prosecutor referred to the substance of the stipulations in her closing argument.

But Mr. Wilkins never objected to the court's acceptance of the stipulations. With these stipulations, the jury returned a guilty verdict.

3. A presentence investigation report summarized Mr. Wilkins's criminal history and drug use.

Before sentencing, a probation officer prepared a presentence report, which discussed Mr. Wilkins's criminal record and history of drug use.

According to the presentence report, Mr. Wilkins had seven prior sentences exceeding a year:

1. second-degree burglary of a habitation (five years in prison),
2. aggravated robbery (five years in prison),
3. unlawful possession of a controlled substance (five years in prison),
4. knowing concealment of stolen property (three years in prison),
5. larceny of lost property (three years in prison),
6. possession of forged notes or instruments (three years in prison), and
7. driving under the influence of alcohol (second offense) (three years in prison).

The report also noted that for two of the convictions (second-degree burglary of a habitation and aggravated robbery), Mr. Wilkins had spent roughly 1-1/2 years in prison.

The presentence report not only listed the seven sentences exceeding a year but also described Mr. Wilkins's history of drug use. This history included

- daily use of marijuana, cocaine, and opiates; and
- occasional use of methamphetamine.

Mr. Wilkins did not object to these parts of the presentence report, and the district court adopted them. On appeal, Mr. Wilkins does not question these parts of the presentence report.

4. At sentencing, the district court imposed a special condition requiring inpatient drug treatment.

At the sentencing, Mr. Wilkins asked for residential drug treatment while in prison. The district court recommended approval of residential drug treatment, pointing to Mr. Wilkins's "history of substance abuse." *Id.*, R., vol. II at 69–71. The court also imposed

- a prison term of 70 months and
- supervised-release terms, including inpatient treatment for drug abuse.

5. We review both issues for plain error.

Mr. Wilkins did not object when the district court accepted the stipulations and imposed inpatient drug treatment. So we review both issues for plain error. *See United States v. Mason*, 85 F.3d 471, 472 (10th Cir. 1996) (stipulation to an element); *United States v. Koch*, 978 F.3d 719, 724 (10th Cir. 2020) (adoption of a special condition of supervised release). Under the plain-error standard, we can reverse only if (1) the court committed an error, (2) the error was plain, (3) the error affected substantial rights, and (4) the error seriously affected the fairness,

integrity, or public reputation of judicial proceedings. *Koch*, 978 F.3d at 724.

6. Even if the district court had obviously erred by accepting the stipulations, the error would not have affected the fairness, integrity, or public reputation of judicial proceedings.

The Constitution requires the government to prove every element of the offense, *United States v. Gaudin*, 515 U.S. 506, 510 (1995), but a defendant may waive this requirement by stipulating to an element, *Mason*, 85 F.3d at 472–73. The district court can accept the stipulation only if the defendant personally agreed to it. *See Johnson v. Cowley*, 40 F.3d 341, 346 (10th Cir. 1994) (stating that “if a stipulation is made, the court must determine whether the defendant agreed to it”).

Mr. Wilkins argues that the district court plainly erred by accepting the stipulations without confirming his agreement.¹ But even if Mr. Wilkins had satisfied the first three prongs of the plain-error standard, his argument would have failed at the fourth prong.²

¹ Before the district court accepted the stipulations, Mr. Wilkins had twice indicated his displeasure with his attorney. First, Mr. Wilkins had filed an “Invocation of Rights” and asked the court to require defense counsel to furnish him with all of the case records. Second, defense counsel had told the court that Mr. Wilkins “wishe[d] to have [counsel] withdrawn.” R., vol. II at 25. Mr. Wilkins then addressed the court, stating that defense counsel had not done anything asked, had “not conferred,” and had not provided any representation. *Id.* at 27. The court responded that “it was just too late” to address Mr. Wilkins’s request for withdrawal of his counsel. *Id.* at 29.

² The parties disagree on

At this prong, we conclude that an error would not have seriously affected the fairness, integrity, or public reputation of judicial proceedings because the presentence report supplied overwhelming and uncontroverted support for the stipulations.

The presentence report shows that Mr. Wilkins had seven previous convictions with sentences exceeding one year.³ *See* Part 3, above. For two

- whether the district court made an obvious error and
- whether an error affected Mr. Wilkins's substantial rights.

In discussing whether an error would have affected substantial rights, the parties take different approaches.

Mr. Wilkins argues that we should consider only the trial evidence. The Second and Seventh Circuit Courts of Appeal support this approach. *United States v. Miller*, 954 F.3d 551, 558 (2d Cir. 2020); *United States v. Maez*, 960 F.3d 949, 961 (7th Cir. 2020). In contrast, the government asks us to follow the Fifth Circuit, which has allowed judicial notice of the facts of a prior felony conviction. *United States v. Staggers*, 961 F.3d 745, 755 & n.1 (5th Cir. 2020), *cert. denied*, No. 20-5051, 2020 WL 5883456 (U.S. Oct. 5, 2020). But we need not decide whether prong three limits our review to the trial evidence because Mr. Wilkins has not satisfied the fourth prong.

³ In a letter of supplemental authorities, Mr. Wilkins argues for the first time that we should confine ourselves to the trial record when considering the fourth prong of the plain-error standard. This argument is too late. In responding to the opening brief, the government relied on excerpts from the presentence report. Mr. Wilkins filed a reply brief, but he did not suggest that the court's consideration of the fourth prong should be limited to the trial record. At the time, all of the circuit courts to consider the issue had held that courts could look beyond the trial record to analyze the fourth prong. *See Miller*, 954 F.3d at 560; *Maez*, 960 F.3d at 949, 963; *United States v. Owens*, 966 F.3d 700, 706–07 (8th Cir. 2020).

of these convictions, he spent roughly 1–1/2 years in prison. *See id.* Given the numerous sentences exceeding one year and actual incarceration of more than a year on two of the convictions, Mr. Wilkins could not reasonably challenge the existence of a prior felony conviction or his knowledge that he had been convicted of a felony. *See United States v. Trujillo*, 960 F.3d 1196, 1208 (10th Cir. 2020) (noting that a defendant who had six felony convictions and had served four years in prison “[could not] credibly claim he was unaware that he was a felon”).

Because the presentence report supplied overwhelming, uncontested evidence of the stipulated elements, Mr. Wilkins has not satisfied the fourth prong. *See id.* at 1208–09 (“Where the evidence of Defendant’s knowledge of his felony status is ‘overwhelming and uncontested,’ the real threat to the ‘fairness, integrity and public reputation of judicial proceedings’ would be if Defendant were permitted

After we decided to forgo oral argument, Mr. Wilkins filed a letter of supplemental authorities, pointing out that the Third Circuit had recently created a circuit split by restricting itself to the trial evidence when considering the fourth prong of the plain-error standard. *United States v. Nasir*, __ F.3d __, 2020 WL 7041357, at *11–18 (3d Cir. Dec. 1, 2020) (en banc). But it was too late to inject this issue through the letter of supplemental authorities. *See United States v. Hernandez*, 847 F.3d 1257, 1262 (10th Cir. 2017) (“It is well established that we will not consider issues raised for the first time in a Rule 28(j) letter . . . because, in part, the language of Rule 28(j) underscores that an appellant’s supplemental authority must relate to an issue previously raised in a proper fashion.” (quoting *Thacker v. Workman*, 678 F.3d 820, 842 (10th Cir. 2012))).

to withdraw from a plea unequivocally supported by the facts” (quoting *United States v. Cotton*, 535 U.S. 625, 634 (2002)).⁴ We thus reject this claim at the fourth prong of the plain-error standard.

7. Even if the district court had obviously erred by ordering inpatient treatment without particularized findings, the error would not have affected Mr. Wilkins’s substantial rights.

Mr. Wilkins also argues that the district court obviously erred by ordering inpatient drug treatment without making particularized findings. For the sake of argument, we can assume that the district court had committed an obvious error. Even with this assumption, however, Mr. Wilkins would have needed to show an effect on his substantial rights. *See*

⁴ Mr. Wilkins argues that “where a constitutional error has affected the defendant’s substantial rights, thus satisfying the third prong of the plain error test, ‘it is ordinarily natural to conclude that the fourth prong is also satisfied and reversal is necessary.’” *United States v. Miller*, 891 F.3d 1220, 1237 (10th Cir. 2018) (quoting *United States v. Gonzalez-Huerta*, 403 F.3d 727, 745 (10th Cir. 2005)), *cert. denied*, 139 S. Ct. 1219 (2019). We assume for the sake of argument that the third prong was satisfied. *See* *United States v. Gaudin*, 515 U.S. 506, 510 (1995).

But this assumption does not affect the outcome. In *Johnson v. United States*, 520 U.S. 461 (1997), the U.S. Supreme Court considered a similar issue. There one element of the petitioner’s offense was not submitted to the jury, violating the constitutional requirement to prove each element of the offense. 520 U.S. at 467–68. The Supreme Court assumed that the petitioner had satisfied the third prong of the plain-error standard. *Id.* at 469. Even with this assumption, the Court recognized that the evidence of guilt had been “overwhelming” and “uncontroverted.” *Id.* at 470. Given the overwhelming, uncontroverted evidence of guilt, the Court upheld the conviction at the fourth prong of the plain-error standard even if the third prong had been satisfied. *Id.*

Part 5, above. For that showing, Mr. Wilkins needed to establish a reasonable probability that the process of making particularized findings would have led the district court to forgo a requirement of inpatient treatment. *United States v. Koch*, 978 F.3d 719, 730 (10th Cir. 2020).

We assume for the sake of argument that the district court could impose inpatient treatment only upon a particularized finding of compelling circumstances. *See id.* at 725 (stating that “when a court imposes a special condition that invades a fundamental right or liberty interest, the court must justify the condition with compelling circumstances”); *cf. United States v. Bear*, 769 F.3d 1221, 1231 (10th Cir. 2014) (stating that inpatient treatment affects a significant liberty interest). Given this assumption, we consider whether the district court had a basis to find compelling circumstances. *Koch*, 978 F.3d at 729 (citing *United States v. Francis*, 891 F.3d 888, 898 (10th Cir. 2018)).

The record supported some kind of drug treatment: The presentence report showed a lengthy history with illegal drugs, and the sentencing guidelines recommended drug treatment if the district court had reason to believe that the defendant had abused drugs. U.S.S.G. § 5D1.3(d)(4); *see United States v. Henry*, 979 F.3d 1265, 1270–71 (10th Cir. 2020). But treatment can be inpatient or outpatient, and the two vary. *See United States v. Riccio*, 567 F.3d 39, 40 (1st Cir. 2009) (stating that outpatient mental treatment materially differs from inpatient mental treatment).

Inpatient treatment entails a “greater infringement[] on a defendant’s liberty than outpatient . . . care or other more routine treatment and assessment tools.” *Bear*, 769 F.3d at 1230.

One could arguably question the necessity of inpatient treatment. After all, supervised release will begin only after Mr. Wilkins has spent almost six years in prison⁵ and home confinement or community corrections. During that time, he may be able to obtain treatment, as the district court recommended. *See* 18 U.S.C. § 3621(b) (“The Bureau shall make available appropriate substance abuse treatment for each prisoner the Bureau determines has a treatable condition of substance addiction or abuse.”). By the time that he is released, inpatient treatment might prove unnecessary.⁶

Despite that possibility, we conclude that Mr. Wilkins has not shown a reasonable probability that he would have obtained a different sentence

⁵ The Bureau of Prisons may shorten Mr. Wilkins’s sentence for satisfactory behavior. 18 U.S.C. § 3624(b).

⁶ Mr. Wilkins also argues that the record does not show a need for inpatient treatment, pointing out that the Bureau of Prisons has provided nonresidential treatment for many drug addicts. *See* Christopher J. Mumola and Jennifer C. Karberg, Drug Use and Dependence, State and Federal Prisoners, 2004, Bureau of Justice Statistics at 2 tbl.2 and 7 tbl. 5 (Oct. 2006), www.bjs.gov/content/pub/pdf/dudsfp04.pdf; Bureau of Prisons, Program Statement 7430.02: Community Transitional Drug Abuse Treatment (April 14, 1999), https://www.bop.gov/policy/progstat/7430_002.pdf. But the Bureau of Prisons’ policy does not bind the district court.

but for the district court's error. The district court considered Mr. Wilkins's request for residential treatment and had at least some basis to find compelling circumstances. These circumstances included Mr. Wilkins's history of drug abuse, which starting with marijuana when he was just thirteen years old and escalated in adulthood to methamphetamine and daily use of cocaine and opiates. Despite this escalation of drug use, the district court had to assess the need for inpatient treatment years in advance.

In assessing that need, the court would presumably have considered Mr. Wilkins's request for residential treatment during his prison term. Though the court recommended such treatment, the ultimate decision on placement lay with the Bureau of Prisons. 18 U.S.C. § 3621(e); 28 C.F.R. § 550.53(e). And the court pointed out that Mr. Wilkins might not stay in prison long enough to obtain residential treatment.⁷ So the court had reason

⁷ Mr. Wilkins argues that the prison term was long enough to obtain treatment. But placement in the program lay within the discretion of the prison's Drug Abuse Program Coordinator, 28 C.F.R. § 550.53(e), and the warden retains discretion to find any inmate ineligible for participation in the program, 28 C.F.R. § 550.53(a)(3). Even if Mr. Wilkins were chosen for residential treatment, he could participate only if adequate resources existed. In the past, other courts have noted that prisoners' demand for residential drug treatment exceeded availability. *E.g.*, *Close v. Thomas*, 653 F.3d 970, 972–73 (9th Cir. 2011); *see also* Drug Abuse Treatment Program, 81 Fed. Reg. 24,484–02, 24,488, 2016 WL 1625949 (Apr. 26, 2016) (stating that over 5,000 inmates were on the wait list for the prison system's program of residential drug treatment); Drug Abuse Treatment Program: Subpart Revision and Clarification and Eligibility of D.C. Code Felony Offenders for Early Release Consideration, 74 Fed. Reg. 1,892–01,

to believe that Mr. Wilkins might not otherwise obtain adequate treatment despite his need.

Given the escalating drug use and uncertainty of residential treatment in prison, the court had at least some basis to find compelling circumstances. In light of the basis for this finding, we conclude that Mr. Wilkins did not show an effect on his substantial rights. We thus reject his challenge to the condition requiring inpatient drug treatment.

* * *

We affirm, concluding that Mr. Wilkins failed to satisfy the plain-error standard for either the conviction or the requirement of inpatient drug treatment.

Entered for the Court

Robert E. Bacharach
Circuit Judge

1,893, 2009 WL 76657 (Jan. 14, 2009) (noting that over 7,000 inmates were on the wait list for the prison system's program of residential drug treatment). We thus have no way of knowing whether Mr. Wilkins will be able to participate in the Bureau of Prisons' residential drug-treatment program despite the district court's recommendation.

Excerpt of Sentencing Transcript

Dec. 19, 2019

1 THE COURT: RDAP?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Well, I think that would be helpful.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: I don't know the time you will be in, you
6 may not make it, but you may. So I hope you'll get that. All
7 right.

8 THE DEFENDANT: Okay. Thank you, sir, very much.

9 THE COURT: I find the report to be accurate and to
10 be incorporated into the court's findings of fact. Those
11 findings of fact include a total offense level of 20 and a
12 criminal history category of V. And under the United States
13 Sentencing Guidelines, a custody range of 70 to 87 months;
14 supervised release is one to three years; probation is
15 ineligible; a fine of \$15,000 to \$150,000; restitution is not
16 applicable; and a special assessment of \$100 is mandatory.

17 The court notes for the record that neither the government
18 nor the defendant has filed an objection to the presentence
19 report.

20 Additionally, neither party has filed a motion or
21 sentencing memorandum requesting a departure or variance from
22 the advisory guideline range.

23 The court recognizes that the United States Sentencing
24 Guidelines are advisory and not mandatory, but has considered
25 the sentencing guidelines along with all of the factors set

Terri Beeler, RMR-FCRR
U.S. District Court - NDOK

1 forth in Title 18 of the United States Code, Section 3553(a) to
2 reach an appropriate and reasonable sentence in this case.

3 In determining a sentence, the court has considered the
4 nature of the offense and the defendant's criminal history and
5 personal characteristics.

6 This case involved the defendant possessing a firearm and
7 ammunition after sustaining multiple felony convictions. The
8 defendant is 38 years old with a serious criminal history,
9 including a previous federal conviction for conspiracy to
10 commit fraud in connection with access devices, a history of
11 substance abuse, and a sporadic employment history.

12 Based on these factors, a sentence within the advisory
13 guideline range will serve as an adequate deterrent to this
14 defendant as well as others, promote respect for the law,
15 provide just punishment for the offense, and provide protection
16 for the public. Sentencing disparities among defendants were
17 considered in determining an appropriate sentence in this case.

18 A term of supervised release is appropriate with special
19 conditions based upon the aforementioned factors and will allow
20 the defendant time to reintegrate into the community upon
21 release from imprisonment, be monitored for future law
22 violations, and receive appropriate drug treatment.

23 Restitution is not a factor.

24 In accordance with applicable law, the court hereby
25 imposes the following sentence: It is the order and judgment

Terri Beeler, RMR-FCRR
U.S. District Court - NDOK

1 of the court that the defendant, Ira Lee Wilkins, is hereby
2 committed to the custody of the Bureau of Prisons to be
3 imprisoned for a term of 70 months.

4 The court recommends that the defendant be placed in a
5 facility that will allow him the opportunity to participate in
6 the Bureau of Prisons' Residential Drug Abuse Program. That's
7 what we're talking about.

8 THE DEFENDANT: Okay.

9 THE COURT: The court orders that the preliminary
10 order of forfeiture of firearm, magazine, and ammunition,
11 that's document number 46, is hereby incorporated by reference.

12 Based on the defendant's financial profile as is outlined
13 in the presentence report, the court finds that the defendant
14 does not have the ability to pay a fine, therefore no fine will
15 be imposed.

16 Upon release from imprisonment, the defendant shall be
17 placed on a term of supervised release for a period of three
18 years. Should the term of supervised release be revoked, an
19 additional term of imprisonment of up to two years could be
20 imposed at each revocation.

21 Immediately upon release from confinement, but in no event
22 later than 72 hours, the defendant must report in person to the
23 probation office in the district where the defendant is
24 authorized to reside.

25 While on supervised release, the defendant must not commit

Terri Beeler, RMR-FCRR
U.S. District Court - NDOK

Court Records from Collin County, Texas

Case No. 219-81049-99

DEFENDANT WILKINS, IRA LEE

CHARGE AGG ROB F1

ADDRESS CC JAIL

CAUSE# 219-81050-99

DESCRIPTION 4/24/81, BM, 5'8, 160, BLK/BRO

AGENCY/# MCKINNEY 99-21053

ARREST INFORMATION 10/1/99 ON JP1-100199-1 RALEEH

C/C OTHA HOTCHKINS, CAMERON WILSON; BURG HAB

TRUE BILL OF INDICTMENT

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS: The Grand Jury of Collin County, State of Texas, duly organized at the JULY Term, A.D., 19 99 of the 296 th

District Court of said county, in said court at said term, do present that

IRA LEE WILKINS HEREINAFTER CALLED DEFENDANT

on or about the 13TH day of SEPTEMBER in the year of our Lord One Thousand Nine Hundred NINETY-NINE, in said county and State, did then and there

intentionally and knowingly, while in the course of committing theft of property and with intent to obtain and maintain control of said property, threaten and place Michael Carouth in fear of imminent bodily injury and death, and the defendant did then and there use and exhibit a deadly weapon, namely: a firearm;

intentionally, with the specific intent to commit the offense of aggravated robbery of Michael Carouth, do an act, to-wit: tried and attempted to rob Michael Carouth, which amounted to more than mere preparation that tended but failed to effect the commission of the offense intended;

intentionally, knowingly and recklessly, while in the course of committing theft of property and with intent to obtain and maintain control of said property, cause bodily injury to Michael Carouth by striking Michael Carouth in the ear with defendant's hand;

intentionally, knowingly and recklessly, while in the course of committing theft of property and with intent to obtain and maintain control of said property, cause bodily injury to Michael Carouth by striking Michael Carouth in the ear with defendant's fist;

intentionally, knowingly and recklessly, while in the course of committing theft of property and with intent to obtain and maintain control of said property, cause bodily injury to Michael Carouth by striking Michael Carouth in the neck with defendant's hand;

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HANNAH KUNKLE
DISTRICT CLERK
COLLIN COUNTY, TEXAS
BY *Davis* DEPUTY

intentionally, knowingly and recklessly, while in the course of committing theft of property and with intent to obtain and maintain control of said property, cause bodily injury to Michael Carouth by striking Michael Carouth in the neck with defendant's fist;

intentionally, with the specific intent to commit the offense of Robbery of Michael Carouth, do an act, to-wit: tried and attempted to rob Michael Carouth, which amounted to more than mere preparation that tended but failed to effect the commission of the offense intended;

against the peace and dignity of the State.

A handwritten signature in black ink, appearing to read "JACKIE SCHNITTER", is enclosed within a decorative, textured rectangular border.

Foreman of the Grand Jury

THE STATE OF TEXAS

VS.

NO. 219-81050-99

IN THE 219TH JUDICIAL

DISTRICT COURT OF

COLLIN COUNTY, TEXAS

IRA LEE WILKINS

STIPULATION OF FACTS

12.9, 1999

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW THE DEFENDANT in the above numbered and styled cause with his or her attorney of record, with the express consent of said defendant and attorney and of the attorney representing the State of Texas, and hereby agrees and stipulates, and in doing so, judicially confess that the following facts are true and constitute evidence in this case:

The person signing this stipulation as the "Defendant" is the same person charged in the above-numbered indictment as the defendant in this cause.

That I, the said Defendant, on the 13th day of September, 1999, in Collin County, Texas, did then and there intentionally and knowingly, while in the course of committing theft of property and with intent to obtain and maintain control of said property, threaten and place Michael Carouth in fear of imminent bodily injury and death, and used and exhibited a deadly weapon, namely: a firearm;

and I further stipulate that I owe restitution in the amount of \$ _____

as charged in the indictment.



DEFENDANT



ATTORNEY FOR THE STATE OF TEXAS



ATTORNEY FOR DEFENDANT

ATTEST

STATE OF TEXAS)
COUNTY OF COLLIN)

BEFORE ME, the undersigned authority, on this day personally appeared the defendant whose name appears hereon and swore to me that he or she has read the foregoing "Stipulation of Facts" or after telling me that he or she could not read all of said instrument, swore to me that he or she has had it read to him or her by his or her attorney, and said defendant then swore to me that he or she fully understood and consented to the same, after which he or she subscribed his or her name in my presence.

Clerk of the Judicial District Court of Collin County, Texas

BY:

DEPUTY

**ORDER DEFERRING ADJUDICATION OF GUILT - PLEA OF
GUILTY OR NOLO CONTENDERE - JURY WAIVED - NON-CAPITAL**

CRIMINAL MINUTES OF THE DISTRICT COURT OF COLLIN COUNTY, TEXAS

NO. 219-81050-99

THE STATE OF TEXAS

January TERM, A.D., 2000

VS

IRA LEE WILKINS

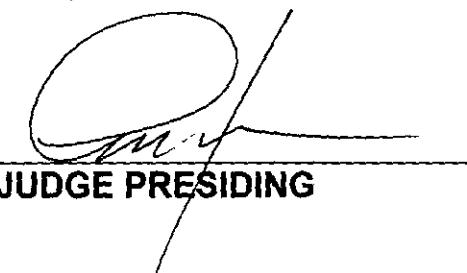
January 7, A.D., 2000

**ORDER PLACING DEFENDANT ON
COMMUNITY SUPERVISION WITHOUT ADJUDICATION OF GUILT**

On this date and in this cause, the State appeared by her Criminal District Attorney and the Defendant, Ira Lee Wilkins, appeared in open court in person, his/her counsel also being present, for the purpose of placing the defendant on community supervision without adjudication of guilt pursuant to the provision of Section 5 of Article 42.12, Code of Criminal Procedure of Texas, whereupon the Court, in the presence of said defendant and his/her counsel, proceeded to place the defendant on community supervision as determined by the Court.

It is the order of the Court that the said defendant be and is hereby placed on community supervision for a period of Six (6) years for the offense of Aggravated Robbery as charged in the indictment, in accordance with the provision of the law governing community supervision of said State, it appearing to the Court that the ends of justice and the best interests of the public, as well as the defendant, will be served by placing the defendant on community supervision without an adjudication of guilt.

SIGNED this 14 day of Jan, 2000.


JUDGE PRESIDING

COMMUNITY SUPERVISION ORDER - PLEAS OF GUILTY OR NOLO CONTENDERE - JURY WAIVED
NON CAPITAL CRIMINAL MINUTES OF THE 219TH DISTRICT COURT OF COLLIN COUNTY, TEXAS

THE STATE OF TEXAS

NO: 219-81050-99

DEF. ADJ.

VS

NUNC PRO TUNC

IRA LEE WILKINS

REGULAR

ORDER SUSPENDING IMPOSITION OF SENTENCE AND PLACING DEFENDANT ON COMMUNITY SUPERVISION

Having suspended the imposition of punishment or having deferred adjudication of a finding in this case and having placed the defendant on community supervision in the above-entitled and numbered cause on January 7, 2000 for a period of Six (6) years for the offense of Aggravated Robbery the Court ORDERS the defendant, during this period of supervision, to comply with the following terms and conditions, to-wit: You will:

- (1) Commit no offense against the laws of this or any State, or the United States;
- (2) Do not use marijuana, dangerous drugs or any substance prohibited by the Texas Controlled Substances Act;
- (3) Avoid persons and places of disreputable or harmful character;
- (4) Report to a _____ / Collin County Supervision Officer as scheduled by the Supervision Officer;
- (5) Permit the Supervision Officer to visit you at home or elsewhere;
- (6) Work faithfully at suitable employment insofar as possible;
- (7) Report any change in address, change of employment, or arrest to Supervision Officer within 48 hours;
- (8) Remain within _____ / Collin County, Texas, unless permitted to depart by your Supervision Officer;
- (9) Support your dependents;
- (10) Submit to testing as required by the Supervision Officer to determine the illegal use of any controlled substance and/or alcohol;
- (11) Pay the following amounts as indicated until the total amount is paid:
 - a. Pay the fine assessed in the amount of \$-0-; () instanter, () in monthly installments of \$_____, () within ____ days;
 - b. Pay court cost of \$192.00 within 30 days;
 - c. Pay restitution, jointly and severally with co-defendant, of \$-0-; () in monthly installments of \$_____, () within ____ days;
 - d. Pay supervision fee of \$40.00 per month (an additional \$5.00 per month for offenses under Section 21.08, 21.11, 22.011, 22.021, 25.02, 25.06, 43.25 or 43.26 of the Penal Code); waived while in jail, residential treatment center or supervised out of state;
 - e. Reimburse Collin County as directed by the Supervision Officer for compensation paid to appointed counsel at the rate of \$10.00 per month beginning the month after placed on supervision;
 - f. Reimburse the court reporter as directed by the Supervision Officer for the cost of the Statement of Facts in this case;
 - g. Reimburse Collin County for the cost for testing as required by the Supervision Officer to determine the illegal use of any controlled substances and/or alcohol, to be paid within 30 days after submitting test;
- (12) Make all payments through the Community Supervision and Corrections Department of Collin County, Texas by the 15th day of each month beginning the month next following the entry of Judgment;
- (13) Participate in the Treatment Alternatives to Incarceration Program (TAIP) by submitting to a substance abuse evaluation and successfully completing the recommended course of treatment.
- (14) Participate in and complete a Drug Offenders Education Program within five (5) months (non-deferred drug cases only).
- (15) Within 24 hours, report to the Collin County Detention Facility at 4300 Community Avenue, McKinney, Texas, and remain until permitted to depart, for the purpose of providing processing information;

You are further ordered to comply with all future orders of the Court (You will be furnished with a copy of all such orders).

ADDITIONAL OR SPECIAL CONDITIONS

(X) Have no direct communication with the victim, Michael Carouth, and his/her family and maintain a distance of at least 50 yards from the victim's residence or place of employment;

- () Pay reasonable and necessary costs incurred by the victim herein, for psychological counseling and/or medical treatment made necessary by defendant's commission of the offense herein, in monthly payments of \$ _____ for a period not to exceed one year from the date of this judgment;
- (X) Submit to psychological/psychiatric/alcohol/substance abuse evaluation by as scheduled by the **Supervision Officer**, as approved by the Supervision Officer and complete any treatment recommended as a result of that evaluation;
- () Do not operate a motor vehicle unless the vehicle is equipped with a Deep Lung Device (DLD) designed to prevent operation of the vehicle following the driver's consumption of alcohol per attached order, which is hereby incorporated as part of this order;
- (X) Participate in the Intensive Supervision Program/Specialized Caseload Program, until the Supervision Officer determines the defendant is no longer in need of said program, per attached Exhibit A, which is hereby incorporated as part of this order;
- (X) Perform 400 hours of community service work at the rate of 10 hours per month to begin within 30 days of this order;
- () May not apply for early release;
- () May not apply for an occupational drivers license through any other Court;
- () Driver's License is suspended for _____ years;
- () Attend a meeting of the local Victim Impact Panel within eight months and present verification to your Supervision Officer;
- () Attend Alcoholics Anonymous/Narcotics Anonymous _____ time(s) per week for _____ weeks/months/years;
- () Attend a review hearing on _____;
- () Abstain from the use of alcohol in any form;
- () Obtain a high school diploma or General Equivalency diploma by _____;
- (X) Participate in and complete the Crossroads Life Skills Program to begin within 90 days of this order and pay all costs as directed by the Supervision Officer;
- () Have no contact with co-defendants, _____;
- () Serve _____ days in the Collin County Jail to begin _____ ; (work release: yes () no ());
- (X) Serve 180 days in the Collin County Jail SCORE program. Follow all rules and regulations and successfully complete said program;
- () Serve a term of confinement in a State Jail for a period of no less than 120 days and no more than 180 days; obey all rules and regulations of the state Jail until discharged; participate in the Substance Abuse Program at the State Jail upon availability; follow all guidelines and instructions until successfully discharged or until further ordered by the Court; and follow all aftercare recommendations, including but not limited to TAIP through Collin County Community Supervision & Corrections Department. This term is to begin upon actual admission to the State Jail without credit for any time spent in the county jail;
- () Participate in the SAFP Program per attached order;

() Participate in the Youthful Offender Caseload Program until the Supervision Officer determines the defendant is no longer in need of said program, per attached Exhibit A, which is hereby incorporated as part of this order;

(X) Participate in the Electronic Monitoring Program for a period of 180 days, per attached Exhibit A, which is hereby incorporated as part of this order;

() Participate in and complete the 16 week Selective Intervention Program (SIP) to begin within 90 days of this order and pay all costs as directed by the Supervision Officer;

() Attend AIDS Education Film as scheduled by the Supervision Officer;

() Abide by a curfew of _____;

() Enroll in an English as a second language course within 60 days of this order and provide proof of completion of said course to the supervision officer;

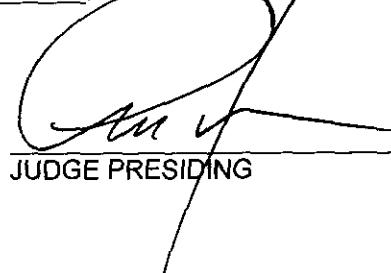
() Attain gainful employment and show proof thereof to the supervision officer by _____;

() Attend a restitution hearing within 30 days;

(X) Other: Defendant is to report to the Bailiff of the 219th District Court on Monday, January 10, 2000 at 3:00 p.m. to begin the SCORE program;

You are advised that under the laws of this State, the Court has determined and imposed the above terms and conditions of your community supervision, and may at any time during the period of supervision alter or modify them. The Court also has the authority, at any time during the period of community supervision to revoke your community supervision for any violation of the conditions of your supervision set out above.

Signed this 21 day of Jan, A.D., 2000.



JUDGE PRESIDING

WITNESS: _____
Supervision Officer

Defendant

Right Thumb

THE STATE OF TEXAS

VS

Ira Lee WilkinsIN THE 219 JUDICIAL
DISTRICT COURT OF
COLLIN COUNTY, TEXAS**ELECTRONIC MONITORING PROGRAM**

Participate in a program of electronic monitoring through Collin County CSCD, honoring program rules/regulations, and subject to the following conditions:

(01) Monitoring term of 180 consecutive days beginning 72 hours of release.

(02) Remain inside residence approved by supervision officer during curfew times. Subject to the following curfew: from _____ to _____ seven days weekly;
 to be determined by supervision officer.
 other (see below)

(03) Authorized time outside of residence is for employment, court-ordered activities, church, counseling, school, and necessary basic livelihood needs except for time from 10:00 p.m. to 6:00 a.m. which is for employment only. Provide verifiable documentation confirming activities outside of residence to EM officer. Keep a daily activity journal if requested by EM officer.

(04) Report to Collin County CSCD EM officer at the Plano office at least one time weekly or as instructed by EM officer.

(05) Provide telephone and electrical service at the monitored residence. Phone system must be a single direct line with no cordless phone, voice mail, caller ID, call waiting, call forwarding features, no 1-800 blocks, and no computers or fax machines routing through system. Produce monthly phone bill to supervision officer as requested.

(06) Do not alter or change EM leg transmitter (PIU) or residential receiver unit (PRU) unless told to do so by Collin County CSCD or monitoring service personnel.

(07) Cooperate with contracted EM personnel and supervision officer in assuring proper installation, operation, and return or recovery of monitoring equipment to contracted monitoring agency.

(08) Beginning the month following the date of this order reimburse Collin County CSCD a minimum of \$50.00 monthly towards the \$5.00 daily EM equipment rental fee. The account balance is to be paid in full one month prior to supervision termination date.

(09) Upon Completion of electronic monitoring program the defendant will:

(1) _____

(2) _____

(3) _____

COMMUNITY SUPERVISION ORDER-PLEAS OF GUILTY OR NOLO CONTENDERE-JURY WAIVED
NON CAPITAL CRIMINAL MINUTES OF THE 219 TH DISTRICT COURT OF COLLIN COUNTY, TEXAS

THE STATE OF TEXAS

NO: 219-81050-99

DEF. ADJ. XX

Vs.

Ira Lee Wilkins

REGULAR

AMENDED

ORDER SUSPENDING IMPOSITION OF SENTENCE AND PLACING DEFENDANT ON COMMUNITY SUPERVISION

Having suspended the imposition of punishment of having deferred adjudication of a finding in this case and having placed the defendant on community supervision in the above-entitled and numbered cause on January 7, 2000 for a period of six (6) years for the offense of Aggravated Robbery the Court ORDERS the defendant, during this period of supervision, to comply with the following terms and conditions, to-wit: You will:

- (1) Commit no offense against the laws of this or any State, or the United States;
- (2) Do not use marijuana, dangerous drugs or any substance prohibited by the Texas Controlled Substances Act;
- (3) Avoid persons and places of disreputable or harmful character;
- (4) Report to a Tulsa, OK/Collin County Supervision Officer as scheduled by the Supervision Officer;
- (5) Permit the Supervision Officer to visit you at home or elsewhere;
- (6) Work faithfully at suitable employment insofar as possible;
- (7) Report any change in address, change of employment, or arrest to Supervision Officer within 48 hours;
- (8) Remain within Tulsa, OK/Collin County, Texas, unless permitted to depart by your Supervision Officer;
- (9) Support your dependents;
- (10) Submit to testing as required by the Supervision Officer to determine the illegal use of any controlled substance and/or alcohol;
- (11) Pay the following amounts as indicated until the total amount is paid:
 - a. Pay the fine assessed in the amount of \$-0-; () instanter, () in monthly installments of \$_____, () within ____ days;
 - b. Pay court cost of \$192.00 within 30 days;
 - c. Pay restitution, jointly and severally with co-defendant, of \$-0-; () in monthly installments of \$ () within ____ days;
 - d. Pay supervision fee of \$40.00 per month (an additional \$5.00 per month for offenses under Section 21.08, 21.11, 22.011, 22.021, 25.02, 25.06, 43.25 or 43.26 of the Penal Code); waived while in jail, residential treatment center or supervised out of state;
 - e. Reimburse Collin County as directed by the Supervision Officer for compensation paid to appointed counsel at the rate of \$10.00 per month \$10.00 beginning the month after placed on supervision;
 - f. Reimburse the court reporter as directed by the Supervision Officer for the cost of the Statement of Facts in this case;
 - g. Reimburse Collin County for the cost for testing as required by the Supervision Officer to determine the illegal use of any controlled substances and/or alcohol, to be paid within 30 days after submitting test;
- (12) Make all payments through the Community Supervision and Corrections Department of Collin County, Texas by the 15th day of each month beginning the month next following the entry of Judgment;
- (13) Participate in the Treatment Alternatives to Incarceration Program (TAIP) by submitting to a substance abuse evaluation and successfully completing the recommended course of treatment;
- (14) Participate in and complete a Drug Offenders Education Program within five (5) months (non-deferred drug cases only).
- (15) Within 24 hours, report to the Collin County Detention Facility at 4300 Community Avenue, McKinney, Texas, and remain until permitted to depart, for the purpose of providing processing information;

You are further ordered to comply with all future order of the Court (You will be furnished with a copy of all such orders).

ADDITIONAL OR SPECIAL CONDITIONS

(XX) Have no direct communication with the victim, Michael Carouth, and his/her family and maintain a distance of at least 50 yards from the victim's residence or place of employment;

() Pay reasonable and necessary costs incurred by the victim herein, for psychological counseling and/or medical treatment made necessary by defendant's commission of the offense herein, in monthly payments of \$____ for a period not to exceed one year from the date of this judgment;

(XX) Submit to psychological/psychiatric evaluation within 90 days of this order as approved by the Supervision Officer and complete any treatment recommended as a result of that evaluation;

() Submit to alcohol/substance abuse evaluation within 90 days of this order as approved by the supervision Officer and complete any treatment recommended as a result of that evaluation;

() Do not operate a motor vehicle unless the vehicle is equipped with a Deep Lung Device (DLD) designed to prevent operation of the vehicle following the driver's consumption of alcohol per attached order, which is hereby incorporated as a part of this order;

(XX) Participate in the Intensive Supervision Program/Specialized Caseload Program, until the Supervision Officer determines the defendant is no longer in need of said program, per attached Exhibit A, which is hereby incorporated as part of this order;

(XX) Perform **400** hours of community service work at the rate of 10 hours per month to begin within 30 days of this order;

() May not apply for early release;

() May not apply for an occupational drivers license through any other Court;

() Driver's License is suspended for _____ years;

() Attend a meeting of the local Victim Impact Panel within eight months and present verification to your Supervision Officer;

() Attend Alcoholics Anonymous/Narcotics Anonymous _____ time(s) per week for _____ weeks/months/years;

() Attend a review hearing on _____;

() Abstain from the use of alcohol in any form;

() Obtain a high school diploma or General Equivalency diploma by _____;

(XX) Participate in and complete the Crossroads Life Skills Program to begin within 90 days of this order and pay all costs as directed by the Supervision Officer;

() Have no contact with co-defendants, _____;

() Serve _____ days in the Collin County Jail to begin _____; (work release: yes () no ()

(XX) Participate in the Collin County Jail SCORE/Restitution Facility per attached Exhibit A, which is hereby incorporated as part of this order;

() Serve a term of confinement in a State Jail for a period of no less than 120 days and no more than 180 days; obey all rules and regulations of the State Jail until discharged; participate in the Substance Abuse Program at the State Jail upon availability; follow all guidelines and instructions until successfully discharged or until further ordered by the Court; and follow all aftercare recommendations, including but not limited to TAIP through Collin County Community Supervision & Corrections Department. This term is to begin upon actual admission to the State Jail without credit for any time spent in the county jail;

() Participate in the SAFP Program per attached order;

() Participate in the Youthful Offender Caseload Program until the supervision officer determines the defendant is no longer in need of said program, per attached Exhibit A, which is hereby incorporated as part of this order;

(XX) Participate in the Electronic Monitoring Program for a period of 180 days, per attached Exhibit A, which is hereby incorporated as part of this order;

() Participate in and complete the 16-week Selective Intervention Program (SIP) to begin within 90 days of this order and pay all costs as directed by the supervision officer;

() Attend AIDS Education Film as scheduled by the Supervision Officer;

() Abide by a curfew of _____;

() Enroll in English as a second language course within 60 days of this order and provide proof of completion of said course to the supervision officer;

() Attain gainful employment and show proof thereof to the supervision officer by _____;

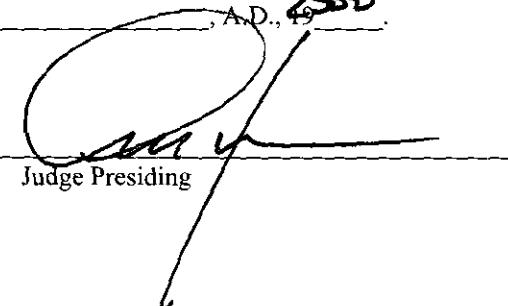
() Attend a restitution hearing within 30 days;

(XX) Other: **Defendant is to report to the Bailiff of the 219th District Court on Monday, January 10, 2000 at 3:00 p.m. to begin the SCORE Program;**

You are advised that under the laws of this State, the Court has determined and imposed the above terms and conditions of your community supervision, and may at any time during this period of supervision alter or modify them. The Court also has the authority, at any time during the period of community supervision to revoke your community supervision for any violation of the conditions of your supervision set out above.

Signed this 31 day of May, A.D., 2000.

WITNESS: _____
Supervision Officer


Judge Presiding

Defendant

Right Thumb

COMMUNITY SUPERVISION ORDER-PLEAS OF GUILTY OR NOLO CONTENDERE-JURY WAIVED
NON CAPITAL CRIMINAL MINUTES OF THE 219 TH DISTRICT COURT OF COLLIN COUNTY, TEXAS

THE STATE OF TEXAS

NO: 219-81050-99

DEF. ADJ. XX

Vs.

Ira Lee Wilkins

REGULAR

AMENDED

ORDER SUSPENDING IMPOSITION OF SENTENCE AND PLACING DEFENDANT ON COMMUNITY SUPERVISION

Having suspended the imposition of punishment of having deferred adjudication of a finding in this case and having placed the defendant on community supervision in the above-entitled and numbered cause on January 7, 2000 for a period of six (6) years for the offense of **Aggravated Robbery** the Court ORDERS the defendant, during this period of supervision, to comply with the following terms and conditions, to-wit: You will:

- (1) Commit no offense against the laws of this or any State, or the United States;
- (2) Do not use marijuana, dangerous drugs or any substance prohibited by the Texas Controlled Substances Act;
- (3) Avoid persons and places of disreputable or harmful character;
- (4) Report to a Tulsa OK/Collin County Supervision Officer as scheduled by the Supervision Officer;
- (5) Permit the Supervision Officer to visit you at home or elsewhere;
- (6) Work faithfully at suitable employment insofar as possible;
- (7) Report any change in address, change of employment, or arrest to Supervision Officer within 48 hours;
- (8) Remain within Tulsa OK/ County, Texas, unless permitted to depart by your Supervision Officer;
- (9) Support your dependents;
- (10) Submit to testing as required by the Supervision Officer to determine the illegal use of any controlled substance and/or alcohol;
- (11) Pay the following amounts as indicated until the total amount is paid:
 - a. Pay the fine assessed in the amount of \$-0-; () instanter, () in monthly installments of \$_____, () within ____ days;
 - b. Pay court cost of \$192.00 within 30 days;
 - c. Pay restitution, jointly and severally with co-defendant, of \$-0-; () in monthly installments of \$_____, () within ____ days;
 - d. Pay supervision fee of \$40.00 per month (an additional \$5.00 per month for offenses under Section 21.08, 21.11, 22.011, 22.021, 25.02, 25.06, 43.25 or 43.26 of the Penal Code); waived while in jail, residential treatment center or supervised out of state;
 - e. Reimburse Collin County as directed by the Supervision Officer for compensation paid to appointed counsel at the rate of \$10.00 per month \$10.00 beginning the month after placed on supervision;
 - f. Reimburse the court reporter as directed by the Supervision Officer for the cost of the Statement of Facts in this case;
 - g. Reimburse Collin County for the cost for testing as required by the Supervision Officer to determine the illegal use of any controlled substances and/or alcohol, to be paid within 30 days after submitting test;
- (12) Make all payments through the Community Supervision and Corrections Department of Collin County, Texas by the 15th day of each month beginning the month next following the entry of Judgment;
- (13) Participate in the Treatment Alternatives to Incarceration Program (TAIP) by submitting to a substance abuse evaluation and successfully completing the recommended course of treatment;
- (14) Participate in and complete a Drug Offenders Education Program within five (5) months (non-deferred drug cases only).
- (15) Within 24 hours, report to the Collin County Detention Facility at 4300 Community Avenue, McKinney, Texas, and remain until permitted to depart, for the purpose of providing processing information;

You are further ordered to comply with all future order of the Court (You will be furnished with a copy of all such orders).

ADDITIONAL OR SPECIAL CONDITIONS

(XX) Have no direct communication with the victim, Michael Carouth, and his/her family and maintain a distance of at least 50 yards from the victim's residence or place of employment;

() Pay reasonable and necessary costs incurred by the victim herein, for psychological counseling and/or medical treatment made necessary by defendant's commission of the offense herein, in monthly payments of \$____ for a period not to exceed one year from the date of this judgment;

(XX) Submit to psychological/psychiatric evaluation within 90 days of this order as approved by the Supervision Officer and complete any treatment recommended as a result of that evaluation;

() Submit to alcohol/substance abuse evaluation within 90 days of this order as approved by the supervision Officer and complete any treatment recommended as a result of that evaluation;

() Do not operate a motor vehicle unless the vehicle is equipped with a properly functioning, unbypassed Deep Lung Device (DLD) designed to prevent operation of the vehicle following the driver's consumption of alcohol;

(XX) Participate in the Intensive Supervision Program/Specialized Caseload Program, until the Supervision Officer determines the defendant is no longer in need of said program, per attached Exhibit A, which is hereby incorporated as part of this order;

(XX) Perform 400 hours of community service work at the rate of 10 hours per month managed and facilitated by such agencies as the Supervision Officer directs and pay all costs associated therewith, as directed by the Supervision Officer; your Supervision Officer may direct that you perform this community service through projects designated by the Volunteer Center of Collin County. In such event, you are ordered to pay the Volunteer Center a processing fee of \$50.00 and complete any work conditioning programs recommended by your Supervision Officer or the Volunteer Center;

() May not apply for early release;

() May not apply for an occupational drivers license through any other Court;

() Driver's License is suspended for _____ years;

() Attend a meeting of the local Victim Impact Panel within eight months and present verification to your Supervision Officer;

() Attend Alcoholics Anonymous/Narcotics Anonymous _____ time(s) per week for _____ weeks/months/years;

() Attend a review hearing on _____;

() Abstain from the use of alcohol in any form;

() Obtain a high school diploma or General Equivalency diploma by _____;

(XX) Participate in and complete the Crossroads Life Skills Program to begin within 90 days of this order and pay all costs as directed by the Supervision Officer;

() Have no contact with co-defendants, _____;

() Serve _____ days in the Collin County Jail to begin _____; (work release: yes () no ()

(XX) Participate in the Collin County Jail SCORE/Restitution Facility per attached Exhibit A, which is hereby incorporated as part of this order;

() Serve a term of confinement in a State Jail for a period of no less than 120 days and no more than 180 days; obey all rules and regulations of the State Jail until discharged; participate in the Substance Abuse Program at the State Jail upon availability; follow all guidelines and instructions until successfully discharged or until further ordered by the Court; and follow all aftercare recommendations, including but not limited to TAIP through Collin County Community Supervision & Corrections Department. This term is to begin upon actual admission to the State Jail without credit for any time spent in the county jail;

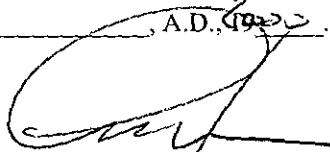
() Participate in the SAFP Program per attached order;

- Participate in the Youthful Offender Caseload Program until the supervision officer determines the defendant is no longer in need of said program, per attached Exhibit A, which is hereby incorporated as part of this order;
- Participate in the Electronic Monitoring Program for a period of _____ days, per attached Exhibit A, which is hereby incorporated as part of this order;
- Participate in and complete the 16-week Selective Intervention Program (SIP) to begin within 90 days of this order and pay all costs as directed by the supervision officer;
- Attend AIDS Education Film as scheduled by the Supervision Officer;
- Abide by a curfew of _____;
- Enroll in English as a second language course within 60 days of this order and provide proof of completion of said course to the supervision officer;
- Attain gainful employment and show proof thereof to the supervision officer by _____;
- Attend a restitution hearing within 30 days;

(XX) Other: **Defendant is to report to the Bailiff of the 219th District Court on Monday, January 10, 2000 at 3:00p.m. to begin the SCORE Program;**

You are advised that under the laws of this State, the Court has determined and imposed the above terms and conditions of your community supervision, and may at any time during this period of supervision alter or modify them. The Court also has the authority, at any time during the period of community supervision to revoke your community supervision for any violation of the conditions of your supervision set out above.

Signed this 22 day of June, A.D., 2000.



Judge Presiding

WITNESS: _____
Supervision Officer



Defendant

Right Thumb

ORDER CONTINUING DEFENDANT ON DEFERRED ADJUDICATION
PLEA OF GUILTY OR NOLO CONTENDERE, JURY WAIVED - NON CAPITAL

CRIMINAL MINUTES OF THE 219TH JUDICIAL DISTRICT COURT OF
COLLIN COUNTY, TEXAS

THE STATE OF TEXAS

NO: 219-81050-99

VS

July TERM, A.D.,2002

IRA LEE WILKINS

July 22, A.D.,2002

ORDER CONTINUING DEFENDANT ON DEFERRED ADJUDICATION

On the 7th day of January, 2000, the Defendant entered a plea of guilty for the offense of Aggravated Robbery in the above entitled and numbered cause.

The Court having accepted the Defendant's plea, deferred adjudication for a period of six (6) years and assessed a fine of \$0.00 and costs, and the Defendant was placed on community supervision.

On the 18th day of February, 2002, the District Attorney, Collin County, Texas, filed with the Judge of said Court a Motion to Adjudicate setting out the respects to which the Defendant had violated the conditions of community supervision.

On this 22nd day of July, 2002, the Defendant appeared in open court in person, his/her counsel also being present, and the State appeared by its District Attorney, and after hearing the Defendant's plea and the evidence offered by both the State and the Defendant, the Court finds by a preponderance of the evidence that the Defendant, Ira Lee Wilkins, violated the terms and conditions of his/her community supervision in this respect;

violations of conditions:

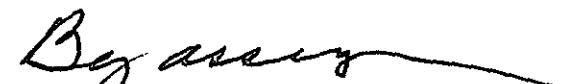
1) Failed to pay court costs in the amount of \$192.00 within 30 days of the date of judgement; 2) Failed to notify the supervision officer of change in residence and employment; 3) Failed to perform 400 hours community service;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Defendant be continued on community supervision subject to the terms and conditions imposed by the Court in the Order Suspending the Imposition of Sentence and Placing Defendant on Community Supervision and subject to such amendments or additions thereto that the Court may make during the term of community supervision. Defendant is ordered to pay any additional county reimbursement at a rate of \$10.00 per month. Additional court costs to be assessed. ***Defendant to be committed to SCORE until space is available at the Restitution Center. Defendant to remain at Restitution Center until all financial arrearages are paid;***

Defendant is further ordered to pay a community supervision fee of \$50.00.

SIGNED this 24 day of July, 2002.


219TH JUDICIAL DISTRICT COURT
COLLIN COUNTY, TEXAS


By assy

PAGE 2 of 2

THE STATE OF TEXAS § IN THE 219 TH JUDICIAL
VS. § DISTRICT COURT OF
Ira Wilkins § COLLIN COUNTY, TEXAS

EXHIBIT A

Conditions of Supervision
Collin County Community Correctional Facility
S.C.O.R.E.

The defendant in this cause is hereby placed in the Collin County Community Facility/SCORE for a period ranging from 180 days up to twenty-four (24) months, under the terms and conditions of the original supervision order with the following additions and/or modifications, to-wit: that during the term at Collin County Community Correctional Facility/SCORE the defendant shall:

- (1) Participate in work projects as assigned by facility staff;
- (2) Participate in rehabilitative classes as assigned by facility staff;
- (3) Obey all rules and policies of the Corrections Facility;
- (4) Participate in the SCORE Continuum of Care Program upon release; follow all rules and guidelines of the aftercare program including abstinence from all chemical substances (including alcohol)

If after serving a minimum of 180 days in the Collin County Community Correctional Facility/SCORE and an evaluation indicates you have made significant progress toward the goals of the program, the Court may order you released from the facility.

If evaluation indicates that you would benefit from continued participation in the Collin County Community Corrections Facility/SCORE, the Court may order you to remain therein for a period determined by the Court not to exceed a total of 24 months. If you have not made significant progress toward the goals of the program, the Court may order that community supervision be revoked and that you serve the term of confinement specified in the sentence.

THE STATE OF TEXAS

§

IN THE 219th JUDICIAL

VS.

§

DISTRICT COURT OF

Ira Wilkins

§

COLLIN COUNTY, TEXAS

EXHIBIT A

Conditions of Supervision
Collin County Community Correctional Facility
Restitution Center

SECTION A. In addition to the terms and conditions of the court's supervision order, the defendant *in this cause* is hereby placed in the Collin County Community Correctional Facility/Restitution Center:

- For a period of up to twenty-four (24) months, until all financial requirements have been paid in full, including: arrearages, restitution, costs, reimbursements, and fees.
- To successfully complete the Restitution Center program, for a period of not less than eighteen (18) weeks and up to twenty-four (24) months, and until all financial requirements have been paid in full, including: arrearages, restitution, costs, reimbursements, and fees. After all financial requirements have been paid in full, the defendant may be evaluated for early release.*

SECTION B. The defendant shall, during the term at Collin County Community Correctional Facility,

- (1) Submit to any urinalysis or any other test used for determination of usage of any form of substance defined, or included in Articles 4476-14 and 4476-V.A.T.S., unless by exception provided by these said statutes;
- (2) Promptly secure and maintain employment approved by the residential staff;
- (3) Participate in community service projects as assigned by the residential staff;
- (4) Obey all rules and policies of the Corrections Facility/Restitution Center;
- (5) Pay to the Collin County Community Correctional Facility/Restitution Center the cost for food, housing, supervision, travel, and other incidental expenses;
- (6) Pay a portion of your salary, as determined by the Collin County Community Correctional Facility/Restitution Center, to support your dependents for their support while you are under the Restitution Center custodial supervision;

*If evaluation indicates that you have made significant progress toward compliance with all court ordered conditions of community supervision, the Court may order you released from the Collin County Community Corrections Facility/Restitution Center to serve the remainder of your community supervision under the terms and conditions imposed by the court. If the evaluation indicates that you would benefit from continued participation in the Collin County Community Corrections Facility/Restitution Center, the Court may order you to remain therein for a period determined by the Court. If you have not made significant progress toward rehabilitation, the Court may order that community supervision be revoked and that you serve the term of confinement specified in the sentence.

ORDER DISCHARGING DEFENDANT FROM COLLIN COUNTY
COMMUNITY CORRECTIONAL FACILITY
RESTITUTION CENTER

NO. 219-81050-99

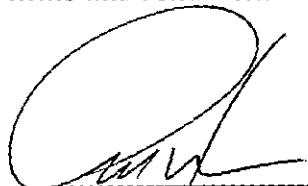
THE STATE OF TEXAS
VS.

§ IN THE 219th DISTRICT COURT
§ COLLIN COUNTY, TEXAS
§

Ira Lee Wilkins

On the 24th day of July 2002, the defendant in the above-entitled and numbered cause was placed in the Collin County Community Correctional Facility/SCORE Program for a period up to twenty-four (24) months.

The Court finds that the defendant has made significant progress toward compliance with all court ordered conditions of supervision while in the facility. It is therefore hereby ordered and decreed by the court the defendant be released from the Collin County Community Correctional Facility/Restitution Center in McKinney, Texas, on the 10th day of April, 2003, and the term of community supervision in the above-styled and numbered cause be continued under the terms and conditions of the original supervision order.



Judge Presiding

Apr. 19, 2003
Date

COMMUNITY SUPERVISION ORDER-PLEAS OF GUILTY OR NOLO CONTENDERE-JURY WAIVED
NON CAPITAL CRIMINAL MINUTES OF THE 219th DISTRICT COURT OF COLLIN COUNTY, TEXAS

THE STATE OF TEXAS

NO: 219-81050-99

DEF. ADJ. X

vs

Ira Lee Wilkins

REGULAR

AMENDED

ORDER SUSPENDING IMPOSITION OF SENTENCE AND PLACING DEFENDANT ON COMMUNITY
SUPERVISION

Having suspended the imposition of punishment or having deferred adjudication of a finding in this case and having placed the defendant on community supervision in the above-entitled and numbered cause on January 7, 2000, for a period of Six (6) years for the offense of Aggravated Robbery the Court ORDERS the defendant, during this period of supervision, to comply with the following terms and conditions, to-wit: You will:

- (1) Commit no offense against the laws of this or any State, or the United States;
- (2) Do not use marijuana, dangerous drugs or any substance prohibited by the Texas Controlled Substances Act;
- (3) Avoid persons and places of disreputable or harmful character;
- (4) Report to a Dallas/Collin County Supervision Officer as scheduled by the Supervision Officer;
- (5) Permit the Supervision Officer to visit you at home or elsewhere;
- (6) Work faithfully at suitable employment insofar as possible;
- (7) Report any change in address, change of employment, or arrest to Supervision Officer within 48 hours;
- (8) Remain within Dallas/Collin County, Texas, unless permitted to depart by your Supervision Officer;
- (9) Support your dependents;
- (10) Submit to testing as required by the Supervision Officer to determine the illegal use of any controlled substance and/or alcohol;
- (11) Pay the following amounts as indicated until the total amount is paid:
 - a. Pay restitution, jointly and severally with co-defendant, of \$3,585.00; (X) in monthly installments of \$100.00, () within days;
 - b. Pay supervision fee of \$50.00 per month (an additional \$5.00 per month for offenses under Section 21.08, 21.11, 22.011, 22.021, 25.02, 25.06, 43.25 or 43.26 of the Penal Code); waived while in jail, residential treatment center, or supervised out of state; in the event supervision is transferred to and accepted by another state, pursuant to Section 76.015(c) of the Government Code, a \$25.00 per month administrative fee will be assessed every month the case is supervised out of state; immediately upon the receiving state's rejection or termination of supervision, the \$50.00 per month supervision fee again becomes effective as stated above;
 - c. Pay court cost of \$372.55 within 30 days;
 - d. Pay the fine assessed in the amount of \$ -0-; () instanter, () in monthly installments of \$, () within days;
 - e. Reimburse Collin County for compensation paid to appointed counsel as directed by the supervision officer;
 - f. Reimburse the court reporter as directed by the Supervision Officer for the cost of the Statement of Facts in this case;
 - g. Reimburse Collin County for the cost for testing as required by the Supervision Officer to determine the illegal use of any controlled substances and/or alcohol, to be paid within 30 days after submitting test;
- (12) Make all payments through the Community Supervision and Corrections Department of Collin County, Texas by the 15th day of each month beginning the month next following the entry of Judgment;
- (13) Participate in the Treatment Alternatives to Incarceration Program (TAIP) by submitting to a substance abuse evaluation and successfully completing the recommended course of treatment;
- (14) Participate in and complete a Drug Offenders Education Program within five (5) months (non-deferred drug cases only).
- (15) Within 24 hours, report to the Collin County Detention Facility at 4300 Community Avenue, McKinney, Texas, and remain until permitted to depart, for the purpose of providing processing information;

You are further ordered to comply with all future order of the Court (You will be furnished with a copy of all such orders).

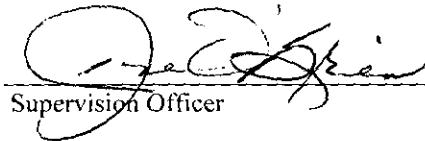
ADDITIONAL OR SPECIAL CONDITIONS

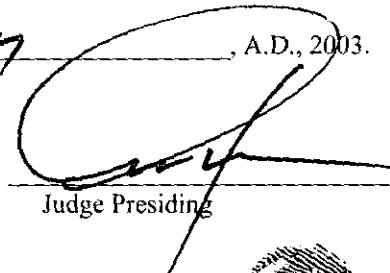
- (X) Have no direct communication with the victim, Donula Sims, and his/her family and maintain a distance of at least 50 yards from the victim's residence or place of employment;
- (X) Perform 400 hours of community service work at the rate of 10 hours per month managed and facilitated by such agencies as the Supervision Officer directs and pay all costs associated therewith, as directed by the Supervision Officer;
- (X) Abstain from the use of alcohol in any form;
- (X) Attain gainful employment and show proof thereof to the supervision officer by _____;

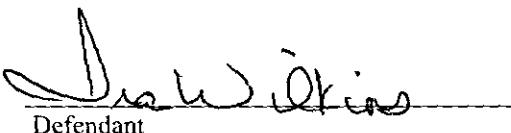
You are advised that under the laws of this State, the Court has determined and imposed the above terms and conditions of your community supervision, and may at any time during this period of supervision alter or modify them. The Court also has the authority, at any time during the period of community supervision to revoke your community supervision for any violation of the conditions of your supervision set out above.

Signed this 14 day of July, A.D., 2003.

WITNESS:


Supervision Officer


Judge Presiding


Defendant


Right Thumb

THE STATE OF TEXAS § IN THE 219TH JUDICIAL
v. § DISTRICT COURT OF
IRA LEE WILKINS, § COLLIN COUNTY, TEXAS
DEFENDANT

SID: TX 04788550

ADJUDICATION OF GUILT;
SENTENCE TO Texas Dept. of Criminal Justice-CID

DATE OF JUDGMENT: December 16, 2005
JUDGE PRESIDING: Curt B. Henderson
ATTORNEY FOR THE STATE: Gail Leyko
ATTORNEY FOR THE DEFENDANT: Stephanie Dueker
OFFENSE: Aggravated Robbery
STATUTE FOR OFFENSE: Section 29.03, Penal Code
DEGREE OF OFFENSE: First Degree Felony

APPLICABLE PUNISHMENT RANGE
(Including enhancements if any): First Degree 5-99 yrs or life/max \$10,000 fine

DATE OF OFFENSE: September 13, 1999
DATE OF COMMUNITY SUPERVISION
ORDER: January 7, 2000

CHARGING INSTRUMENT: Indictment
TERMS OF PLEA AGREEMENT
(IN DETAIL): Court Costs, waive right to appeal and right to file or urge any motion for new trial and waive right to any future diligence claim and Five (5) years TDC, back time credit;

PLEA TO MOTION TO ADJUDICATE: True
FINDING AS TO ALLEGATIONS IN
MOTION TO ADJUDICATE: 1-7
CONDITIONS OF COMMUNITY
SUPERVISION VIOLATED
(as set out in the motion to adjudicate): Not Applicable

AFFIRMATIVE FINDING ON DEADLY
WEAPON (see full text below): Not Applicable

OTHER AFFIRMATIVE SPECIAL
FINDINGS (see full text below): December 16, 2005

DATE SENTENCE IMPOSED: Five (5) years in the
PUNISHMENT AND PLACE OF
CONFINEMENT: Texas Dept. of Criminal Justice-CID, and a \$ None fine
1,313 days over
TIME CREDITED TO SENTENCE: \$292.00
COURT COSTS: \$None

TOTAL AMOUNT OF RESTITUTION: Not Applicable
NAME AND ADDRESS FOR
RESTITUTION:

The Sex Offender Registration Requirements under Chapter 62, CCP, do not apply to the Defendant. The age of the victim at the time of the offense was not applicable.

This sentence shall run concurrently unless otherwise specified.

On the date stated above, the Defendant entered a plea of **Guilty** to the offense stated above and was granted a deferred adjudication in the above numbered and styled cause. The Defendant was placed on community supervision as stated above, subject to the conditions of supervision set out in the order in this cause. Thereafter, and during the period of supervision, the State filed a motion to adjudicate in this cause, alleging that the Defendant had violated conditions of supervision set out in said order.

On the date stated above, the above numbered and entitled cause was regularly reached and called for a hearing on the motion to adjudicate, and the State appeared by the attorney stated above, and the Defendant and the Defendant's attorney, as stated above, were also present. Thereupon both sides announced ready for the hearing, and the Defendant, Defendant's attorney, and the Defendant waived the reading of the motion to adjudicate, and, upon being asked by the Court as to how the defendant pleaded, entered a plea of **True** to the allegations in the motion to revoke.

Thereupon, the Defendant was admonished by the Court of the consequences of the plea; it appeared to the Court that the Defendant was competent and that the defendant was not influenced in making said plea by any consideration of fear or by an persuasion prompting said plea; and the Court received the free and voluntary plea, which is now entered of record in the minutes of the court. The Court, after hearing all of the evidence for the State and the Defendant and arguments of counsel, was of the opinion and found that the Defendant violated the conditions of community supervision as stated above.

The Court then adjudicated the Defendant guilty of the offense stated above and found the offense was committed on the date stated above. A presentence investigation report was not required or done. After hearing additional evidence on the issue of punishment, if any, the Court then assessed punishment as stated above.

And thereupon the Court asked the Defendant whether the Defendant had anything to say why said sentence should not be pronounced upon said Defendant, and the Defendant answered nothing in bar thereof. Whereupon the Court proceeded to pronounce sentence upon said Defendant as stated above.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the defendant is guilty of the offense stated above, the punishment is fixed as stated above, and the State of Texas do have and recover of said defendant all court costs in this prosecution expended, for which execution will issue.

It is ORDERED by the Court that the Defendant be taken by the authorized agent of the State of Texas or by the Sheriff of this county and be safely conveyed and delivered to the **Director, Correctional Institutions Division-TDCJ**, there to be confined in the manner and for the period aforesaid, and the said defendant is hereby remanded to the custody of the Sheriff of this county until such time as the Sheriff can obey the directions of this sentence. The defendant is given credit as stated above on this sentence for the time spent in county jail. The Defendant also is ordered to pay restitution to the person(s) named above in the amount specified above.

It is further ordered that the cost to Collin County for the payment of this defendant's court-appointed attorney, if any, is taxed against this defendant as court cost. The District Clerk is granted leave to amend the court cost to reflect this amount without the necessity of a further order.

Furthermore, the following special findings or orders apply:

Signed on the 16 day of Dec, 2005.



Judge Presiding

PRINTED NAME
If sitting for Presiding Judge

Defendant's right thumbprint

