

TRN: _____

Cause No. 16-01-15535

THE STATE OF TEXAS

§

IN THE JUDICIAL DISTRICT

VS.

§

OF THE 506TH DISTRICT COURT

BRIAN T. ENCINIA

§

WALLER COUNTY, TEXAS

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas by and through her Attorney, and respectfully requests the Court to dismiss the above entitled and numbered criminal action in which the defendant is charged with the offense of PERJURY, for the reason:

- The evidence is insufficient;
- The defendant was convicted in another case;
- The complaining witness has requested dismissal;
- The case has been re-filed;
- The defendant is unapprehended;
- The defendant is deceased;
- The defendant has been granted immunity in light of his testimony;
- Other; by agreement (see attached)

FILED
 DISTRICT CLERK
 WALLER COUNTY, TEXAS
 2017 JUN 28 PM 2:24
 BY MM
 DEPUTY

And for cause would show the Court the following:

The Defendant, Brian T. Encinia, has permanently surrendered his TCOLE license, will not pursue or engage in employment, in any capacity, with law enforcement, and will not pursue an expunction in the above styled cause.

WHEREFORE, it is prayed that the above entitled and numbered cause be dismissed.

Respectfully submitted



Attorney for the State

ORDER

The foregoing motion having been presented to me on this the 28th day of June, A.D. 2017, and the same having been considered, it is, therefore, ORDERED, ADJUDGED and DECREED that said above entitled and numbered cause be and the same is hereby dismissed.



PRESIDING JUDGE
District Court of Waller County, Texas

Cause No. 16-01-15535

STATE OF TEXAS § IN THE JUDICIAL DISTRICT
VS. § OF THE 506TH DISTRICT COURT
BRIAN T. ENCINIA § WALLER COUNTY, TEXAS

STIPULATIONS OF EVIDENCE

The State of Texas will dismiss charges in Cause No. 16-01-15535 based on the following conditions:

- BTE (1) I, Brian T. Encinia, stipulate and agree to surrender all TCOLE license(s) and certificate(s). I have requested that the surrender of my TCOLE license(s) and certificate(s) take effect immediately.
- BTE (2) I, Brian T. Encinia, stipulate and agree that that I will never seek, accept or engage in employment in any capacity with law enforcement (either as a sworn police officer or in a civilian capacity)
- BTE (3) I, Brian T. Encinia, stipulate and agree that I will never seek an expungement regarding the charges that were filed against me in Waller County in Cause No. 16-01-15535.

I understand and agree to the above conditions in exchange for a dismissal of the perjury charges filed against me. I acknowledge and understand that if I do not comply with the conditions the State can refile the case against me.

SIGNED on June 26, 2017.

Brian T. Encinia
Defendant

APPROVED:

[Signature]
Attorney for Defendant

[Signature]
Attorney for the State

The foregoing stipulation of evidence is hereby approved by the Court and ORDERED to be filed with the papers of this cause.

SIGNED on June 28, 2017.



JUDGE PRESIDING

PERMANENT SURRENDER OF LICENSE

Office of the Executive Director
Texas Commission on Law Enforcement
6330 US Highway 290 East, Suite 200
Austin, Texas 78723

Dear Sir:

I am submitting this letter, **permanently surrendering** my license(s) and all certificates issued to me by the Texas Commission on Law Enforcement (TCOLE).

I understand that as a result of my surrender, I am no longer licensed and permanently ineligible to serve in any capacity requiring licensure by TCOLE. I have been provided with a copy of the Surrender of License Rule in effect as of this date and I am aware that this surrender should include a summary of the reason for surrender.

I understand and have knowledge of the consequences of the signing of this document.

Name: Brian T. Encinia
Please print

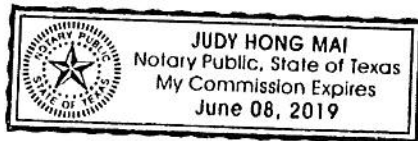
TCOLE PID: 425691

B. J. Encinia
Signature

Date: June 26, 2017

SWORN TO and subscribed before me on the 26th day of June, 20 17.

Notary Seal or Stamp



Judy Hong Mai
Signature of Notary Public, State of Texas

Judy Hong Mai
Notary's Printed or Typed Name

June 8, 2019
Notary's Commission Expires

**PERMANENT SURRENDER OF LICENSE
SUMMARY OF THE REASON FOR SURRENDER**

As required by Commission Rule § 223.13 (d) Surrender of License, the surrender should include a summary of the reason for the surrender. Please give a brief summary or description of the reason for the license surrender.

License permanently surrendered voluntarily, as of June 26, 2017, as part of the resolution of Waller County criminal cause number 16-01-15535.

Name: Brian T. Encinia
Please print

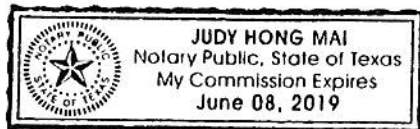
TCOLE PID: 425691

Brian T. Encinia
Signature

Date: June 26, 2017

SWORN TO and subscribed before me on the 26th day of June, 2017.

Notary Seal or Stamp



Judy Hong Mai
Signature of Notary Public, State of Texas

Judy Hong Mai
Notary's Printed or Typed Name

June 8, 2019
Notary's Commission Expires

Texas Administrative Code

TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 7 TEXAS COMMISSION ON LAW ENFORCEMENT
CHAPTER 223 ENFORCEMENT
RULE §223.13 Surrender of License

- (a) A licensee may surrender a license:
- (1) as part of an employee termination agreement;
 - (2) as part of a plea bargain to a criminal charge;
 - (3) as part of an agreed settlement to commission action; or
 - (4) for any other reason.
- (b) A license may be surrendered either permanently or for a stated term.
- (c) Effective dates:
- (1) the beginning date for any surrender shall be the date stated in the request or, if none, the date it was received by the commission;
 - (2) a term surrender shall have its ending date stated in the request; and
 - (3) any request without a stated ending date shall be construed as a permanent surrender.
- (d) A licensee may surrender any license by sending, or causing to be sent, a signed, notarized, written request to the executive director, who may accept or reject the request. The signed written request shall indicate that the licensee understands and has knowledge of the consequences of the document being signed. The executive director may accept requests for surrender submitted to the commission in any other form that indicates the licensee intends to surrender the license to the commission. The executive director may liberally construe the intent of any request. The surrender of one commission-issued license operates as a surrender of all commission-issued licenses. The surrender should include a summary of the reason for the surrender.
- (e) If accepted, the licensee is no longer licensed:
- (1) effective on the beginning date of the surrender; and
 - (2) except for permanent surrenders, until such person applies for and meets the requirements of a new license.
- (f) The effective date of this section is February 1, 2014.

BTE
Initials