

23M-6353-1

CAUSE# 23.378467

1993863

Complaint

COUNTY OF MONTGOMERY

§
§
§

COUNTY COURT AT LAW

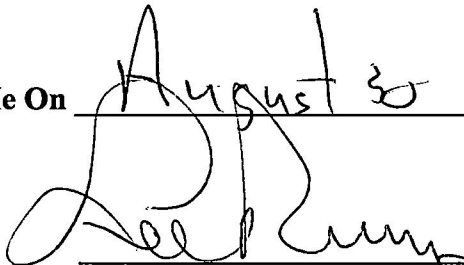
IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

BEFORE ME, the undersigned Assistant District Attorney of Montgomery County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that on or about August 27, 2023, in Montgomery County, Texas, MYNOR ARANA, hereafter styled the Defendant, while operating a motor vehicle in a public place, was then and there intoxicated,

AGAINST THE PEACE AND DIGNITY OF THE STATE.

* 
Affiant

Sworn And Subscribed To Before Me On August 30, 2023.


Assistant District Attorney
Montgomery County, Texas



CAUSE: 23-378467

The State of Texas

v.

MYNOR IVAN ARANA

D.O.B.: 08/20/1989 SEX: MALE RACE: .

State ID No.: TX-50290369

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In County Court

At Law 1

Montgomery County, Texas

JUDGMENT OF CONVICTION BY COURT

Judge Presiding: **HON. JUDGE JOHN HAFLEY** Date Sentence Imposed: **April 10, 2024**

Attorney for State: **CLAY CASEY** Attorney for Defendant: **Runcie, David Bradley**

Offense for which Defendant Convicted:
DRIVING WHILE INTOXICATED

Charging Instrument: **INFORMATION** Date of Offense: **AUGUST 27, 2023**

Degree of Offense: **CLASS B MISDEMEANOR** Plea to Offense: **GUILTY**

Terms of Plea Bargain (if any): or Terms of Plea Bargain are attached and incorporated herein by this reference.
\$ 500.00 Fine/CC/ 3 DAYS TIME SERVED Montgomery County Jail

Plea to 1st Enhancement Paragraph: **N/A** Findings on 1st Enhancement Paragraph: **N/A**

Plea to 2ND Enhancement Paragraph: **N/A** Findings on 2ND Enhancement Paragraph: **N/A**

Defendant's Texas Driver's License shall be suspended for a period of **90 DAYS** Drivers License Suspension to run concurrent and or be credited with ALR

Date Sentence Commences: **April 10, 2024**
(Date does not apply to confinement served as a condition of community supervision.)

Punishment and Place of Confinement: **3 DAYS TIME SERVED Montgomery County Jail**

| | | | |
|----------------------|---|--------------------------|--|
| <u>General Fine:</u> | <u>DWI Traffic Fine:</u> | <u>Additional Fines:</u> | <u>Court Appointed Attorneys Fees:</u> |
| \$ 500.00 | \$3000.00 <input type="checkbox"/> Waived due to Indigence | \$100.00 | \$ |

| | | |
|---------------------|----------------------------|---|
| <u>Court Costs:</u> | <u>Reimbursement Fees:</u> | <u>If All Monies is not paid with in 30 days, add \$15.00 to Reimbursement fees</u> |
| \$ 270.00 | \$35.00 | <input type="checkbox"/> Warrant fees included |

Restitution: **\$ 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 Credited: **3 DAYS** If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.
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) **\$ 500.00** (not to exceed \$4,000)
- 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) **\$ 3000.00** (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 \$ 150 of the fine and costs at designated intervals, namely per month, to begin on May 15, 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

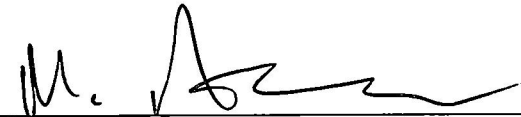
- The Court ORDERS Defendant's sentence EXECUTED. The Court FINDS that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person 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.

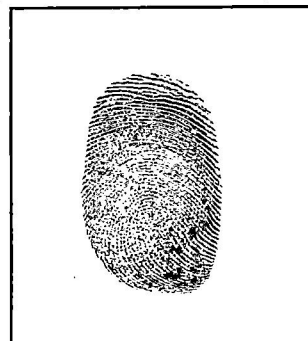
Furthermore, the following special findings, orders or conditions apply:

Signed and Entered on this the 10th day of April, 2024

X

HON. JUDGE JOHN HAFLEY

X 
Defendant Signature



Right Thumbprint

Cause: 23-378467

The State of Texas

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In The County Court

v.

At Law 1

ARANA, MYNOR IVAN

D.O.B.: 08/20/1989 SEX: MALE RACE.:

State ID No.: TX-50290369

Montgomery County, Texas

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 DRIVING WHILE INTOXICATED, for which the

punishment is a fine not to exceed \$ 2000.00 and /or confinement in jail not to exceed 180 days

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: X *M. Arana* Date: 4.10.24
Age: _____ Education: _____

Defense Attorney Signature: Runcie, David Bradley *DLE*

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: *SG*

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 10th day of April, 2024

[Signature]
HON. JUDGE JOHN HAFLEY



Report generated by:

User Doane, Gracey (14582)
Username Doane, Gracey
Department Montgomery County District Attorney's Office
Local Timezone America/Chicago
Generated on Apr 10, 2024 2:34 PM

| Evidence ID | ID | Title | Evidence Group | Owner | Uploaded by | Uploaded on | Recorded on | Duration | Category | Status | File Type | Source | Device |
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| 23c62791231 a4d74b8598e 04fd1c9f67 | 23P007143 | DASH - MARTINEZ #10 - 00000000 00000000-23 0827-222404- 222613-00020 2024411.avi | | (DAS), DA.Su bmission (98765) | KIPNESS, JAMES (2736) | 30 Aug 2023 15:05:23 | 30 Aug 2023 15:05:17 | 2m 9s | - | Active | video | ecomsubscrib er | |
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| Evidence ID | ID | Title | Evidence Group | Owner | Uploaded by | Uploaded on | Recorded on | Duration | Category | Status | File Type | Source | Device |
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eDiscovery Audit Log

Defendant: ARANA, MYNOR IVAN
 Prosecuting Attorney: Merit Marshall

County Court at Law #1

Control#: 23M-006353
 Cause#: 23-378467

Runcie, David
 (Bar #: 24086263)

| Name/Description | Pages | Date | Status | Released To |
|---|-------|---------------------|--|-------------|
| CRIMINAL HISTORY - DEFENDANT | 12 | Oct 16 2023 1:14PM | Item Viewed in Portal by: Runcie, Brad | |
| | | Oct 14 2023 11:01PM | Item Shared by: Berry, Ivy | |
| | | Oct 14 2023 11:01PM | Item Shared by: Berry, Ivy | |
| INTAKE - COMPLAINT & INFORMATION | 2 | Oct 14 2023 11:01PM | Item Shared by: Berry, Ivy | |
| | | Oct 16 2023 1:14PM | Item Viewed in Portal by: Runcie, Brad | |
| INTAKE - PC SHEET | 1 | Oct 14 2023 11:01PM | Item Shared by: Berry, Ivy | |
| | | Oct 14 2023 11:01PM | Item Shared by: Berry, Ivy | |
| | | Oct 16 2023 1:14PM | Item Viewed in Portal by: Runcie, Brad | |
| REPORT - ARREST RECORD | 2 | Oct 14 2023 11:01PM | Item Shared by: Berry, Ivy | |
| | | Oct 14 2023 11:01PM | Item Shared by: Berry, Ivy | |
| | | Oct 16 2023 1:14PM | Item Viewed in Portal by: Runcie, Brad | |

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

4/10/24
 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

4-10-24
 DATE

CAUSE NO. 23-378467

| | | |
|--------------------|---|--------------------------|
| THE STATE OF TEXAS | § | IN THE COUNTY COURT |
| | § | |
| VS. | § | AT LAW NO. 1 |
| | § | |
| MYNOR IVAN ARANA | § | MONTGOMERY COUNTY, TEXAS |

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, BRAD RUNCIE, attorney of this Court, and in accordance with the Code of Professional Responsibility of the State Bar of Texas, moves that he be permitted to withdraw as attorney of record for MYNOR IVAN ARANA in the above entitled and numbered cause and in support thereof would show unto the Court as follows:

I.

Pursuant to an attorney hiring agreement of the Defendant, the undersigned agreed to represent him in the above entitled and numbered cause.

II.

A breach of the contract by the client has occurred in that the client has failed to meet all his contractual obligations, *i.e.*, has not paid attorney's fees as agreed, returning phone calls, keeping promises, failed to assist attorney in preparing defense, and making appointments.

WHEREFORE, PREMISES CONSIDERED, in light of the aforementioned factors, the undersigned requests permission to withdraw as counsel of record.

Respectfully submitted,

THE THIESSEN LAW FIRM

By: /s/ Brad Runcie

BRAD RUNCIE

SBN: 24086263

SPN: 02793959

733 E. 12th ½ Street

Houston, Texas 77008

PH: (713) 864-9000

FX: (713) 864-9006

brad@thetexasrialattorney.com

Attorney for Defendant,
MYNOR IVAN ARANA

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion to Withdraw as Attorney of Record has been served to the Assistant District Attorney presently assigned to this case on this the 11th day of March, 2024.

/s/ Brad Runcie

BRAD RUNCIE

Automated Certificate of eService

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

Amy Ham on behalf of David Runcie
Bar No. 24086263
amy@thetexasattorney.com
Envelope ID: 85433745
Filing Code Description: Motion
Filing Description: Motion to Withdraw as Attorney of Record
Status as of 3/12/2024 8:11 AM CST

Associated Case Party: MYNORIVANARANA

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|---------------------------|----------------------|--------|
| Brad DavidRuncie | | brad@thetexasattorney.com | 3/11/2024 5:02:25 PM | SENT |

Associated Case Party: State of Texas

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------|-----------|------------------|----------------------|--------|
| District Attorney | | daefile@mctx.org | 3/11/2024 5:02:25 PM | SENT |

II.

Pursuant to Article 39.14(b) of the Texas Code of Criminal Procedure, the Defendant requests the prosecuting attorney for the State to disclose to Defendant the name and address of each person the other party may use at trial to present evidence under Rules 702, 703, and 705, Texas Rules of Evidence. Having made this request not later than 30 days before the date of trial, the Defendant requests the prosecuting attorney for the State to make said disclosure(s) not later than the 20th day before the trial begins.

III.

Pursuant to Article 39.14(h) of the Texas Code of Criminal Procedure, the Defendant requests the prosecuting attorney for the State to disclose any exculpatory, impeachment, or mitigating document, item, or information in the possession, custody, or control of the State that tends to negate the guilt of the defendant or would tend to mitigate the punishment for the offense charged, even if such information stated is not “material” and regardless of whether such information by itself proves or disproves some fact of consequence. (*Schultz v. Comm’n for Lawyer Discipline of the State Bar of Tex.*, 2015 WL 9855916 (Tex. Bd. Discip. App. Dec. 17, 2015))

IV.

The Defendant further requests the prosecuting attorney for the State to disclose the criminal history of every witness the prosecution may call as a witness in this cause.

V.

The Defendant further requests, pursuant to Tex. Code Crim. Pro. Art. 37.07, notice of evidence to be offered by the state, including but not limited to the prior criminal record of the defendant, his general reputation, his character, an opinion regarding his character, the circumstances of the offense for which he is being tried and any other evidence of an extraneous

crime or bad act. The Defendant further requests this notice be given in accordance with Tex. Code Crim. Pro. Art. 37.07 §3(g)

VI.

The Defendant argues this request extends to any time before, during, or after the trial that the State, its agents, servants, and/or employees discover any additional document, item, or information required to be disclosed according to Article 39.14 of the Texas Code of Criminal Procedure under Subsection (h). This requires the prosecuting attorney for the State to promptly disclose the document's existence, item or information to Defendant's attorney of record, and the Court.

VII.

The Defendant requests the prosecuting attorney for the State electronically record or otherwise document any document, item, or other information provided pursuant hereto, setting forth each document, item, or other information and the date and time same was provided to Defendant's attorney of record.

VIII.

The Defendant requests the prosecuting attorney, pursuant to Tex. Rule Evid. 404(b), provide notice of evidence of other crimes, wrongs, or acts the State intends to offer during its case-in-chief as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

IX.

The Defendant requests the prosecuting attorney for the State comply with this request within thirty (30) days of receiving this Article 39.14 request. In the alternative, the Defendant requests the prosecuting attorney for the State file a formal motion with the Court to extend the time from the aforementioned thirty (30) days and request a formal hearing for the reasons for noncompliance and/or extending the time for compliance.

Respectfully submitted,

THIESSEN LAW FIRM

By: /s/ David Bradley Runcie

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ATTORNEY FOR DEFENDANT

MYNOR IVAN ARANA

CERTIFICATE OF SERVICE

I hereby certify on the 20th day of March, 2024, a true and correct copy of this Notice of Appearance of Counsel and Formal Request in Compliance with Article 39.14 of the Texas Code of Criminal Procedure was delivered to the District Attorney's Office of Montgomery County, Texas, in accordance with the Texas Rules of Criminal Procedure.

/s/ David Bradley Runcie

DAVID BRADLEY RUNCIE

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Amy Ham on behalf of David Runcie

Bar No. 24086263

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Envelope ID: 85762506

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Filing Description: NOTICE OF APPEARANCE OF COUNSEL AND FORMAL REQUEST FOR COMPLIANCE WITH VARIOUS SECTIONS OF THE TEXAS CODE OF CRIMINAL PROCEDURE AND RULES OF EVIDENCE

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Associated Case Party: State of Texas

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| District Attorney | | daefile@mctx.org | 3/20/2024 1:30:51 PM | SENT |

Associated Case Party: MYNORIVANARANA

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|------------------|-----------|---------------------------|----------------------|--------|
| Brad DavidRuncie | | brad@thetexasattorney.com | 3/20/2024 1:30:51 PM | SENT |