

THE STATE OF TEXAS

IN THE COUNTY COURT AT LAW

VS

NO. _____

TRAVIS COUNTY, TEXAS

DEFENDANT'S PLEA OF GUILTY, NOLO CONTENDERE, WAIVER & STIPULATION

Now comes the defendant in open Court in the above entitled and numbered cause represented by his attorney with whom he has previously consulted and makes the following voluntary statement:

1. That I am sane and that I understand the nature of the charges contained in the information in this cause.
2. That the court has advised me orally or in writing of the consequences of a plea of guilty.
3. That I have the right to a trial by jury whether I plead "guilty," "not guilty," or "nolo contendere."
4. That I have the right to remain silent but if I choose not to remain silent, anything I say can be used against me.
5. That I have the right to be confronted by the witnesses against me whether I have a trial before the Court or the jury.

However, I desire to waive and do waive the following rights:

1. Waive the reading of the information.
2. Waive the right to be arraigned.
3. Waive the right of trial by jury and request the consent and approval of the Court and of the attorney for the State to such waiver.
4. Waive my right to remain silent.
5. Waive the right to be confronted with the witnesses against me and request the approval of the Court to the stipulation of evidence by waiving the appearance, confrontation and cross-examination of witnesses, or by my further consenting to the introduction of testimony and evidence by stipulation into the record by the attorney for the State by oral stipulation, or by affidavit, or by written statements of witnesses and any other documentary evidence.
6. Waive the ten-day period for preparation after appointment of counsel and the ten-day period in which to file written pleadings after arrest.
7. Waive the right to a pre-sentence report and request that none be made.

I further understand that any recommendation of the prosecuting attorney as to punishment is not binding on the Court. That where there is a plea bargain agreement and the punishment assessed by the Court does not exceed the agreed recommendation, I do not have the right to appeal without permission of the Court except for those matters raised by written motions filed prior to trial.

FOR DEFERRED ADJUDICATION ONLY

I am aware that at any time during this period of probation, the Court may issue a warrant for violation of any of the conditions of this probation and cause me to be arrested. I may be arrested by any probation officer, police officer, or other officer with power of arrest with or without a warrant upon the order of the judge of such court to be noted on the docket of the court. I may be detained in the county jail or other appropriate place of detention until I can be taken before the court. The officer shall report such arrest to the court immediately.

I am aware that upon violation of a condition of this probation, I am entitled to a hearing limited to the determination by the court of whether it proceeds with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation and my appeal continue as if the adjudication of guilt had not been deferred.

I request the Court to consider probation any sentence imposed, on the issue of punishment agree that the pre-sentence investigation report of Community Supervision & Corrections may be considered by the Court.

I understand that if I am not a citizen of the United States that my plea may result in deportation, the exclusion of admission to this country, or denial of naturalization under federal law. There have been no promises made to me by my defense attorney, the prosecutor or the Court concerning any stay in the United States.

I have (not) been committed to a mental institution (nor do I) (but I do not) presently have mental or emotional problems, and I believe that I am competent to stand trial and the attorney for the defendant herein acknowledges that counsel believes the defendant is competent and able to assist counsel in the preparation of the defense and that defendant appears to be sane and competent.

I further acknowledge and understand the following admonitions which have been explained to the defendant by the defense attorney prior to an oral plea of guilty or nolo contendere.

That the defendant is charged with a Class _____ misdemeanor which has a punishment range of:

- a. by confinement in the Travis County jail for a period of not less than _____ or more than _____ and a fine not to exceed _____.

- b. Other - _____

I further understand the admonitions of the Court and I am aware of the consequences of my plea. I herein admit/ do not contest that I committed the acts alleged in the information in this cause. I plead guilty/no contest to the offense of _____. My plea is given freely and voluntarily.

DATE

DEFENDANT

I have consulted with the defendant; advised him of his rights, believe him to be mentally competent; and approve his signing of this plea of guilty or nolo contendere, waiver of a jury, and stipulations.

DATE

ATTORNEY FOR DEFENDANT

Before the entry of the defendant's plea of guilty or nolo contendere herein, the above requests, waivers and stipulations are hereby consented to and approved by me, the attorney representing the State.

DATE

ATTORNEY FOR THE STATE

It clearly appearing to the Court that the defendant is mentally competent and is represented by competent counsel and that said defendant understands the nature of the charge against him and that he has been by the court warned of the consequences of a plea of guilty or nolo contendere including the minimum and maximum punishment provided by law, that the attorney for the defendant and the State consent and approve the waiver of a trial by jury and stipulations in this case, the Court, therefore, finds such plea of guilty or nolo contendere, waiver, and consent to be freely and voluntarily made and accepts the plea of guilty or nolo contendere and approves the waiver of a jury herein and stipulations.

DATE

JUDGE PRESIDING