

THE STATE OF TEXAS

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IN THE 299th DISTRICT COURT

VS.

OF

TRAVIS COUNTY, TEXAS

DEFENDANT'S PLEA OF TRUE, VOLUNTARY STATEMENTS, WAIVERS, STIPULATIONS & JUDICIAL CONFESSION TO PLEADINGS SEEKING REVOCATION OR ADJUDICATION

I am the Defendant in the above entitled and numbered cause. In open Court and, after consulting with my attorney, I do hereby make the following:

I. VOLUNTARY STATEMENTS: I freely, voluntarily, intelligently and knowingly state:

1. I am mentally competent.
2. I understand the allegation(s) in the original or amended application to revoke my community supervision or motion to adjudicate my guilt.
3. I understand the consequences of a plea of true to the allegation(s).
4. I understand the range of punishment applicable in this case.
5. I understand that I have the right to confront and cross-examine the witnesses against me, the right to subpoena witnesses to testify for me, and the right to remain silent and not incriminate myself.

II. WAIVERS: After consulting with my attorney, I freely, voluntarily, intelligently and knowingly:

1. **WAIVE** reading of the original or amended application to revoke my community supervision or motion to adjudicate my guilt.
2. **WAIVE**, if applicable, service of the original or amended application to revoke my community supervision or motion to adjudicate my guilt; the right to file additional motions or pleadings; additional time to respond to the original or amended application to revoke my community supervision or motion to adjudicate my guilt; and any additional time for my attorney to prepare for this hearing.
3. **WAIVE** the appearance of and right to confront and cross-examine the witnesses against me.
4. **CONSENT** to the introduction of evidence by live testimony, affidavits, written statements of witnesses or any other documentary evidence sufficient to establish the allegation(s) in the original or amended application to revoke my community supervision or motion to adjudicate my guilt.
5. **WAIVE** my right to remain silent and not incriminate myself, and state that I desire to judicially confess the allegation(s) in the original or amended application to revoke my community supervision or motion to adjudicate my guilt.
6. **WAIVE** my right to subpoena witnesses to testify for me.
7. **WAIVE** the right to appeal.

III. STIPULATIONS AND JUDICIAL CONFESSION: I request the Court approve the following stipulations and judicial confession and accept them as sufficient to support my plea of true:

1. I am the same individual who was granted community supervision in this case.
2. I received a copy of the conditions of community supervision when it was granted me.
3. I understood those conditions.
4. The Court ordered me to follow those conditions while on community supervision.
5. The allegation(s) in the original or amended application to revoke my community supervision or motion to adjudicate my guilt are **TRUE**.
6. I am pleading **TRUE** to the allegation(s) because the allegation(s) is (are) true and for no other reason.

7. I fully understand the applicable range of punishment and appreciate the consequences of my plea of **TRUE**.
8. My plea of **TRUE** is made freely, voluntarily, intelligently and knowingly.

I swear to the foregoing and I further swear that all testimony I give in this case will be the truth, the whole truth and nothing but the truth.

I can read and write the English language; I have read this entire document and discussed it fully with my attorney; I understand this document completely. My attorney has discussed with me the law and facts applicable to this case, and I am satisfied that I have been effectively represented.

DEFENDANT

I read, write, and understand the _____ language. This entire document was read to me and fully explained to me in that language by my attorney and/or an interpreter, namely: _____. I understand this document completely. My attorney has discussed with me the law and facts applicable to this case, and I am satisfied that I have been effectively represented.

DEFENDANT

Sworn to and subscribed to before me on this date: _____. I further certify that the fingerprint shown on the docket sheet filed in this case is of the defendant's right thumb.

DEPUTY DISTRICT CLERK
TRAVIS COUNTY, TEXAS

I have fully consulted with my client and have carefully reviewed this entire document with him. I believe he is mentally competent, and is aware of the consequences of a plea of **TRUE**. I have discussed with the defendant the law and facts applicable to this case. I believe the voluntary statements, waivers, stipulations and judicial confession are freely, voluntarily, intelligently and knowingly entered. I join, consent to and approve of the defendant's plea of **TRUE**, voluntary statements, waivers, stipulations and judicial confession.

COUNSEL FOR DEFENDANT

(PRINT) COUNSEL FOR DEFENDANT

I join, consent to and approve of the defendant's plea of **TRUE**, voluntary statements, waivers, stipulations and judicial confession.

ATTORNEY FOR STATE

(PRINT) ATTORNEY FOR STATE

The Court finds: (1) the Defendant is mentally competent, is represented by competent counsel, and understands the nature of the allegation(s) against him; (2) the attorneys for the Defendant and the State join, consent to and approve of the Defendant's plea of true, voluntary statements, waivers, stipulations and judicial confession; and (3) the Defendant understand the consequences of his/her plea and the Defendant's plea of **TRUE**, voluntary statements, waivers, stipulations and judicial confession are freely, voluntarily, intelligently and knowingly made. The Court accepts the Defendant's plea of **TRUE**.

SIGNED this _____ day of _____.

JUDGE PRESIDING

TRIAL COURT’S CERTIFICATION OF DEFENDANT’S RIGHT OF APPEAL

I, judge of the 299th District Court, certify this criminal case:

_____ is not a plea-bargain case, and the defendant has the right of appeal. [or]

_____ is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal. [or]

_____ is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal. [or]

_____ is a plea-bargain case, and the defendant has NO right of appeal.

_____ the defendant has waived the right of appeal.

_____ the notice of appeal was not timely filed, and the defendant has NO right of appeal.

PRESIDING JUDGE

DATE SIGNED

I understand appeal is perfected by timely filing a sufficient notice of appeal in writing and filed with the trial court clerk. I also understand the notice of appeal must be filed:

- (1) within 30 days after the day sentence is imposed or suspended in open court, or after the day the trial court enters an appealable order; or
- (2) within 90 days after the day sentence is imposed or suspended in open court if the defendant timely files a motion for new trial.

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeal's judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the court of appeals. Tex. R. App. P.68.2. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely notify my appellate attorney of any change of address, I may lose the opportunity to file a *pro se* petition for discretionary review.

Defendant
Mailing address:
Telephone Number:
Fax Number (if any):

Defendant’s Counsel
State Bar of Texas ID Number:
Mailing address:
Telephone Number:
Fax number (if any):