

THE STATE OF TEXAS

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IN THE _____ DISTRICT COURT

VS.

OF

TRAVIS COUNTY, TEXAS

PLEA OF GUILTY, ADMONISHMENTS, VOLUNTARY STATEMENTS, WAIVERS, STIPULATION & JUDICIAL CONFESSION
(Defendant Should Initial Appropriate Blanks)

I. ADMONISHMENTS, Art. 26.13, C.C.P.: You are hereby admonished in writing:

1. You are charged with the felony offense (*after amendment, if any*) of: _____

_____ You are pleading guilty to the charged offense described above.

_____ The State moves to reduce the charged offense to _____

_____ and you are pleading guilty to that offense.

2. Punishment Range: The range of punishment for the charged and/or plea-bargained offense is:

_____ **HABITUAL OFFENDER:** a term of life or any term of not more than 99 years or less than 25 years in the Texas Department of Criminal Justice.

_____ **FIRST DEGREE ENHANCED:** a term of life or any term of not more than 99 years or less than 15 years in the Texas Department of Criminal Justice and, in addition, a fine not to exceed \$10,000.

_____ **FIRST DEGREE FELONY:** a term of life or any term of not more than 99 years or less than 5 years in the Texas Department of Criminal Justice and, in addition, a fine not to exceed \$10,000.

_____ **SECOND DEGREE FELONY:** a term of not more than 20 years or less than 2 years in the Texas Department of Criminal Justice and, in addition, a fine not to exceed \$10,000.

_____ **THIRD DEGREE FELONY:** a term of not more than 10 years or less than 2 years in the Texas Department of Criminal Justice and, in addition, a fine not to exceed \$10,000.

_____ **STATE JAIL FELONY:** a term of confinement in a state jail for not less than 180 days or more than 2 years and, in addition, a fine not to exceed \$10,000; a state jail sentence must be served day for day. The Court may give you credit on a state jail sentence for any time served in jail awaiting trial. If punished under Sec. 12.44 (a), Penal Code, a term of confinement in a county jail not to exceed one year, and in addition, a fine not to exceed \$4,000.

If you are convicted of a felony punishable as a state jail felony under Sec. 481.115(b), Sec. 481.1151(b)(1), Sec. 481.116(b), Sec. 481.121(b)(3), or Sec. 481.129(g)(1), Health and Safety Code, the Court shall suspend the imposition of the sentence and place you on community supervision for a period of not less than 2 years or more than 5 years. But if the conviction resulted from an adjudication of guilt after you were previously placed on deferred adjudication community supervision for the offense, or if you have been previously convicted of a felony, or if you have been convicted under Sec. 481.1151(b)(1), Health and Safety Code, and possessed more than five abuse units of the controlled substance, or under Sec. 481.121(b)(3), Health and Safety Code, and possessed more than one pound of marihuana, the Court may suspend the imposition of the sentence and place you on community supervision, or may order the sentence to be executed.

_____ **CLASS A MISDEMEANOR:** Confinement in jail for a term not to exceed one year; a fine not to exceed 4,000; or both such fine and confinement.

_____ **CLASS B MISDEMEANOR:** Confinement in jail for a term not to exceed 180 days; a fine not to exceed \$2,000; or both such fine and confinement.

_____ **OTHER:** _____

3. Plea Bargains: The prosecutor's punishment recommendation is not binding on the Court. If a plea bargain does exist, the Court will inform you in open court before making any finding on your plea whether it will follow the plea agreement. Should the Court reject the plea agreement, you will be permitted to withdraw your plea if you desire.

4. Unnegotiated Plea: If there is no plea bargain, then all non-jurisdictional defects are waived, and you have no right to appeal except for jurisdictional matters. If you are convicted in a non-negotiated plea you have the right to appeal jurisdictional matters to the appropriate Court of Appeals of Texas, and the right to be represented on appeal by an attorney of your choice, but if you are too poor to pay for such attorney or the record on appeal, the Court will, without expense to you, provide an attorney and a proper record for such an appeal.

5. Negotiated Plea & Appeal: If the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by you and your attorney, you must receive the Court's permission before you may appeal any matter except matters raised by written motion(s) filed prior to trial.

6. Citizenship: If you are not a citizen of the United States of America, a plea of guilty or *nolo contendere* may result in your deportation, exclusion from admission to this country, or denial of naturalization under federal law.

7. Deferred Adjudication: If the Court grants you deferred adjudication community supervision, you may be arrested and detained if you violate any condition imposed on you. You will then be entitled to a hearing without a jury limited to the determination by the Court of whether to proceed with an adjudication of guilt on the original charge. After adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of community supervision and your right to appeal continue as if adjudication of guilt had not been deferred. Upon adjudication of your guilt, the Court may assess your punishment at any length of time and any fine within the range of punishment.

If you are placed on deferred adjudication community supervision you may have the right to petition the court for an order of nondisclosure under Section 411.081 Government Code. You are not entitled to so petition the court if you were placed on the deferred adjudication community supervision for or have been previously convicted or placed on any other deferred adjudication for:

- (1) an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;
- (2) an offense under Section 20.04, Penal Code, regardless of whether the offense is a reportable conviction or adjudication for purposes of Chapter 62, Code of Criminal Procedure;
- (3) an offense under Section 19.02, 19.03, 22.04, 22.041, 25.07, or 42.072, Penal Code; or
- (4) any other offense involving family violence, as defined by Section 71.004, Family Code.

8. Sexual Offender Registration Requirements: If you receive community supervision, a prison or jail term, or deferred adjudication for an offense described in Chapter 62 of the Texas Code of Criminal Procedure (sex-related offenses), you must meet all the registration requirements set out in that chapter. **Failure to properly register is a separate criminal offense. By affixing your signatures to this document, you and your attorney are acknowledging that your attorney has advised you about and you are aware of any applicable registration requirements under Chapter 62.**

9. Misdemeanor involving family violence, as defined by Section 71.004. Family Code: If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

10. Conditions of Community Supervision: The judge may impose any reasonable condition of community supervision beyond those conditions expressly stated in the plea agreement. The judge may also amend or modify the conditions of supervision at any time during the period of supervision.

II. VOLUNTARY STATEMENTS:

NOW COMES the Defendant in open court in the above styled and numbered cause and after consulting with my attorney, I make the following voluntary statements:

1. I was sane at the time of the offense, and am presently competent to stand trial.
2. I understand the nature of the charge(s) against me, and the plea bargain agreement, if any.
3. I understand the admonishments set out in this document and am aware of the consequences of my plea of guilty or *nolo contendere*.
4. I understand that I have the right to trial by jury, 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.

III. WAIVERS:

After consulting with my attorney, I freely, knowingly, and voluntarily:

1. **WAIVE** reading of the indictment or information.
2. **WAIVE** service of the indictment; the waiting period for arraignment; arraignment; the right to file motions or pleadings; the time to respond to the amended indictment or information; and the ten-day waiting period for my court appointed attorney to prepare for trial.
3. **WAIVE** the right to trial by jury, and request the consent and approval of the Court and the attorney for the State to such waiver.
4. **WAIVE** the right to confront and cross-examine the witnesses against me.
5. **CONSENT** to the introduction of evidence by stipulation, judicial confession, live testimony, affidavits, written statements of witnesses, or any other documentary evidence sufficient to establish my guilt.
6. **WAIVE** the right to subpoena witnesses to testify for me.
7. **WAIVE** my right to remain silent and not to incriminate myself, and state that I desire to judicially confess my guilt.
8. **WAIVE** any right which I may have to the preparation of a Pre-sentence Investigation Report.
9. **WAIVE** my right to have the Court inquire about and request a copy of the victim impact statement, if any; waive my rights to read, comment upon, and/or introduce testimony related to such statement, if any; and waive any right I may have for the Court to consider, before sentencing, the contents of such victim impact statement, if any.
10. **WITHDRAW** my pretrial motions and **WAIVE** my right to appeal.

IV. JUDICIAL CONFESSION AND STIPULATION:

1. I have read and understand the indictment or information in this case, and:
_____ I admit and judicially confess that I committed the charged offense as alleged in the indictment or information.
_____ I admit and judicially confess that I committed the lesser included offense of _____

_____ I admit and judicially confess that I committed the offense of _____
_____ as set out in count _____, paragraph _____, of the indictment or information.

2. I hereby further stipulate and admit to the following: (optional)

_____.

I consent to the introduction of this document, STATE'S EXHIBIT # 1, into evidence in support of my plea of guilty (or *nolo contendere*) and agree that this document is sufficient evidence under Art. 1.15, C.C.P. to substantiate my guilt.

V. PLEA OF GUILTY:

_____ I voluntarily enter my plea of GUILTY to the abovementioned offense. I am pleading guilty (or *nolo contendere*) because I am guilty and for no other reason. My plea is entered freely and voluntarily, and without any coercion, duress or promise of benefit other than that stated in the plea bargain agreement. I request the Court to consider probating any sentence imposed, and as to the issue of punishment agree that the pre-sentence investigation report of the Community Supervision and Corrections Department may be considered by the Court.

VI. STATEMENT OF CITIZENSHIP:

_____ (I am) (I am not) a citizen of the United States. There have been no promises made to me by my defense attorney, the prosecutor or the Court concerning my right to stay in the United States.

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

Defendants who read and write the English language sign here:

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, including the Court's admonishments, and I am aware of the consequences of my plea. My attorney has discussed with me the law and facts applicable to this case, and I am satisfied that I have been effectively represented. I understand if an appeal is made, written Notice of Appeal must be filed within 30 days of the sentencing date.

DEFENDANT

Defendants who do not read and write the English language sign here, along with attorney or interpreter:

I 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, including the Court's admonishments, and I am aware of the consequences of my plea. My attorney has discussed with me the law and facts applicable to this case, and I am satisfied that I have been effectively represented. I understand if an appeal is made, written Notice of Appeal must be filed within 30 days of the sentencing date.

DEFENDANT

The Defendant does not adequately read the English language. I have read this document to the Defendant in _____, and s/he has indicated that s/he understands my explanation of this document.

COUNSEL FOR DEFENDANT

INTERPRETER

Subscribed, and sworn 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 hereby join, consent to and approve of the waiver of jury trial pursuant to Art. 1.13, C.C.P., and the stipulations of evidence pursuant to Art. 1.15, C.C.P. In addition, I hereby advise the Court that I have fully consulted with the defendant and have carefully reviewed with him/her this entire document. I believe s/he is mentally competent, understands the admonishments, is aware of the consequences of the plea, and is freely, voluntarily, knowingly and intelligently entering his/her plea of guilty, waiver, stipulation and judicial confession. I hereby waive my right to 10 days to prepare after my appointment, with the defendant's consent.

COUNSEL FOR DEFENDANT

(PRINT) COUNSEL FOR DEFENDANT

I hereby join, consent to and approve of the waiver of jury trial pursuant to Art. 1.13, C.C.P., and the stipulations of evidence and judicial confession pursuant to Art. 1.15, C.C.P. The attorney representing the state (has) (has not) given notice of the existence and terms of any plea bargain agreement to the victim, guardian of a victim, or close relative of a deceased victim, as those terms are defined by Article 56.01, C.C.P..

ATTORNEY FOR STATE

(PRINT) ATTORNEY FOR STATE

The Court hereby finds that (1) the Defendant was sane when the alleged offense was committed, is mentally competent, is represented by competent counsel, understands the nature of the charges against him/her, and has been warned of the consequences of a plea of guilty or *nolo contendere*, including the minimum and maximum punishment provided by law; (2) the attorney for the Defendant and the State consent to and approve the waiver of a trial by jury and agree to stipulate the evidence and judicial confession in this case; and (3) the Defendant understands the consequences of his plea, and the Defendant's plea of guilty, statements, waivers, consent, stipulations, and judicial confession were freely, voluntarily, knowingly and intelligently made. The Court hereby approves the waiver of a jury trial, all other waivers, the consent to stipulate evidence, and judicial confession.

SIGNED this _____ day of _____, 20_____.

JUDGE/MAGISTRATE PRESIDING

OTHER: _____

