

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS

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IN THE 403<sup>rd</sup> DISTRICT COURT

VS.

OF

TRAVIS COUNTY, TEXAS

**PLEA OF GUILTY, ADMONISHMENTS, VOLUNTARY STATEMENTS,  
WAIVERS, STIPULATION & JUDICIAL CONFESSION**

(Defendant Should Initial Appropriate Blanks)

**I. ADMONISHMENTS**

Pursuant to Art. 26.13, Code of Criminal Procedure (“C.C.P.”), you are hereby admonished in writing:

1. **Charges:** You are charged with the felony offense of: \_\_\_\_\_

\_\_\_\_\_ You are pleading guilty to the charged offense described above.

\_\_\_\_\_ The State moves to reduce the charged offense to: \_\_\_\_\_

2. **Punishment Range:** If convicted, you face the following range of punishment:

\_\_\_\_\_ **HABITUAL OFFENDER:** a term of life or any term of not more than 99 years or less than 25 years in the Institutional Division of 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 Institutional Division of 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 Institutional Division of 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 Institutional Division of 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 Institutional Division of 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; or, if punished under Sec. 12.44 (a), Penal Code, a term of confinement in a county jail not to exceed one year.

\_\_\_\_\_ The Court may order the sentence to be executed; or the Court may suspend the sentence and place you on community supervision for a period of not less than 2 years or more than 5 years, except that the Court may extend the period of community supervision to not more than 10 years.

\_\_\_\_\_ If you are placed on community supervision, the Court may order as a condition of that supervision that you be confined for up to 90 days in a county jail, or for a minimum of 90 days to a maximum 180 days in a State Jail.

\_\_\_\_\_ If you are convicted of a felony punishable as a State Jail felony under Sec. 481.112, 481.1121, 481.113, or 481.120, Health and Safety Code, the Court may order as a condition of community supervision that you be confined in a State Jail for a term of not less than 90 days or more than one year.

\_\_\_\_\_ **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.

\_\_\_\_\_ **OTHER:** \_\_\_\_\_  
\_\_\_\_\_

**3. Plea Bargains:** The recommendation of the prosecuting attorney as to punishment 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. Permission to Appeal:** If the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by you and your attorney, the Court must give its permission to you before you may prosecute an appeal on any matter in the case except for matters raised by written motion filed prior to trial.

**5. 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.

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

**7. Deferred Adjudication:** If the Court grants you deferred adjudication community supervision, under Art. 42.12, Sec. 5, C.C.P., on violation of any imposed condition, you may be arrested and detained as provided by law. You will then be entitled to a hearing limited to the determination by the Court of whether to proceed with an adjudication of guilt on the original charge. If the Court determines that you violated a condition of community supervision, no appeal may be taken from this determination. 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 term of years and any fine within the entire range of punishment for the original charge.

**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, you must meet all the registration requirements set out in that chapter. Failure to properly register is a separate criminal offense. By affixing signatures to this document, you and your attorney are acknowledging that your attorney has advised you regarding any applicable registration requirements under Chapter 62.

## **II. VOLUNTARY STATEMENTS**

NOW COMES the defendant in open Court in the above-styled cause and, after consulting with my attorney, I do hereby make the following voluntary statements:

1. That I was sane at the time of the offense, and am presently competent to stand trial.
2. That I understand the nature of the charges contained in the indictment or information in this cause.
3. That I understand the admonishments set out in this document and am aware of the consequences of a plea of guilty.
4. That I understand I have the right to a jury trial, whether I plead “guilty” or “not guilty.”
5. That I understand I have the right to be confronted by the witnesses against me whether I have a trial before the Court or the jury.
6. That I understand I have the right to remain silent, but if I choose not to remain silent, anything I say can be used against me.

**III. WAIVERS**

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

1. Waive the reading of the indictment or information.
2. Waive the right to be arraigned.
3. Waive the right to a jury trial and request the consent and approval of the Court and the attorney for the State to such waiver.
4. Waive the right to be confronted with, and to cross-examine, the witnesses against me.
5. Request the approval of the Court to stipulate evidence.
6. Consent to the introduction of testimony or evidence into the record by the attorney for the State by oral stipulation, by affidavit, by written statements, or by any other documentary evidence.
7. Waive service of the indictment and the two-day waiting period for arraignment; waive the ten-day period in which to file written pleadings after service of the indictment; waive the ten-day period for preparation after appointment of counsel; and waive the ten-day period in which to file written pleadings after arrest.
8. Waive my right to remain silent and state that it is my desire to make a judicial confession of my guilt.
9. Waive any right which I may have to the preparation of a Presentence Investigation Report by the community supervision officer under Art. 42.12, Sec. 9., C.C.P.
10. 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.

**IV. STIPULATION AND JUDICIAL CONFESSION**

1. I have read and understand the indictment or information filed in this case and admit:

\_\_\_\_\_ I committed and am guilty of each and every allegation it contains.

\_\_\_\_\_ I committed and am guilty of the lesser included offense of:

\_\_\_\_\_ I committed and am guilty of the offense of \_\_\_\_\_  
as set out in count \_\_\_\_\_, paragraph \_\_\_\_\_, of the indictment.

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

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I swear to all 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, so help me God. I am pleading guilty freely, knowingly, and voluntarily, and because I am guilty.

**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; 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.**

\_\_\_\_\_  
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; 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.**

\_\_\_\_\_  
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 hereby join and approve 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 my client and have carefully reviewed with him this entire document. I believe he is mentally competent, understands the admonishments, is aware of the consequences of the plea, and is knowingly and voluntarily entering his plea of guilty, waiver, stipulation and judicial confession.

\_\_\_\_\_  
COUNSEL FOR DEFENDANT

I hereby join and approve 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.

\_\_\_\_\_  
ATTORNEY FOR STATE

The Court hereby finds that (1) the Defendant appears mentally competent, is represented by competent counsel, understands the nature of the charges against him, and has been warned of the consequences of a plea of guilty, including the minimum and maximum punishment provided by law; (2) the attorney for the Defendant and the State consent and approve the waiver of a trial by jury and agree to stipulate the testimony in this case; and (3) the Defendant's plea of guilty, statements, waivers, and consent, were freely, knowingly, and voluntarily made. The Court hereby accepts the Defendant's plea of guilty and approves the waiver of a jury trial and the consent to stipulate testimony.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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JUDGE PRESIDING