

THE STATE OF TEXAS

VS.

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IN THE COUNTY COURT AT LAW

NUMBER _____

TRAVIS COUNTY, TEXAS

**PLEA OF GUILTY, NO CONTEST, 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 misdemeanor offense (*after amendment, if any*) of: _____

_____ You are pleading guilty or no contest 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:

_____ **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.

_____ **CLASS C MISDEMEANOR:** A fine not to exceed \$500

_____ **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.

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, whether or not you have lawful immigration status, you should tell your lawyer because you have the right to receive advice from your lawyer about the specific effect, if any, that this case may have on your immigration status. A plea of guilt or no contest, admission of guilt, or conviction may result in detention, removal, deportation, exclusion from the United States, (a determination that you are inadmissible to the U.S.) or denial of naturalization or other immigration benefits pursuant to federal law, depending on the specific facts and circumstances of your case.

Your lawyer must investigate and advise you about these issues before you plead no contest or guilty, or admit guilt to this or any offense. If your attorney has not advised you with regard to your immigration consequences to your satisfaction, the court will allow you and your lawyer additional time to consider the appropriateness of the plea in light of this admonishment. You should tell your lawyer if you need more time.

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.

8. Sexual Offender Registration Requirements: If you receive community supervision or jail term for a Second Violation of Section 21.08 of the Penal Code: Indecent Exposure, as described in Chapter 62(5)(F) 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.

11. Driver's License Suspension and Surcharge: The Transportation Code provides that the Department of Public Safety may suspend a driver's license and require payment of surcharges for certain offenses, including Driving While Intoxicated, driving with an invalid, suspended, or no license, possession of certain controlled substances, possession of marijuana, and others.

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 *no contest*.
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 waive the following rights:

1. Reading of the indictment or information.
2. Service of the information; the waiting period for arraignment; arraignment; the right to file motions or pleadings; the time to respond to the amended information; and the ten day waiting period for my court appointed attorney to prepare for trial.
3. 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. The right to confront and cross-examine the witnesses against me and any objection 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.
5. The right to subpoena witnesses to testify for me.
6. My right to remain silent and not to incriminate myself.
7. Any right which I may have to the preparation of a Pre-sentence Investigation Report.
8. 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. PLEA OF GUILTY:

_____ I voluntarily enter my plea of GUILTY or no contest to the abovementioned offense. I am pleading guilty (or *no contest*) 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 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. I can understand the English language; I have read or my attorney has read this entire document to me and I have 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 understand 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.

DEFENDANT

The Defendant does not adequately understand 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.

ATTORNEY FOR DEFENDANT

INTERPRETER

I hereby join, consent to and approve of the waiver of jury trial. 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.

ATTORNEY FOR DEFENDANT

(PRINT) ATTORNEY FOR DEFENDANT

Before the entry of the defendant's plea of guilty or no contest herein, the above requests, waivers and stipulations are hereby consented to and approved by me, the attorney representing the State.

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 *no contest*, 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 PRESIDING