

THE STATE OF TEXAS

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IN THE 454TH JUDICIAL

VS.

DISTRICT COURT OF

MEDINA 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.
8. **WAIVER OF PRESENTENCE INVESTIGATION REPORT:** I, the defendant, advise the court that I have been advised by my attorney of my statutory right to have a presentence investigation report prepared by the community supervision officer and I hereby knowingly, intelligently and voluntarily waive the preparation and filing of a presentence investigation report in this case.

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 no. _____, or all 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: _____.

DEPUTY DISTRICT CLERK
MEDINA 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 _____, 20_____.

DISTRICT JUDGE PRESIDING

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

I, judge of the 38th 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.

DISTRICT 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): _____

PLEA AGREEMENT

It is mutually agreed and recommended by the parties:

____ Prosecution to proceed only on Count(s) _____ Prosecution for lesser included offense of _____

____ Defendant agrees that he has been previously convicted of one/two or more felonies for enhancement under 12.42 P.C.

____ Class A Misdemeanor punishment with: ____ State jail Felony Conviction under §12.44(a), P.C.
____ Misdemeanor Conviction under §12.44(b), P.C.

____ Punishment to be assessed at _____ years

____ Fine \$ _____

____ Affirmative Finding of Deadly Weapon or 3G offense, Defendant not eligible for supervision under CCP42.12,Sec.3

____ There is no application for community supervision/deferred adjudication.

____ State will make no recommendation of Defendant's deferred adjudication/community supervision application. State reserves the right to speak as to factual issues relevant to Defendant's punishment.

____ State opposes community supervision/deferred adjudication.

____ State recommends community supervision.

____ State recommends deferred adjudication.

____ Concurrent with: _____

____ Causes taken into consideration: _____

____ Restitution to be determined by the Court through the Community Supervision office or \$ _____

____ Payable to victim in this cause number only: _____

____ Payable to victims under: _____

____ Other: _____

NOTE: The parties are not allowed to make binding agreements regarding the length of community supervision or the terms and conditions of community supervision, which are totally dependent upon the Court's discretion. The following recommendations do not constitute part of the formal plea agreement. However, the (State) (both parties) make the following non-binding recommendations:

____ Community Supervision be granted for _____ years

____ Treatment Alternative to Incarceration Program _____ Days in County Jail or State Jail (circle one)

____ Hours Community Service _____ Substance abuse treatment facility

____ Days Electronic Monitoring _____ Uvalde County Community Correctional Facility

____ No contact with _____

Other Punishment recommendations: _____

The above terms constitute our agreement, and there are no agreements not set forth above. The Defendant and Counsel request the Court to follow the plea bargain.

DISTRICT ATTORNEY/ASS'T. D. A.

ATTORNEY FOR DEFENDANT

DEFENDANT