

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

THE STATE OF TEXAS

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§  
§  
§  
§

66<sup>TH</sup> DISTRICT COURT

VS.

OF

\_\_\_\_\_

HILL COUNTY, TEXAS

**FELONY ADMONITIONS TO THE DEFENDANT**

1. The range of punishment attached to this offense as enhanced, if any, is (check one):

(Capital Felony—death penalty waived OR Repeat Sex Offender) confinement in the Institutional Division of the Texas Department of Criminal Justice for life.

(Habitual Offender OR First Offense Sex Offender – continuous sexual abuse or “super” aggravated sexual assault) confinement in the Institutional Division of the Texas Department of Criminal Justice for life or a term of not more than 99 years or less than 25 years.

(First Degree Felony + Repeat Offender) confinement in the Institutional Division of the Texas Department of Criminal Justice for life or a term of not more than 99 years or less than 15 years; in addition, a fine not to exceed \$10,000 may be imposed.

(First Degree Felony) confinement in the Institutional Division of the Texas Department of Criminal Justice for life or a term of not more than 99 years or less than 5 years; in addition, a fine not to exceed \$10,000 may be imposed.

(Second Degree Felony) confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of not more than 20 years or less than 2 years; in addition, a fine not to exceed \$10,000 may be imposed.

(Third Degree Felony) confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of not more than 10 years or less than 2 years; in addition, a fine not to exceed \$10,000 may be imposed.

(State Jail Felony) confinement in state jail for a term of not more than 2 years or less than 180 days; in addition, a fine not to exceed \$10,000 may be imposed.

If the offense is punished under §12.44(a) of the Texas Penal Code, the range of punishment is not more than 1 year in county jail and/or a maximum fine of \$4,000.00.

(Special punishment range) confinement in \_\_\_\_\_ for a term of \_\_\_\_\_ and/or a fine of \_\_\_\_\_.

2. The recommendation of the prosecuting attorney, if any, is not binding on the court. The court will inquire as to the existence of a plea agreement and, if any exists, inform the defendant in open court before any finding on the plea whether the court will follow such agreement. Should the court reject a plea agreement, the defendant will be permitted to withdraw the plea of guilty or no contest. If there is no plea agreement, the Defendant has no right to withdraw the plea following sentencing.

3. If the punishment assessed does not exceed the punishment recommended by the prosecuting attorney and agreed to by the Defendant and the defense attorney, the trial court must give its permission to the Defendant before the Defendant may pursue an appeal on any matter in the case, except for those matters raised by written motions filed and ruled upon before trial.

4. If the Defendant is not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.

5. If the Defendant is convicted of or placed on deferred adjudication for an offense triggering the Sex Offender Registration Program, Defendant will be required to meet the registration requirements of that law. For a list of offenses triggering sex offender registration and the details of that law, see Chapter 62, CCP. Defendant understands that the sex offender registration laws include many details other than those listed in these admonitions, are subject to change, and may be applied retroactively. Failure to comply with the registration law is a felony criminal offense.

6. If the Defendant is placed on deferred adjudication, upon violation of a condition of community supervision, the Defendant may be arrested and detained. The Defendant is entitled to a hearing limited to the determination by the judge whether to proceed with an adjudication of guilt on the original charge. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of community supervision (probation), and Defendant's appeal continue as if the adjudication of guilt had not been deferred.

7. If the Defendant is placed on deferred adjudication, the Defendant, if eligible under Section 42.12(5) Code of Criminal Procedure, shall have the right to petition the Court for an Order of Nondisclosure under Section 411.081 Government Code.

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JUDGE PRESIDING

The Defendant understands the admonitions given above and is aware of the consequences of the plea.

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Defendant

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Defendant's Attorney

**IMMIGRATION CONSEQUENCES OF THE DEFENDANT'S  
PLEA OF GUILTY OR NO CONTEST**

By my signature below I acknowledge that my attorney has fully explained the immigration consequences and legal action that may be taken against me by the Department of Homeland Security and/or Immigration and Customs Enforcement if I plead guilty or no contest to the criminal offense of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

My attorney has explained, and I am fully aware, that in all likelihood if I am not a legal citizen of the United State of America, with my plea to this offense, it is presumptively mandatory and virtually certain that I will be subject to deportation and/or exclusion from the United States of America and/or prevented from re-entry into the United States of America. Further, a criminal conviction for the above named offense may have adverse immigration consequences other than deportation, removal or denial of re-entry. My attorney has advised me that I may seek the assistance of an immigration attorney if I have any further questions about the immigration consequences of my plea before I enter into this plea agreement. Having these immigration consequences explained to me I am freely and voluntarily entering my plea to the above offense.

\_\_\_\_\_  
Defendant

I have explained the above paragraph of Immigration Consequences of the Defendant's Plea of Guilty or No Contest to my client if he/she is not a legal citizen of the United States of America. I have explained that a plea of guilty or no contest to this offense will result in deportation, removal or denial of re-entry. I have fully explained that these consequences are presumptively mandatory and virtually certain if it is unclear as to the immigration consequences for pleading guilty or no contest to this offense. Additionally, I have advised my client that this pending criminal charge may carry a risk of adverse immigration consequences and that he/she may seek advice from an immigration attorney before entering this plea. If my client is unable to read or speak the English language the above paragraph, as well as, the entire plea agreement has been read to my client and explained to him through an interpreter that is fluent in the defendant's primary or native language.

\_\_\_\_\_  
Defense Attorney

**FELONY WAIVERS, CONFESSION, AND AGREEMENT**

If the grand jury has not returned an indictment, the Defendant waives the right to be accused by indictment. The Defendant waives the right to service of a copy of the indictment or information, the time allowed by law to file motions and pleadings and to prepare for trial and the discovery of inculpatory and exculpatory evidence beyond that already provided, if any exists. As to both guilt and punishment, the Defendant waives the following rights: trial by jury, a speedy trial, the appearance of and confrontation and cross-examination of the witnesses, the privilege against self-incrimination and against double jeopardy, and the right to a presentence investigative report pursuant to CCP Art 42.12 sec. 9.

The Defendant waives reading of the indictment or information. The Defendant waives and abandons all motions, pleadings and objections made before the entry of the plea. The Defendant consents to an oral stipulation of the evidence and testimony and to the introduction of testimony by affidavits, written statements of the witnesses and any other documentary evidence.

The Defendant JUDICIALLY CONFESSES to committing the offense(s) of \_\_\_\_\_

\_\_\_\_\_

Offense code: Penal/ H.S./ C.C.P./ other \_\_\_\_\_, exactly as charged within the indictment or information or as a lesser included offense of the offense(s) charged in the indictment or information.

**A plea agreement exists in this cause as follows:**

Defendant agrees to plead **guilty** or **no contest** to the above specified offenses(s), (**true/not true**) to enhancement paragraph(s) \_\_\_\_\_, if any, in the indictment or information, judicially confesses, and waives any right to a motion for new trial and appeal or to expunge or seek nondisclosure of any records related to any offenses included in the plea agreement.

State agrees to recommend \_\_\_\_\_

\_\_\_\_\_

Restitution in the amount of \$ \_\_\_\_\_ payable to: \_\_\_\_\_

If community supervision (probation) in any form is recommended, the Defendant understands that the Court has the discretion to impose any reasonable condition of supervision (including confinement in various facilities, treatment, and restitution) without violating the plea agreement, if any, unless the plea agreement expressly limits or prohibits such a condition.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Attorney

**CONSENT TO USE CLOSED CIRCUIT VIDEO TELECONFERENCING**

Pusuant to Article 27.18 of the Code of Criminal Procedure the Defendant and the Defendant's Attorney file this written consent to the use of closed circuit video teleconferencing, if applicable, and stipulate all prerequisites of said statute have been satisfied.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Attorney

**WAIVER OF RIGHT TO MOTION FOR NEW TRIAL AND APPEAL**

Having been informed of whatever right to pursue a motion for new trial and appeal may exist, and having agreed to waive those rights, and after having consulted with my attorney, I hereby voluntarily, knowingly and intelligently waive those rights.

\_\_\_\_\_  
Defendant

**WAIVER OF RIGHT TO SEEK AN EARLY RELEASE FROM COMMUNITY SUPERVISION**

Having been informed of whatever right to pursue a motion for early release from community supervision may exist, and having agreed to waive those rights, and after having consulted with my attorney, I hereby voluntarily, knowingly and intelligently waive those rights, except by agreement of the State of Texas.

\_\_\_\_\_  
Defendant

**CERTIFICATE OF DISCOVERY**

Pursuant to Texas Code of Criminal Procedure Article 39.14, this certifies that:

The defendant, by and through his attorney, did timely request the State to produce and permit the inspection and/or the electronic duplication, copying, and photographing of any discoverable documents related to this cause, and the State permitted the inspection and/or provided electronic duplicates, copying, and photographing of the following:

- Offense report;
- Written statements of the defendant or witness, including witness statements of law enforcement officers;
- Recorded statements of the defendant or witness, including witness statements of law enforcement officers;
- Any designated books, accounts, letters, photographs, or objects or other tangible things not otherwise privileged that constitute or contain evidence material to any matter involved in the action and that are in the possession, custody, or control of the state or any person under contract with the state;
- Video recording(s) by law enforcement of the stop and/or arrest;
- Video recording(s) made in the Intoxilyzer Room at the jail;
- Video surveillance recording(s);
- 911 recording(s);
- Affidavit of Non-Prosecution;
- Restitution form(s);
- Intoxilyzer results showing alcohol concentration;
- Lab results of blood specimen showing alcohol concentration;
- Lab results of blood specimen showing drugs;
- Lab results of drugs or controlled substances tested;
- Supplemental Reports;
- Probable Cause Affidavit;
- Search Warrant and Return;
- Arrest Warrant;
- Evidence Logs;
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

The above does not include work product of the State's attorney or any other information that is otherwise privileged. The defendant, by and through his/her attorney hereby stipulates and certifies that all requisite discovery required by Texas Code of Criminal Procedure Article 39.14 has been provided to the defendant prior to entering into this plea agreement and the State of Texas has complied with all elements of Article 39.14, including, but not limited to, providing an open file to the defense.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's Attorney

\_\_\_\_\_  
Date

**WAIVER OF TX C.C.P., ART 39.14 ADDITIONAL DISCLOSURES**

Having been informed of whatever right to additional right to inspection or copying of discoverable items in the State's possession as permitted by Texas Code of Criminal Procedure article 39.14, other than to the State's continuing legal duty under article 39.14(k), as well as under the United States and Texas Constituions, to provide exculpatory, impeachment, or mitigation evidence tending to negate the defendant's guilt of tending to reduce his punishment for the charged offense, I hereby voluntarily, knowingly and intelligently waive those rights.

\_\_\_\_\_  
Defendant

The State consents to and approves the foregoing.

\_\_\_\_\_  
Prosecuting Attorney

\_\_\_\_\_  
Date

The Court consents to and approves the foregoing waivers and consents to stipulation and introduction of evidence.

After having agreed to assess punishment consistent with the plea agreement, the Court hereby finds that the Defendant understands the consequences of waiving the right to a motion for new trial and appeal. The Defendant voluntarily, knowingly and intelligently waived such right. Said waiver is accepted by the Court.

\_\_\_\_\_  
JUDGE PRESIDING

**TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT TO APPEAL\***

**I, A. Lee Harris — Judge of the 66<sup>th</sup> District Court, certify this criminal case:**

- \_\_\_\_\_ is not a plea-bargain case, and the defendant has the right of appeal.
- \_\_\_\_\_ 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.
- \_\_\_\_\_ is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal.
- \_\_\_\_\_ is a plea-bargain case, and the defendant has NO right of appeal.
- \_\_\_\_\_ the defendant has waived the right of appeal.

**Date**

**LEE HARRIS — PRESIDING JUDGE**

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 Texas Rule of Appellate Procedure (TRAP) — 68. I have been admonished that my attorney must mail a copy of the court's of criminal appeals judgment and opinion to my last known address and that I have only thirty (30) days in which to file a *pro se* petition for discretionary review in the court of criminal appeals (TRAP — 68.2). I acknowledge that, if I wish to appeal this criminal 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 inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

**Defendant's Signature**

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**Defendant's Attorney's Signature**

State Bar of Texas Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

\* "A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea-bargain case, that is, a case in which a defendant's plea of guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant, a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal." Texas Rule of Appellate Procedure (TRAP) -- 25.2(A)(2)