

The Court may order as a condition of supervision that you be confined up to 90 to 180 days in a state jail; or may order confinement of 90 to 365 days in a state jail, if you are convicted of delivery of penalty groups 1, 1A, or 2 controlled substance or marihuana, or under Section 481.112, Section 481.1121, Section 481.113 or Section 481.120, Health and Safety Code, as may be applicable.

If you violate one or more of the conditions imposed by the Court, your community supervision order may be revoked.

OPTIONAL: You are not entitled to earn any good time credit on any state jail sentence. The Court may, but is not required, to give you credit on a state jail sentence for any time served in jail either awaiting trial or as a condition of supervision. The Court must give you credit on your sentence for any time you were required to serve in a state jail as a condition of supervision.

2. Any recommendation of the prosecuting attorney as to punishment is not binding on the Court, and the Court may set punishment within the range recited above.

3. If you and your attorney have reached a plea bargain with the prosecuting attorney, the Court will inform you if it accepts or rejects the plea bargain, if rejected, you will be permitted to withdraw your plea of guilty or nolo contendere;

4. A plea of nolo contendere (or "no contest") has the same legal effect in this criminal case as a plea of guilty;

5. If the punishment assessed does not exceed the punishment recommended by the prosecuting attorney and agreed to by you and your attorney, this Court must give its permission to you before you may prosecute an appeal to a higher court on any matter in this case except for those matters raised by written motions filed prior to trial;

6. 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 deportation, the exclusion from admission to this country, or the denial of naturalization under federal law;

7. You may not be compelled to give evidence or testify against yourself. You have the right to remain silent and not testify. However, if you elect to waive these rights and testify, anything you say can and will be used as evidence against you;

8. Where Deferred Adjudication Probation is granted, and if there is a later violation of a condition of probation, you may be arrested and detained. You will then be entitled to a hearing limited to the determination by the Court of whether it proceeds with and adjudication of guilt on the original charge. No appeal may be taken from this determination.

After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncements of sentence, granting of probation, and your appeal, if any, continue as if the adjudication of guilt had not been deferred, and the full range of punishment for the original charge could then be considered by the Court and imposed on you.

JUDGE PRESIDING

We join in and approve the waivers and stipulations made by the defendant; that the defendant is legally competent to stand trial; that all of the defendant's statements were freely and voluntarily made; and the defendant's plea was freely and voluntarily entered.

Defendant

Counsel for Defendant

APPROVED AS TO FORM:

**District Attorney/
Assistant District Attorney**