Defendant:_____ Cause No._____

Offense Charged:_____ Plea Date: _____

ADMONITIONS TO THE DEFENDANT IN A FELONY
WAIVER OF RIGHTS BY DEFENDANT
PLEA BARGAIN AGREEMENT

ADMONITIONS

1. **YOU ARE CHARGED WITH FELONY OFFENSE OF**_____
2. **RANGE OF PUNISHMENT:** If convicted, you face the following range of punishment:

( ) **FIRST DEGREE FELONY**: A term of life or a 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 $10,000.00

( ) **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 $10,000.00.

( ) **THIRD DEGREE FELONY**: A term of not more that 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 $10,000.00.

( ) **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 Criminal Justice; and in addition, a fine not to exceed $10,000.00

( ) **STATE JAIL FELONY**: Confinement in a State Jail for not less than 180 days nor more than 2 years, and in addition, a fine not to exceed $10,000.00.

( ) **STATE JAIL FELONY ENHANCED**:

( ) **Two Prior State Felony Convictions**: Punished as a third degree felony.

( ) **Two Prior Felony Convictions**: If the second conviction is for an offense committed subsequent to a final conviction for the first, second degree felony punishment.

( ) **Deadly Weapon**: If it is shown that a deadly weapon was used or exhibited during the offense or flight there from, or that the defendant was previously convicted of an offense under section 3g of 42.12 Code of Criminal Procedure, punished as a third degree felony, or if previously convicted of a felony, punished as a second degree felony.

The Court may require a person placed on community supervision for a state jail felony to serve up to 90 days in a county jail or from 90 days to 180 days in a State Jail Facility as a condition of supervision.

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.

3. **PLEA BARGAIN:** Whether or not a plea bargain exists, recommendations of the prosecuting attorney are not binding on the Court. If a plea bargain does exist, the Court will inform you whether it will follow the agreement in open court and before any finding on your plea. Should the Court reject the agreement, you will be entitled to withdraw your plea and any document filed as a part of the plea proceeding. Recommendations in the Pre-sentence Investigation are not binding on the Court but may be imposed by the Court along with any reasonable condition of supervision. If there is no plea agreement, the defendant has no right to withdraw the plea following sentencing.

4. **PERMISSION TO APPEAL**: If the punishment assessed does not exceed the plea bargain agreement between you and the prosecutor, the Court must give permission before you can appeal on any matter in the case except for matters raised by written motion before trial, and specifically preserved for purposes of appeal as a part of this plea bargain.

5. CITIZENSHIP: If you are not a U. S. Citizen, a plea of guilty or nolo contendere may result in deportation, exclusion from admission to the country or denial of naturalization under federal law.
6. SEXUAL OFFENDER REGISTRATION: If convicted of or placed on deferred adjudication for an offense triggering the Sex Offender Registration as set out in Chapter 62 of the Texas Code of Criminal Procedure, you 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. The undersigned attorney and the defendant represent to the Court that said attorney has advised the defendant regarding the requirements of Chapter 62. 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 offense.

7. FAMILY VIOLENCE: If the defendant is convicted of a misdemeanor involving family violence, (Tex. Fam. Code § 71.004), it is unlawful for the defendant to possess or transfer a firearm or ammunition.

8. DEFERRED ADJUDICATION: If the Court defers adjudicating your guilt and places you on probation, on violation of any condition you may be arrested and detained as provided by law. You are then entitled to a hearing limited to a 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 probation and your right to appeal continue as if adjudication of guilt had not been deferred. After adjudication of guilt you may be sentenced to any sentence within the range of punishment prescribed by law. You have 30 days after the Court defers adjudication to request in writing that the Court adjudicate guilt. You have the right to petition the Court for an order of nondisclosure under Sec. 411.081, Govt. Code, unless you are ineligible to pursue that right because of the nature of the offense for which you are being placed on deferred adjudication or your criminal history.

8. APPLICATION FOR COMMUNITY SUPERVISION: Defendant further states that he/she has:

1. Never before been convicted of a felony or received Community Supervision after conviction or deferred adjudication for a felony offense, or
2. Been convicted of a felony or received Community Supervision after conviction or deferred adjudication for the offense of _____ in the District Court of _____ County, Texas.

WAIVER OF RIGHTS BY DEFENDANT

Now comes the Defendant in this cause and waives in writing and in open court the right to a trial by jury, the right to the appearance of and confrontation and cross-examination of witness against him/her, the right to remain silent, the right not to be compelled to give evidence against him/herself, and the other rights mentioned in this waiver.

Waiver of Jury

The Defendant in this cause, having been informed of the right to have guilt or innocence and any punishment assessed upon a finding of guilt decided by a jury; and prior to his/her plea of guilty or nolo contendere in this case, and waives the right to trial by jury and requests that the Court approve this waiver, determine his/her guilt or innocence and assess punishment in this case, making any findings of fact required, including enhancement or mitigation of punishment.

Waiver of Ten Days to Prepare for Trial & Waiver of Service and Reading of Indictment / Information

The Defendant in this cause, in writing, and in open court, in person and by attorney and files this motion requesting immediate trial herein and in so doing expressly waives the ten (10) day statutory time in which to prepare for trial. The Defendant in this cause waives the right to be served with a copy of the indictment/information on file in this cause prior to trial; the right to have such indictment/information read to him/her at the time of arraignment and at the time of trial.

_____	_____	_____
Defendant	Defendant's Attorney	Prosecutor

PLEA BARGAIN AGREEMENT

It is mutually agreed by the parties that the State will recommend to the Court the following:

_____Prosecution should proceed only on count (s) _____
_____Prosecution for the Lesser Included Offense of _____
_____The following offenses shall be considered under Art. 12.45 of the Texas Penal Code.
_____

_____State Jail Felony Conviction with Class A Misdemeanor Punishment pursuant to Art. 12.44 (a) of The Texas Penal Code.
_____Prosecution of a State Jail Felony offense as a Class A Misdemeanor pursuant to Art. 12.44 (b) of The Texas Penal Code.
_____Deferred Adjudication Supervision for_____years and a fine of $_____.
_____Conviction with punishment assessed at:
_____years in the Institutional Division
_____years /months/days TDCJ/State Jail/Coryell County Jail
$_____Fine
_____After conviction, Community Supervision be granted for_____years.
_____Incarceration for_____months/days County jail/State jail as term of supervision under conditions of Supervision required by the Court.
_____Restitution of $_____to victims of all offenses considered by the Court to be joint and several with co-defendants if any.
_____Crime Stoppers Fee of $_____to the Copperas Cove Crime Stoppers/Cen-Tex Crime Stoppers
_____Payment of Court Appointed Attorney's fees and cost of court.
_____Such other reasonable conditions of supervision imposed by the Court.
_____Revocation of license by State Board of Insurance for fraud or theft conviction or deferred adjudication.
_____ Revocation of Educator Certification.
_____Other _____

THE FOLLOWING NON-BINDING RECOMMENDATION ARE MADE:

_____Jail term to be served by:
_____Work release as per attached plan
_____Weekend jail service to begin _____
_____Specialized Case Load
_____DWI related conditions: license forfeiture, deep breath lung alcohol interlock, counseling, AA, antabuse, repeat offenders class.
_____Shock Probation\ ( ) State Boot Camp
_____Restitution Center
_____Substance Abuse Felony Treatment in TDCJ-ID\ ( ) Modified Therapeutic Community
_____Community Service_____hours in a Court-designated or Court-approved program designated by the Community Supervision and Corrections Department.
_____Electronic Monitoring.
_____Other: _____

IT IS MUTUALLY AGREED BY THE PARTIES AS A PART OF THE PLEA BARGAIN THAT THE DEFENDANT WILL PLEAD GUILTY TO THE OFFENSE AS SET FORTH ABOVE AND WILL WAIVE APPEAL IF THE COURT FOLLOWS THE STATE'S RECOMMENDATION ABOVE. ALL PLEA AGREEMENTS ARE CONDITIONED ON THE DEFENDANT VIOLATING NO LAWS BETWEEN PLEA AND SENTENCING AND TIMELY APPEARING FOR SENTENCING. THE STATE WILL NOT BE BOUND BY A PLEA AGREEMENT IF THE DEFENDANT COMMITS ANY NEW LAW VIOLATIONS WHATSOEVER OR FAILS TO TIMELY APPEAR FOR SENTENCING OR FAILS TO TIMELY APPEAR FOR ALL APPOINTMENTS SET BY THE CSCD FOR THE PRESENTENCE INVESTIGATION REPORT, OR CANNOT PASS A PRESUMPTIVE TEST FOR THE PRESENCE OF MARIJUANA, ANY CONTROLLED SUBSTANCE FOR THE METABOLITES OF MARIJUANA OR ANY CONTROLLED SUBSTANCE ON THE DATE OF SENTENCING.

_____	_____	_____
Defendant	Defendant's Attorney	Prosecutor

PLEA OF DEFENDANT AND STIPULATIONS

I, _____, Defendant in this case, plead guilty to the offense of _____, as set forth in the indictment/information herein and stipulate and judicially confess that I committed the offense as alleged in the indictment/information in this cause or in other written stipulation attached hereto. I further swear that I have read indictment/information and/or stipulation indictment/information in this case and that the allegations set forth therein are true and correct and I agree that this stipulation and judicial confession shall be received by the Court as evidence in this case. I waive the appearance and cross-examination of the State's witnesses and agree to the introduction as evidence in this case of the statements, affidavits or other written reports, or oral stipulations made on the record in open court of witnesses in this case. I stipulate that the testimony of the witnesses in this case, if called to testify in court, would be that I committed the offense as alleged in the indictment/information and that the evidence stipulated herein is sufficient to support my conviction of the offense alleged in the indictment or any lesser included offense to which I have pled guilty. I understand that the effect of my plea of guilty and my stipulation of evidence is that I will be found guilty of this offense.

_____
Defendant

Sworn and subscribed before me this _____ day of _____, 20___.

_____District
Clerk/Judge

REPRESENTATION BY DEFENDANT AND DEFENDANT'S ATTORNEY

We represent that the Defendant in this cause is mentally competent now and was sane at the time of the offense, that the Defendant reads and writes the English language, that the Defendant and Counsel have read all waivers, admonitions and the plea bargain in this case, that the Defendant understands the admonitions and is aware of the consequences of his/her plea, and has freely, knowingly and voluntarily entered his/her plea of guilty, waived the rights as indicated herein, stipulated to the evidence, and signed these documents without duress or coercion by the Court, the prosecuting attorney, or any other person.

_____ _____
Defendant Defendant's Attorney

APPROVAL OF STIPULATION AND WAIVERS

The Court, having admonished the Defendant as required by law, and having advised the defendant of his rights, and the Defendant having entered his plea herein, the Court hereby accepts the plea entered by the Defendant, the waivers of rights executed by the Defendant, and the stipulation of evidence executed by the Defendant and offered in evidence by the State, with all attachments or exhibits, finding them to be freely and voluntarily made by the Defendant.

_____
Judge Presiding

WAIVER OF APPEAL

Comes now the Defendant, in open court and as a part of the plea bargain in this case, and after the Court has accepted the plea bargain in this case and the imposition of punishment by the Court, and agrees that the Court has not exceeded the recommendation made by the State as a part of the plea bargain, and waives the right to appeal the judgment of the Court in this case. The Defendant further waives the right to appeal the rulings of the Court with regard to any pretrial motions and withdraws all such pretrial motions as may have been made by the Defendant or his/her attorney in his/her behalf. The Defendant further waives the right to file a Motion in Arrest of Judgment, Motion for New Trial, or Notice of Appeal.

_____ _____ _____
Defendant Defendant's Attorney Judge Presiding

Certification of Defendant's Right to Appeal

No._____

THE STATE OF TEXAS	§	**IN THE 52ND DISTRICT COURT**
V.	§	**OF**
_____	§	**CORYELL COUNTY, TEXAS**
Defendant		

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

I, judge of the trial 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 right of appeal. (*or*)

[ ] is a plea-bargain case, and the defendant has NO right of appeal (*or*)

[ ] the defendant has waived the right of appeal.

_____ _____

Judge Date signed

I 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 Criminal 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 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 **Defendant's Counsel**

Mailing Address:_____ State Bar of Texas ID # _____

Telephone Number: _____ Mailing Address:_____

Fax Number (If Any): _____ Telephone Number:_____

Fax Number (If any):_____

*"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 was 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 the trial, or (B) after getting the trial court's permission to appeal." TEXAS RULE OF APELLATE PROCEDURE 25.2 (a)(2).