

Cause No. _____

THE STATE OF TEXAS

§

IN THE DISTRICT COURT

V.

§

52ND JUDICIAL DISTRICT

§

CORYELL COUNTY, TEXAS

STIPULATION OF EVIDENCE
Motion to Revoke Probation/Motion to Adjudicate Guilt

I, _____ the defendant in the above styled and numbered cause, hereby consent to the entry of this STIPULATION OF EVIDENCE in this case, both in writing and in open Court. I hereby expressly waive the appearance, confrontation and cross-examination of witnesses, both for and against me, in this proceeding. I further consent to the introduction of testimony by affidavits, written statements of witnesses and other types of documentary evidence submitted in this cause, I hereby waive any and all federal and state constitutional rights against self-incrimination, I judicially confess that I violated the terms and conditions of my probation as set forth in the attached Motion to Adjudicate Guilt and Revoke Community Supervision or Motion to Revoke Community Supervision. I agree and stipulate that such allegations are true and correct and constitute the facts and evidence against me in this matter.

Defendant

SWORN TO AND SUBSCRIBED before me the undersigned authority, on this, the _____ day of _____, 20____.

District Clerk
Coryell County, Texas

The Stipulation of Evidence is approved by the Counsel for the Defendant.

Attorney for Defendant

The Stipulation of Evidence is approved by the Court.

Judge Presiding

Cause No. _____

THE STATE OF TEXAS

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52ND JUDICIAL DISTRICT

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CORYELL COUNTY, TEXAS

WAIVER OF APPEAL

I, _____, am the Defendant in the above and foregoing Motion to Adjudicate Guilt and Revoke Community Supervision or Motion to Revoke Community Supervision case. I hereby acknowledge that I have been sentenced by this Court to a term of _____ years in the Institutional/State Jail Division of the Texas Department of Criminal Justice for _____. I acknowledge that this is in accordance with the offer made by the State. I have been informed by this Court that I have the right to appeal my conviction and/or my sentence to the Appellate Court of this Jurisdiction. I have been informed and I understand that I have a right to be represented on appeal by an attorney that I may employ. I have also been informed that if I am indigent and cannot afford to pay for an attorney, or pay for the record of this proceeding on appeal, that the Court will, without expense to me, provide an attorney and a proper record for such appeal. After having consulted with my attorney, I do hereby voluntarily, knowingly and intelligently waive my right to appeal as evidenced by my signature below. I stipulate and agree that I am entitled to receive a TOTAL of - ___ - days of jail credit towards such sentence above for the time I have served in the Coryell County Jail and/or while I was under lawful detainer in other jails.

- ____ Sentence suspended, probated for _____ years.
- ____ Commitment to TDCJ only. No shock probation or time cuts.
- ____ Other: _____

Defendant

I, the undersigned attorney, have consulted with the Defendant and advised him of his right to appeal the judgment of the Court as outlined above. I concur with the Defendant's voluntary, knowing and intelligent waiver of his right to appeal this proceeding.

Attorney for the Defendant

It clearly appearing to the Court that the Defendant herein, after having the right to appeal explained by the Court and Defendant's attorney, understands the consequences of waiving the right to appeal, and that the Defendant voluntarily, knowingly and intelligently waived such right. ACCORDINGLY, the Defendant's WAIVER OF APPEAL is accepted by the Court and shall be filed of record in this cause. The Defendant's Waiver of Appeal is APPROVED by the Court.

JUDGE PRESIDING

Cause No. _____

THE STATE OF TEXAS

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IN THE 52ND DISTRICT COURT

V.

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OF

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

Defendant's Counsel
State Bar of Texas Identification # _____
Mailing Address: _____
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 RULES OF APPELLATE PROCEDURE 25.2 (a)(2).