

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

THE STATE OF TEXAS

§

THE COUNTY COURT AT LAW

VS.

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OF

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McLENNAN COUNTY, TEXAS

**WAIVER OF JURY TRIAL AND OTHER RIGHTS, ACKNOWLEDGMENTS AND PLEA**  
*(Guilty or Nolo Contendere)*

I, the Defendant, in person, and in open court, after full consultation with, and with the consent and approval of my attorney, freely and voluntarily enter my plea and make the waivers, requests, acknowledgments and stipulations contained in this document.

I am the person charged in this Information, I am mentally competent, I understand the charge(s) against me. and my true name is correctly alleged in the Information, unless I have submitted a written name correction. I understand I can plead guilty, not guilty or nolo contendere ("no contest"). I understand the minimum and maximum punishment possible in this case.

**Waivers and Plea:** I understand I have the right to remain silent, and the right to have these proceedings recorded by a court reporter; I waive those rights. If I am represented by court-appointed counsel, I waive my right to ten days to prepare for trial following my attorney's appointment. I understand I have the right to a jury trial on any plea I enter. I waive my right to be tried by a jury, and I request the Court to receive my plea of \_\_\_\_\_ **GUILTY** \_\_\_\_\_ **NOLO CONTENDERE** herein, and to assess my punishment without a jury. I expressly agree that the State's attorney may summarize the State's evidence in this cause and may submit to the Court any supporting documents. I waive any right to confront and cross-examine the witnesses against me and agree and stipulate that, if the witnesses were personally present and testifying under oath, their testimony would be the same as reflected by the State's summary of evidence and documentary evidence. I consent and agree to any other stipulations I have approved in writing and filed with the Court. I request that the Court not order a pre-sentence investigation.

**Plea Agreements:** I understand that the State's punishment recommendation, if any, is not binding on the Court, and that **if the punishment assessed by the Court does not exceed the punishment recommended by the prosecutor and agreed to by me, I cannot appeal without the Court's permission, except on matters raised by written motion filed and ruled on prior to trial.**

**Citizenship:** \_\_\_\_\_ I AM or \_\_\_\_\_ I AM NOT a citizen of the United States. (If "I am not" checked, Defendant and Defense Counsel should complete a separate Acknowledgment by Non - U.S. Citizen).

**Deferred Adjudication:** I understand that if the Court defers an adjudication of guilt and places me on community supervision, on violation of any condition, I may be arrested, and my hearing will be limited to a decision by the Court on whether to proceed with an adjudication of guilt on the original charge. If the Court proceeds to an adjudication of guilt, all proceedings, including assessment of punishment, sentencing, granting of community supervision, and appeal will continue as if adjudication of guilt had not been deferred. I acknowledge that, upon adjudication of guilt, I can be sentenced to the maximum punishment provided by law for this offense.

**Family/Dating Violence:** *If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922 (g) (9) or Section 46.04 (b) Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.* I acknowledge that 1) I have read and understand the statements above, 2) I have been advised that if a family violence or dating violence finding is made, if I am charged with a crime in the future in which family violence or dating violence is alleged, the State may prosecute that offense as a felony and, if I am convicted of that offense, I could be sentenced as a felon, and 3) I would be prohibited from possessing or transferring any type of firearm or ammunition.

Defendant's signature: \_\_\_\_\_

**Military Service:** \_\_\_\_\_ I AM NOT or \_\_\_\_\_ I AM a member of any state military force or serving in the armed forces of the United States in an active-duty status. (if "I am" checked, Defendant must complete a separate Certificate of Military Service)

I have read this document, it has been explained to me, and I understand the consequences of my plea. I still insist upon my plea indicated above.

Date: \_\_\_\_\_

Defendant's signature: \_\_\_\_\_

I have consulted with and advised my client concerning the charges and my client's rights, including the plea entered and its consequences. I believe my client is competent and fully understands the admonishments and the consequences of his/her plea. I approve all waivers, acknowledgments, requests and stipulations made herein.

Date: \_\_\_\_\_

Attorney for Defendant: \_\_\_\_\_

State Bar Number: \_\_\_\_\_

APPROVED:

Assistant Criminal District Attorney: \_\_\_\_\_

State Bar Number: \_\_\_\_\_

The Court finds that the Defendant 1) is mentally competent, 2) understands the nature of the charge(s), 3) has been duly admonished regarding and understands the consequences of the waivers, requests and acknowledgments herein, and 4) persists in Defendant's waivers, requests and plea. The Court, therefore, approves and accepts the Defendant's written waivers,, requests, acknowledgments and plea made herein.

Date: \_\_\_\_\_

Judge Presiding: \_\_\_\_\_

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McLENNAN COUNTY, TEXAS

**DISCLOSURE OF PLEA AGREEMENT**

The State of Texas and the Defendant have entered into the following plea agreement, and acknowledge that this is the entire agreement. This agreement is not binding on the Court. In return for the waiver of the Defendant's rights and the Defendant's plea of GUILTY, NOLO CONTENDERE or TRUE in this cause, the State makes the following recommendations and waivers.

**JAIL**

Sentence: _____	Fine: \$ _____
<i>[For State's counsel: No objection to _____ weekends _____ work release _____ SPURS _____ E. Monitoring]</i>	

**COMMUNITY SUPERVISION (PROBATION)**

Sentence: _____	Fine: \$ _____
Community supervision period _____	Fine to be paid: \$ _____
Special terms _____	
_____	

**DEFERRED ADJUDICATION**

Community supervision period _____	Fine (deferred adjudication payment) \$ _____
Special terms _____	
_____	

**MULTIPLE COUNTS OR ALLEGATIONS**

**Must be completed if multiple counts are alleged**

<b>Plea agreement</b> - additional counts: _____
<b>Waived</b> - Count No(s): _____ <b>OR</b> MTR/MTA allegations: _____

**OTHER CASES**

The State will dismiss or refuse the following filed or unfiled pending charges

_____
_____

\_\_\_\_\_ **Family/Dating Violence Waiver** The State hereby WAIVES the family or dating violence allegation.

\_\_\_\_\_ **Appeal Waiver:** The Defendant will waive the right to appeal, \_\_\_ except matters preserved in that document

Signed on: \_\_\_\_\_

\_\_\_\_\_  
Assistant Criminal District Attorney

Signed on: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

\_\_\_ Approved \_\_\_ Rejected \_\_\_ Modified

All Counts waived by the State are hereby DISMISSED.

\_\_\_\_\_  
Judge Presiding

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

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McLENNAN COUNTY, TEXAS

**JUDGMENT**

*(Plea of Guilty or Nolo Contendere)*

The Defendant, charged with the offense of \_\_\_\_\_, as alleged in the Information filed in this cause, appeared this date in person with counsel, \_\_\_\_\_, or voluntarily waived counsel, and the State appeared by her Assistant Criminal District Attorney, \_\_\_\_\_, and all parties announced ready for trial. The Defendant was arraigned on the charges contained in the Information and pleaded GUILTY or NOLO CONTENDERE. In writing and in open Court, a jury and a record were waived by all parties, Defendant waived the appearance, confrontation and cross-examination of the State's witnesses, and Defendant consented to the State's introduction of testimony by summary and other documentary evidence. Trial proceeded before the Court.

Considering Defendant's plea and all evidence and documents submitted, the Court finds the Defendant GUILTY of the offense charged in the Information.

It is, therefore, ORDERED, ADJUDGED and DECREED that the Defendant is GUILTY of the offense as found above, that said Defendant be punished therefore by confinement in the McLennan County Jail for a term of \_\_\_\_\_ and a fine of \$\_\_\_\_\_, and that the State of Texas do have and recover of the said Defendant all fines assessed and costs incurred in this cause, for which let execution issue.

**Family Violence:** The Court finds the Defendant committed family or dating violence in this case: \_\_\_\_\_ [check if applicable]

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge Presiding

**SENTENCE**

On this date the above cause was again called for the purpose of having the sentence of law pronounced in accordance with the judgment rendered herein. Defendant appeared in person with counsel, or voluntarily waived counsel, and the State appeared by her Assistant Criminal District Attorney. Defendant had nothing to say why sentence should not be pronounced, and the Court pronounced sentence as follows:

It is the ORDER of the Court that the Defendant, \_\_\_\_\_, who has been adjudged in this case to be guilty of the offense of \_\_\_\_\_, and whose punishment has been assessed at confinement in the McLennan County Jail for a term of \_\_\_\_\_ and a fine of \$\_\_\_\_\_, together with all costs in this cause incurred, be committed to the Sheriff of McLennan County, Texas, to be confined in jail until said term of imprisonment has expired and all such costs and fines are paid, in accordance with the provisions of, and in the manner prescribed by the laws of the State of Texas. Defendant shall be credited with any time already served in jail in this case.

The Court further ORDERS the following, as checked:

\_\_\_\_\_ **(Delayed Report)** Defendant is **ORDERED** to report to the McLennan County Jail to begin serving sentence no later than **5:00 p.m. today**, or as follows: \_\_\_\_\_;

\_\_\_\_\_ **(Consecutive)** This sentence shall be served consecutively to the sentence in Cause No. \_\_\_\_\_;

\_\_\_\_\_ **(Additional credit)** The Sheriff shall credit the following time to Defendant's sentence: \_\_\_\_\_;

\_\_\_\_\_ **(Weekends)** Defendant is **ORDERED** to serve this sentence in uninterrupted periods each week from every \_\_\_\_\_ at \_\_\_\_\_ .m. through the following \_\_\_\_\_ at \_\_\_\_\_ .m. beginning \_\_\_\_\_, and continuing each succeeding week thereafter until the sentence has been served;

\_\_\_\_\_ **(Spurs Program)** SPURS is approved by the Court, subject to the approval of the McLennan County Sheriff's Department;

\_\_\_\_\_ **(Electronic Monitoring)** Defendant is authorized to serve the sentence through electronic monitoring pursuant to the Order for House Arrest and Electronic Monitoring entered in this cause;

\_\_\_\_\_ Defendant's **driver's license is SUSPENDED** for \_\_\_\_\_, effective immediately **OR** (if checked) \_\_\_\_\_ on the following date: \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge Presiding

Defendant's  
Left Thumb  
*(Use only if right  
Thumb not available)*



Defendant's  
Right Thumb

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

THE STATE OF TEXAS

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AT LAW

MCLENNAN COUNTY

**DISCOVERY FORM**

No Discovery Requested

Item	State	Defense	Item	State	Defense
Offense Report			Expert Reports		
Supplement 1-			Medical Records		
Witness Statements			Warrantless Arrest Affidavit		
Defendant Statements			Warrant Affidavit		
Photographs			Warrant		
Diagrams			Search Warrant/Affidavit		
Lab Report			Affidavit of Non-Prosecution		
Video			Audio		
Video			Plea Offer Form & Information		
			DWI Forms		
			<b>PAGE TOTAL</b> _____		

By my signature I acknowledge that discovery on the above Defendant was completed on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
State's Attorney  
SBOT# \_\_\_\_\_

\_\_\_\_\_  
Defense Attorney  
SBOT# \_\_\_\_\_

\*This disclosure does not include criminal histories, attorney work product or otherwise privileged information if applicable.

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McLENNAN COUNTY, TEXAS

**WAIVER OF APPEAL**

I, the Defendant in the above styled and numbered cause, after consultation with my attorney, in open Court, being fully aware of the sentence pronounced against me by the Court, state as follows:

I understand I have the right to file a motion for new trial and an amended motion for new trial within thirty (30) days of the entry of a Judgment and Sentence, Order Granting Probation, Order Revoking Probation or other appealable order of this Court;

I understand I have the right to request the Court's permission to appeal if the punishment assessed against me did not exceed the recommendation of the State contained in the Disclosure of Plea Agreement, if any, and I have the right to appeal matters raised by written motion and presented to and ruled upon by the Court prior to my trial;

I understand I have the right to give notice of appeal and to appeal from the Judgment, Sentence or other appealable order of this Court, unless prohibited by law from doing so;

I understand that, if I appeal and if I am indigent, I have the right to a free record and transcript, and I have the further right to court-appointed counsel to prosecute my appeal.

Knowing these rights, I expressly **WAIVE ALL RIGHTS TO APPEAL**, and I further **WAIVE** the following:

1. The right to file a motion for new trial or an amended motion for new trial;
2. The right to request permission from the trial Court to appeal;
3. The right to appeal matters raised by written motion and ruled upon prior to trial (unless reserved below);
4. The right to give notice of appeal or the right to appeal any Judgment, Sentence or other appealable order of this Court, (unless reserved below);
5. The right on appeal to a free record, a free transcript and a court-appointed attorney, if I am indigent.

\_\_\_\_\_ I hereby reserve and DO NOT WAIVE all my rights to appeal the following matter(s) raised by written motion and ruled upon by the trial Court prior to trial: \_\_\_\_\_

Signed on: \_\_\_\_\_

\_\_\_\_\_  
Defendant's signature

I have consulted with my client and have advised him of all his/her rights on appeal. I believe my client fully understands the admonishments and is aware of the consequences of this waiver. I approve this waiver of appeal.

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant

It appears to the Court that the Defendant has been duly admonished regarding and understands the consequences of this waiver of appeal, and the Court, therefore, approves and accepts the Defendant's written waiver of appeal.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge Presiding

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**TRIAL COURT’S CERTIFICATION OF DEFENDANT'S RIGHT TO 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 the 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.

Date: \_\_\_\_\_.

\_\_\_\_\_  
Judge Presiding

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 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.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Counsel

State Bar Number: \_\_\_\_\_

Printed name: \_\_\_\_\_

*Texas Rule of Appellate Procedure 25.2 (a) (2) states: "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 trial, or (b) after getting the trial court's permission to appeal."*