

CAUSE NO. _____

THE STATE OF TEXAS

§
§
§
§
§

IN THE COUNTY COURT AT LAW

V.

IN AND FOR

NOLAN COUNTY, TEXAS

PLEA OF GUILTY OR NO CONTEST, ADMONISHMENTS, VOLUNTARY STATEMENTS, WAIVERS AND STIPULATIONS

I. ADMONISHMENTS. You are hereby admonished in writing:

1. You are charged with the misdemeanor offense (after amendment, if any) of: _____.

Plea to Offense Alleged: You are pleading GUILTY/NO CONTEST (circle one) to the charged offense described above.

Reduction: The State moves to reduce the charged offense to _____ and you are pleading GUILTY/NO CONTEST (circle one) to that offense.

2. **Punishment Range:** The range of punishment for the charged and/or plea-bargained offense is (check one):

_____ CLASS A MISDEMEANOR: Confinement in jail for a term not to exceed one year and a fine not to exceed \$4,000, or both.

_____ CLASS B MISDEMEANOR: Confinement in jail for a term not to exceed 180 days and a fine not to exceed \$2,000, or both.

_____ CLASS C MISDEMEANOR: A fine not to exceed \$500

_____ OTHER: _____

3. **Plea Agreement:** The prosecutor's punishment recommendation is not binding on the Court. If a plea agreement does exist, the Court will inform you in open court before making any finding on your plea whether it will follow the plea agreement.

4. **Un-negotiated Plea:** If there is not a plea agreement, then all non-jurisdictional defects are waived, and you have no right to appeal except for jurisdictional matters. If you are convicted in a non-negotiated plea you have the right to appeal jurisdictional matters to the 11th Court of Appeals of Texas, and the right to be represented on appeal by an attorney, but if you cannot afford to pay for such, the Court will, without expense to you, provide an attorney and a proper record for such an appeal.

5. **Negotiated Plea & Appeal:** If the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by you and your attorney, you must receive the Court's permission before you may appeal any matter except matters raised by written motion(s) filed prior to trial.

6. **Citizenship:** If you are not a citizen of the United States, regardless whether or not you have lawful immigration status, you should tell your lawyer. A plea of guilty or no contest, admission of guilt, or conviction could result in detention, removal, deportation, exclusion from the United States, or denial of naturalization/citizenship or other immigration benefits pursuant to federal law. A conviction of certain crimes, including but not limited to domestic violence, drug possession, theft, burglary of a vehicle will have an adverse impact on your immigration status. If an attorney has not advised you of possible immigration consequences to your satisfaction, you are hereby advised that you should consult with an immigration attorney. The court will allow you and your lawyer additional time to consider the appropriateness of the plea. The determination of immigration issues or whether one has the right to remain in the United States is not made in this court, but rather in appropriate federal immigration proceedings and the outcome of federal immigration proceedings can be affected by what you do in this criminal proceeding.

7. **Deferred Adjudication:** If the Court grants you deferred adjudication community supervision, you could be arrested and detained if you violate any condition of your probation. You will then be entitled to a hearing without a jury limited to the determination by the Court of whether to proceed with an adjudication of guilt on the original charge. Upon adjudication of your guilt, the Court may assess your punishment at any length of time and any fine within the range of punishment allowed by law. Be further advised that under federal immigration law, a deferred adjudication sentence pursuant to Texas law is considered a conviction.

8. **Misdemeanor involving family violence, as defined by Section 71.004. Family Code:** 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 Title 18 U.S.C. section 922(g)(9) and/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.

9. **Conditions of Community Supervision:** The judge may impose any reasonable condition of community supervision beyond those conditions expressly stated in the plea agreement. The judge may also amend or modify the conditions of supervision at any time during the period of supervision.

10. **Driver's License Suspension and Surcharge:** The Transportation Code provides that the Department of Public Safety may suspend a driver's license and require payment of surcharges for certain offenses, including Driving While Intoxicated, driving with an invalid, suspended, or no license, possession of certain controlled substances, possession of marijuana, and others.

II. VOLUNTARY STATEMENTS:

NOW COMES the Defendant in the above styled and numbered cause and, after consulting with my attorney, I make the following voluntary statements:

1. I was sane at the time of the offense, and am presently competent to stand trial.
2. I understand the nature of the charge(s) against me, and the plea agreement, if any.
3. I understand the admonishments set out in this document and I am aware of the consequences of my plea of guilty or no contest.

III. WAIVERS: After consulting with my attorney, I freely, knowingly, and voluntarily waive the following rights:

1. **Reading of the information** or indictment.
2. **Service of the information** or indictment; the **waiting period** for arraignment; **arraignment**; the **right to file motions** or pleadings; the **time to respond to the amended information**; and the **ten day waiting period** for my court appointed attorney to prepare for trial.
3. The **right to trial by jury**, and request the consent and approval of the Court and the attorney for the State to such waiver.
4. The **right to confront and cross-examine the witnesses against me** and any **objection to the introduction of evidence** by stipulation, judicial confession, live testimony, affidavits, written statements of witnesses, or any other documentary evidence sufficient to establish my guilt.
5. The **right to subpoena witnesses** to testify for myself.
6. The **right to remain silent**/not to incriminate myself.

IV. FOR DEFENDANTS WHO DO NOT READ AND WRITE THE ENGLISH LANGUAGE:

Please sign here along with attorney:

I understand the _____ language. This entire document was read to me and fully explained to me in that language by my attorney with translation by an interpreter, namely: _____

DEFENDANT

The Defendant does not adequately read the English language. I have read this document to the Defendant in _____ with translation by _____ and he/she understands the explanation of this document.

ATTORNEY FOR THE DEFENDANT

I attest that I accurately translated between Defendant and counsel for defendant. I (am) (am not) an official interpreter approved by the court.

INTERPRETER

V. DEFENDANT’S PLEA OF GUILTY/NO CONTEST:

I further understand the admonitions of the Court and understand the consequences of my plea. My attorney has read and reviewed this entire document with me and I have had the opportunity to ask any and all questions I have and have received answers to my satisfaction. I voluntarily enter my plea of GUILTY/NO CONTEST (circle one) to the above stated offense. My plea is entered freely and voluntarily, and without any coercion, duress or promise of benefit other than that stated in the plea agreement. I am satisfied that I have been effectively represented. I understand if an appeal is made, written Notice of Appeal must be filed within 30 days of the sentencing date.

DEFENDANT

I hereby join, consent to and approve of the waiver of jury trial and this plea. I have consulted with the defendant, advised the defendant of his/her rights, believe the defendant to be mentally competent and further that the defendant understands the admonishments and is aware of the consequences of the plea, and approve his/her signing of this plea of guilty or no contest, admonishments, waiver of a jury, and stipulations.

ATTORNEY FOR THE DEFENDANT

Before the entry of the defendant’s plea of guilty or no contest herein, the above requests, waivers and stipulations are hereby consented to and approved by me, the attorney representing the State.

ATTORNEY FOR THE STATE

It appearing to the Court that the defendant is mentally competent and is represented by competent counsel and that said defendant understands the nature of the charge against him/her and that he/she has been warned of and understands the consequences of a plea of guilty or no contest, including the minimum and maximum punishment provided by law, that the attorneys for the Defendant and the State consent to and approve the waiver of a trial by jury and stipulations in this case, the Court therefore finds such plea of guilty or no contest, waiver, admonishments and consent to be freely and voluntarily made and accepts the plea of guilty or no contest and approves the waiver of a jury and stipulations herein.

Date

JUDGE PRESIDING