

THE STATE OF TEXAS

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IN THE 49th DISTRICT COURT

VS.

OF

\_\_\_\_\_

WEBB COUNTY, TEXAS

PLEA OF GUILTY, ADMONISHMENTS, VOLUNTARY STATEMENTS,  
WAIVERS, STIPULATION & JUDICIAL CONFESSION  
(Defendant Should Initial Appropriate Blanks)

I am the Defendant in the above entitled and numbered cause. I swear or affirm that the information in this document is true and correct, and that my testimony will be the truth, the whole truth and nothing but the truth.

I. ADMONISHMENTS, Art. 26.13, C.C.P.: You are hereby admonished in writing:

- 1. You are charged with the felony offense of:

\_\_\_\_\_

AND/OR, the State moves to waive enhancements and/or counts, reduce the charged offense to, and/or recommend punishment at:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 2. Punishment Range: If convicted, you face the following range of punishment:

\_\_\_\_\_ 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 of Criminal Justice and, in addition, a fine not to exceed \$10,000.

\_\_\_\_\_ FIRST DEGREE FELONY: a term of life or any 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.

\_\_\_\_\_ 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.

\_\_\_\_\_ THIRD DEGREE FELONY: a term of not more than 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.

\_\_\_\_\_ STATE JAIL FELONY: a term of confinement in a State Jail for not less than 180 days or more than 2 years and, in addition, a fine not to exceed \$10,000; or, if punished under Sec. 12.44 (a), Penal Code, a term of confinement in a county jail not to exceed one year.

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

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

\_\_\_\_\_ Other:

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3. Plea Bargains: The prosecutor's punishment recommendation is not binding on the Court. If a plea bargain agreement exists, and the Court rejects that agreement, you will be permitted to withdraw your plea if you desire.

4. 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.

5. Non-negotiated Plea & Appeal: If there is no plea bargain agreement, then all non-jurisdictional defects are waived, and you have NO right to appeal except for jurisdictional matters.

6. Citizenship: If you are not a citizen of the United States of America, a plea of Guilty or nolo contendere may result in your deportation, your exclusion from admission to this country, or your denial of naturalization under federal law.

7. Deferred Adjudication: If the Court grants you deferred adjudication community supervision, on violation of any imposed condition, you may be arrested and detained. You will then be entitled to a hearing limited to the determination by the Court of whether to proceed with an adjudication of guilt. No appeal may be taken from this determination. After adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of community supervision and your right to appeal continue as if adjudication of guilt had not been deferred. Upon adjudication of your guilt, the Court may assess your punishment at any term of years and any fine within the range of punishment.

8. Sexual Offender Registration Requirements: If you receive community supervision, a prison or jail term, or deferred adjudication for an offense described in Chapter 62 of the Texas Code of Criminal Procedure, you must meet all the registration requirements set out in that chapter. Failure to properly register is a separate criminal offense. By affixing your signatures to this document, you and your attorney are acknowledging that your attorney has advised you about and you are aware of any applicable registration requirements under Chapter 62.

## II. VOLUNTARY STATEMENTS:

NOW COMES the Defendant in open court in the above-entitled and numbered cause. 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.
3. I understand the admonishments set out in this document and am aware of the consequences of a plea of guilty or nolo contendere.
4. I understand that I have the right to trial by jury, to confront and cross-examine the witnesses against me, the right to subpoena witnesses to testify for me, and the right to remain silent and not incriminate myself.

## III. WAIVERS:

After consulting with my attorney, I freely, voluntarily, intelligently and knowingly:

1. WAIVE reading of the indictment or information.
2. WAIVE, if applicable, service of the indictment; the waiting period for arraignment; arraignment; the right to file additional motions or pleadings; additional time to respond to the amended indictment or information; and additional time for my court appointed attorney to prepare for trial.
3. WAIVE the right to trial by jury, and request that the Court and the State join, consent to and approve of this waiver.
4. WAIVE the appearance of and right to confront and cross-examine the witnesses against me.
5. CONSENT to the introduction of evidence by live testimony, affidavits, written statements of witnesses or any other documentary evidence sufficient to establish my guilt.
6. WAIVE the right to subpoena witnesses to testify for me.
7. WAIVE my right to remain silent and not to incriminate myself, and state that I desire to judicially confess my guilt.
8. WAIVE any right which I may have to the preparation of a Pre-sentence Investigation Report.
9. WAIVE my right to have the Court inquire about and request a copy of the victim impact statement, if any; waive my rights to read, comment upon, and/or introduce testimony related to such statement, if any; and waive any right I may have for the Court to consider, before sentencing, the contents of such victim impact statement, if any.

## IV. STIPULATION AND JUDICIAL CONFESSION:

1. I have read and understand the indictment or information filed and/or amended in this case, and/or I understand the reduced offense now pending against me pursuant to the State's motion.

\_\_\_\_\_ I confess and admit that I committed each and every element of the offense now charged against me in this case and, if applicable, that I committed the offense(s) alleged in the enhancement paragraph(s).

\_\_\_\_\_ I am pleading guilty (or nolo contendere) because I am guilty and for no other reason.

\_\_\_\_\_ I fully understand the consequences of my plea and my plea of guilty (or nolo contendere) is entered freely and voluntarily, and without any coercion, duress or promise of benefit other than that stated above in the plea bargain agreement.

\_\_\_\_\_ I consent to the introduction of this document, STATE'S EXHIBIT # 1, into evidence in support of my plea of guilty (or nolo contendere) and agree that this document is sufficient evidence under Art. 1.15, C.C.P. to substantiate my guilt.

2. I hereby further stipulate and admit to the following: (optional)

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I swear to or affirm the foregoing, and I further swear or affirm that all testimony I give in this case will be the truth, the whole truth and nothing but the truth.

I can read and write the English language; I have read this entire document and discussed it fully with my attorney; I understand this document completely; and I am aware of the consequences of my plea. My attorney has discussed with me the law and facts applicable to this case, and I am satisfied that I have been effectively represented.

\_\_\_\_\_  
DEFENDANT

I read, write, and understand the \_\_\_\_\_ language. This entire document was read to me and fully explained to me in that language by my attorney and/or an interpreter, namely: \_\_\_\_\_. I understand this document completely; and I am aware of the consequences of my plea. My attorney has discussed with me the law and facts applicable to this case, and I am satisfied that I have been effectively represented.

\_\_\_\_\_  
DEFENDANT

Sworn to and subscribed to before me on this date: \_\_\_\_\_. I further certify that the fingerprint shown on the docket sheet filed in this case is of the Defendant's right thumb.

\_\_\_\_\_  
DISTRICT CLERK  
WEBB COUNTY, TEXAS

I hereby join, consent to and approve of the waiver of jury trial pursuant to Art. 1.13, C.C.P. and the stipulations of evidence pursuant to Art. 1.15, C.C.P. In addition, I hereby advise the Court that I have fully consulted with the defendant and have carefully reviewed with him/her this entire document. I believe s/he is mentally competent, understands the admonishments, is aware of the consequences of the plea, and is freely, voluntarily, knowingly and intelligently entering his/her plea of guilty, waiver, stipulation and judicial confession.

\_\_\_\_\_  
COUNSEL FOR DEFENDANT

\_\_\_\_\_  
(PRINT) COUNSEL FOR DEFENDANT

I hereby join, consent to and approve of the waiver of jury trial pursuant to Art. 1.13, C.C.P., and the stipulations of evidence pursuant to Art. 1.15, C.C.P.

\_\_\_\_\_  
ATTORNEY FOR STATE

\_\_\_\_\_  
(PRINT) ATTORNEY FOR STATE

The Court hereby finds that (1) the Defendant was sane when the alleged offense was committed, is mentally competent, is represented by competent counsel, understands the nature of the charges against him/her, and has been warned of the consequences of a plea of guilty or nolo contendere, including the minimum and maximum punishment provided by law; (2) the attorney for the Defendant and the State consent and approve the waiver of a trial by jury and agree to stipulate the evidence in this case; and (3) the Defendant understands the consequences of his plea, and the Defendant's plea of guilty, statements, waivers, stipulations, and judicial confession were freely, voluntarily, knowingly and intelligently made. The Court hereby accepts the Defendant's plea of guilty and approves the waiver of a jury trial and the consent to stipulate evidence.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_.

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JOE LOPEZ  
Judge Presiding  
49<sup>TH</sup> District Court  
Webb and Zapata County, Texas

(2/20/07)