

IN THE CRIMINAL/COUNTY COURT AT LAW OF WEBB COUNTY, TEXAS

CASE NO.: _____ STATE VS. _____

AGREED RECOMMENDATIONS

It is mutually agreed and recommended by the parties that:

() Prosecution to proceed on the offense of: _____

() Prosecution to proceed only on the following count(s): _____

() Prosecution to proceed on the lesser included offense of: _____

() Deferred Adjudication of Guilt be granted for a term of _____ months.

() Under 12.45 P.C., the court can consider the following unadjudicated offenses:

() Punishment by assessed at: _____ to serve in the Webb County Jail.
\$ _____ fine.

() Probation of the confinement period be granted for a term of _____ years.

() Pay attorney's fees of \$ _____ () within 6 months () monthly payments during probationary term.

OTHER RECOMMENDATIONS:

() _____

() _____

STATE'S RECOMMENDATIONS

The state recommends that the Court take the following action: _____

DEFENDANT'S RECOMMENDATIONS

The Defendant recommends that the Court take the following action: _____

Defendant

Counsel for State

Counsel for Defendant

Court Appointed _____
or Retained _____

IN THE COUNTY COURT AT LAW OF WEBB COUNTY, TEXAS

CAUSE NO. _____ STATE VS. _____

OFFENSE: _____ DATE OF OFFENSE: _____

PLEA MEMORANDUM

Comes now the defendant, represented by counsel, and would show the Court under oath the following.

Ahora bien, se presenta el acusado, representado por su abogado, y bajo juramento, muestra la Corte lo siguiente:

1. RANGE OF PUNISHMENT: I understand that if I am convicted of this offense, that under the law punishment must be assessed within the following range:

ALCANCE DEL CASTIGO: Entiendo que si soy condenado de esta ofensa, que de acuerdo con la ley castigo debe ser fijado dentro dell siguiente alcance:

I understand the range of punishment for this offense is (CHECK ONE):

- DWI 1st -\$0 to \$2000 fine and 72 hours to 180 days in jail
- DWI 1st (With B.A.C. of 0.15 or more)-\$0 to \$4000 fine and 0 days to one year in jail
- DWI 2nd- \$0 to \$4000 fine and 30 days to one year in jail
- DWI Open Container- \$0 to \$2000 fine and 6 days to 180 days in jail
- Class A -\$0 to \$4000 fine and 0 to one year in jail
- Class B -\$0 to \$2000 fine and 0 to 180 days in jail
- Class C -\$0 to \$500 fine
- Other _____

I understand that if I am convicted of a misdemeanor involving family violence, it will be unlawful for to possess or transfer a firearm or ammunition.

2. PUNISHMENT RECOMMENDATION: I understand that:
RECOMENDACIONES PARA EL CASTIGO: Yo entiendo que:

() BINDING PLEA BARGAIN: The court must either accept or reject the agreement I have made with the State. If the Court ACCEPTS the agreement, the Court must give me permission before I can prosecute an appeal on any matter except those raised by written motion filed before trial. If the Court REJECTS the agreement, I will be permitted to withdraw my plea. Knowing all of these things, I desire to persist in my plea.

Court Appointed _____
or Retained _____

ARREGLO OBLIGATORIO:

La Corte tendra que aceptar o rechazar el convenio que he hecho con el Estado. Si la Corte acepta el convenio, me tendra que dar periso antes de que yo pueda encausar una apelacion tocante cualquier asunto que no sea tratado en alguna mocion, por escrito, levantada antes del juicio. Si la Corte rechaza el convenio, yo podre reitirar mi declaracio. Sabiendo todo esto, yo deseo sequir con mi declaracion.

() NO BINDING AGREEMENT:

Any punishment recommendation of the prosecutor is not binding on the Court, and that the Court can assess any punishment within the range allowed by law for this offense. Knowing all these things, I desire to persist in my plea.

ARREGLO NO-OBLIGATORIO:

Cualquier recommendation para el castigo por parte del estado no sera obligatorio en la Corte, y que la Corte podra fijar cualquier dentro del margen permittido por la ley para esta ofensa. Sabiendo todo esto, yo deseo sequir con el arreglo.

3. **MENTAL COMPETENCY TO STAND TRIAL:** I know and understand the proceedings involved in this case and I have cooperated with my attorney, and I certify that no issue of my mental competency to stand trial exists.

APTO MENTALMENTE PARA SOMETERSE A JUICIO: Yo conozco y entiendo los procediminetos relacionados con esta causa, y he cooperado completamente con mi abogado, y yo certifico que no existe ningun impedimento de mis facultades mentales para ser sometido a juicio.

4. **VOLUNTARINESS OF PLEA:** I am entering my plea freely and voluntarily and only because I am guilty of the offense alleged against me.

VOLUNTAD DE LA DECLARACION: Declaro libre y voluntariamente, porque soy culpable del cargo que se me imputa.

5. **CITIZENSHIP:** I understand that if I am not a citizen of the United States of America my plea of guilty or nolo contendere may result in my deportation, the exclusion from admission to this county, or the denial of naturalization under Federal Law.

CIUDANDANIA: Entiendo ue si no soy ciudadano de los Estados Unidos de America, mi declaracion de culpabilidad o no me opongo, podra resultar en mi deportacion, la exclusion de entrat al paos o la negacion de nacionaizacion bajo la ley federal.

6. **ADVICE FROM COURT:** I understand that I can ask the Court to explain any matters of law to me, whether or not I have received advice on the matter from my attorney. I further understand that my failure to seek the Court's advice may constitute waiver in the event my attorney has given me incorrect advice.

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or Retained _____

CONSEJO DE LA CORTE: Entiendo que podre pedirle a la Corte que me explique cualquier asunto de ley aunque ya he recibido consejo de mi abogado tocante este asunto. Ademas, entiendo que si yo no pido consejo equivocado.

7. **WAIVER OF 10 DAYS PREPARATION:** I give up and waive the right provided in Art 27.11 and 28.01 C.C.P. to wait 10 days to prepare and submit motions in preparation for trial.

RENUNCIA DE 10 DIAS PARA PREPARACION: Renuncio y rechazo al derecho que prevee el Articulo 27.11 y 28.01 Codigo de procediminetos criminales, en que se requieren 10 dias para preparar y someter mociones para juicio.

8. **APPROVAL OF COUNSEL:** I am totally satisfied with the representation given me by my attorney in this case. I have been provided with full effective and competent representation.

APROBACION DE ABOGADO: Estoy completamente satisfecho con la representacion que me ha brindado mi abogado en este causa. Me ha sido prestada una representacion muy eficaz y competente.

9. **WAIVER OF RIGHTS:** In accordance with Art. 1.14 C.C.P., I hereby waive and give up all rights given to me by law, whether in form, substance or procedure.

RENUNCIA DE DERECHOS: Conforme al Articulo 1.14 del Codigo de Procedimientos Criminales, por este medio rechazo y renuncio a todos los derechos que tengo por ley, si por forma, substancia o procedimiento.

10. **WAIVER OF JURY TRIAL:** In accordance with Art. 1.13 C.C.P., in open Court, and joined by my attorney and counsel for the state, and with the consent and approval of the Court, I waive and give up any right to a jury trial in this case.

RENUNCIA DE JUICIO CON JURADO: Conforme con Articulo 1.13 del Codigo de Procedimientos Criminales, y al estar presente en la Corte, y acompañado, por mi abogado y por el procurador, y con el consentimiento y aprobacion, rechazo y renuncio a cualquier derecho de tener un juicio con jurado en esta causa.

11. **STIPULATION OF EVIDENCE:** In accordance with Art. 1.15 C.C.P., I consent in writing and in open Court to waive and give the right to appearance, confrontation and cross-examination of witnesses, and consent to oral and written stipulation of evidence, and this waiver and consent is approved in writing by the Court.

ESTIPULACION DE PRUEBA: Conforme al Articulo 1.15 del Codigo de Procedimientos Criminales, doy mi consentimiento, por escrito, y aqui presente en la Corte, de renunciar y dar el derecho de aparecer, carear y contra-interrogar a los testigos doy mi consentimiento para presentar evidencias orales y/o escritas, y esta renuncia y consentimiento es aprobada por escrito por la Corte.

12. **JUDICIAL CONFESSION:** Under oath, in writing and in open Court, I swear that I have read the complaint and information filed against me in this case; that I understand

Court Appointed _____
or Retained _____

everything that it contains; and that I committed each and every element alleged. I further swear that all testimony I will give in this case will be the truth, so help me God.

CONFESSION JUDICIAL: Bajo juramento, y por escrito y presente en la corte, juro que he leído la información y queja que se ha archivado contra mí en esta causa: que entiendo el contenido, y que cometí cada alegación. Además, juro que todo el testimonio que dare en esta será la verdad, así me ayude Dios.

Defendant-Acusado

Counsel for State- Fiscal

Counsel for Defendant-Abogado

Judge-Juez

SWORN TO and subscribed to before me by the Defendant on this _____ day of _____, 20_____. I certify that the fingerprints below are those of the defendant in this case.

Deputy County Clerk
Webb County, Texas

CAUSE NO. _____

Court Appointed _____
or Retained _____

THE STATE OF TEXAS

§

IN THE COUNTY COURT

VS.

§

AT LAW NO. 1

§

WEBB COUNTY, TEXAS

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.

Judge

Date

I have received a copy of this certification:

Defendant

Attorney for Defendant

Defendant (if not presented by counsel)

Defendant’s Counsel:

Mailing address: _____

Bar No.: _____

Telephone No.: _____

Mailing address: _____

Fax No.: _____

Telephone No.: _____

Fax No. _____

***"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 judgement 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." TEXAS RULE OF APPELLATE PROCEDURE 25.2(a)(2).**

CAUSE NO. _____

THE STATE OF TEXAS

§

IN THE COUNTY COURT

Court Appointed _____
or Retained _____

VS.

§

AT LAW NO. 1

§

WEBB COUNTY, TEXAS

WAIVER OF PRE-SENTENCE INVESTIGATION REPORT

On this the _____ day of _____, 20____, Defendant _____, and Attorney _____, in open Court appear and affirmatively represent and acknowledge to the Court that the Defendant requests that a report no be made.

Signed this the _____ day of _____, 20_____.

Defendant

Attorney for Defendant

The Court finds that there is sufficient information in the record to permit the meaningful exercise of sentencing discretion in accordance with the Texas Code of Criminal Procedure Article 42.122 Sect. 4 and the Court agrees to the Defendant's request to waive the Pre-Sentence Investigation Report.

Signed this the _____ day of _____, 20_____.

PRESIDING JUDGE
COUNTY COURT AT LAW NO. 1
WEBB COUNTY, TEXAS

CAUSE NO. _____

THE STATE OF TEXAS

§

IN THE COUNTY COURT

VS.

§

AT LAW NO. 1

Court Appointed _____
or Retained _____

JURY WAIVER

Having had my rights fully explained to me, it is my desire to enter a plea of guilty and waive the right of trial by jury in the above entitled and numbered cause. I hereby request the consent of approval of the State's Attorney and of the court in waiving the right of trial by jury.

Defendant

Attorney for Defendant

The application of _____ for my consent and approval to waive for him the right for a trial by a jury has been duly considered, and I, the attorney representing the State, hereby give my consent and approval for him to waive the right of a trial by jury in the above entitled and numbered cause.

Assistant District Attorney

The foregoing application is approved and consented to by me and this _____ day of _____, 20_____.

PRESIDING JUDGE
COUNTY COURT AT LAW NO. 1
WEBB COUNTY, TEXAS

CAUSE NO. _____

THE STATE OF TEXAS

§

IN THE COUNTY COURT

VS.

§

AT LAW NO. 1

Court Appointed _____
or Retained _____

APPLICATION FOR PROBATION

TO THE HONORABLE JUDGE:

Now comes the Defendant in the above styled and numbered cause, and prays that he be granted probation in said cause, would show the Court:

That he has never before been convicted in this or any other jurisdiction of a FELONY.

Defendant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE _____ day of _____, A.D., 20____.

COUNTY COURT AT LAW NO. 1
WEBB COUNTY, TEXAS

BY: _____
DEPUTY

CAUSE NO. _____

STATE OF TEXAS

§

IN THE COUNTY COURT AT LAW #1

VS.

§

§

OF WEBB COUNTY, TEXAS

Court Appointed _____
or Retained _____

NOTICE OF JUDICIAL CLEMENCY FOR DEFENDANTS PLACED ON COMMUNITY SUPERVISION (PROBATION)

You are hereby notified that if the court determines that you have satisfactorily fulfilled the conditions of your community supervision (hereinafter "probation"), upon expiration of your probation, if certain requirements are met, you may be able to receive judicial clemency from the court.

Under Article 42.a 701, Code of Criminal Procedure, the Court may use its discretion to exercise judicial clemency in terminating your probation if:

1. The court determines that you have satisfactorily fulfilled the conditions of your probation;
2. The term of your probation has expired, including any amended or modified term of your probation;
3. The court discharges you from probation; and
4. The court sets aside the verdict in your case or permits you to withdraw your plea.

If the above requirements are met, the Court is authorized to dismiss the accusation, complaint, information, or indictment against you and to release you from all penalties and disabilities resulting from your conviction or plea. However, if the court releases you from the consequences of your conviction or plea will be made known to the judge, and if you are an applicant for or holder of a license issued by the Department of Family and Protective Services (hereinafter "Department"), the Department may consider that you previously received probation as a factor in issuing, renewing, denying, or revoking a license.

SIGNED AND DATED: _____

JUDGE PRESIDING

DEFENDANTS CONVICTED OF: CERTAIN OFFENSES INVOLVING THE USE OF ALCOHOL (SECTIONS 49.04-49.08, CCP), AN OFFENSE REQUIRING REGISTRATION AS A SEX OFFENDER, OR A FELONY DESCRIBED BY ARTICLE 42A.054, CCP, ARE NOT ENTITLED TO THIS ADMONISHMENT AND ARE INELIGIBLE FOR JUDICIAL CLEMENCY FROM THE JUDGE.

OCA STANDARDIZED FORM FOR PROVIDING INFORMATION TO DEFENDANTS PLACED ON COMMUNITY SUPERVISION (PROBATION), AS REQUIRED BY ARTICLE 42A.058, CCP

CAUSE NO. _____

THE STATE OF TEXAS	§	IN THE COUNTY COURT
VS.	§	AT LAW NO. 1
_____	§	WEBB COUNTY, TEXAS

EXHIBIT "A"

Court Appointed _____
or Retained _____

I am the defendant in the above and described cause. My fingerprints are taken by the Bailiff and/or Sergeant at Arms in the presence of the Deputy County Clerk.

Defendant

I hereby certify that in accordance with Article 42.01 of the Texas Code of Criminal Procedure that I caused the Defendant, _____, to place his fingerprints in the space provided below.

Bailiff and/or Sergeant at Arms

Sworn to and subscribed before me this _____ day of _____, 20_____, by the Defendant, _____, in the cause. I further certify that the fingerprints were taken by the Bailiff and/or Sergeant at Arms in my presence.

Deputy County Clerk
Margie Ramirez Ibarra
Clerk of the County Courts of
Webb County, Texas

Right Hand- Mano Derecha

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Left Hand- Mano Izquierda

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Court Appointed _____
or Retained _____