

NO. _____

THE STATE OF TEXAS

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IN THE DISTRICT COURT

V.

_____ JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

DEFENDANT’S PLEA OF TRUE AND STIPULATION OF EVIDENCE

PLEA AGREEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

The defendant herein, the attorney for the defendant, and the attorney for the State make the following agreement:

- Plead true to allegations _____.
- Confinement in TDCJ for _____ years.
- Confinement in State Jail for _____ (years) (months) (days).
- Post-conviction community supervision, confinement probated for _____ (years) (months) (days).
- Confinement in County Jail as condition of post-conviction community supervision for _____ days.
- Extend community supervision from end of current period by _____
- Plead true to enhancement paragraph(s).
- Affirmative finding that deadly weapon used.
- Waive pre-trial investigative report.
- Substance Abuse Felony Program.
- Boot Camp.
- Shock Probation.
- Back-time credit for _____ days served.
- Reimburse Collin County for court appointed counsel _____
- Other: _____

DEFENDANT’S STATEMENTS, WAIVERS AND STIPULATIONS

I, the defendant herein, am the person named in the State’s Motion to Revoke or Adjudicate Guilt (State’s Motion), a copy of which is attached hereto and incorporated by reference, and the same person placed on community supervision in this cause.

I am mentally competent. I understand the accusations made against me in the State’s Motion

and the range of punishment for the offense for which I was placed on community supervision.

I understand that my plea of true, standing alone without any other evidence, is sufficient for the Court to determine that I violated the terms and conditions of my community supervision. I also understand that if the Court determines that I violated the terms and conditions of my community supervision, the Court may continue me on the same terms and conditions of community supervision; or the Court may amend the terms and conditions of my community supervision, including the length of its time period; or if adjudication of guilt had been deferred the Court may adjudicate my guilt, find me guilty and assess my punishment anywhere within the range of punishment provided by law for the offense for which I was placed on community supervision; or if guilt has previously been adjudicated the Court may assess my punishment anywhere within the range of punishment provided by law for the offense for which I was placed on community supervision, not to exceed the punishment originally assessed when I was adjudicated and placed on community supervision.

I waive arraignment and reading of the State's Motion. I waive any and all defects, errors or irregularities, whether in form or substance, in the State's Motion. I further waive my right to ten days to prepare for trial after the appointment of counsel (if counsel has been appointed), and plead true to the allegations made against me in the State's Motion.

I understand that I have the right to remain silent and that anything I say can and will be used against me. I waive my right to remain silent. I also understand that I have the right to have the witnesses against me appear in court so that I can confront and cross-examine them. I waive that right and agree to the oral and written stipulation of evidence or testimony, to the introduction of testimony by affidavits or written statements, and to all other documentary evidence.

I understand that I have the right to appeal to the Court of Appeals. If the punishment assessed by the Court is not greater than that for which I have plea-bargained in the plea agreement herein, I do expressly, voluntarily, knowingly and intelligently give up and waive my right to appeal on any matter in this cause.

I understand that I have a right to request a new trial. If the punishment assessed by the Court is not greater than that for which I have plea-bargained in the plea agreement herein, I do expressly, voluntarily, knowingly and intelligently give up and waive my right to request a new trial in this cause.

I understand that if I am continued on community supervision in this cause and I am charged with a violation of my community supervision and arrested in another state, under the Uniform Extradition Act I have the right to require the issuance and service of a warrant of extradition, the right to hire legal counsel, or if indigent, to have legal counsel appointed, and the right to apply for a writ of habeas corpus to contest my arrest and return to the State of Texas. I do expressly, voluntarily, knowingly and intelligently give up and waive my rights under the Uniform Extradition Act, waive extradition, and waive my right to contest my return to the State of Texas from any jurisdiction where I may be found.

I confirm that my statements, waivers, plea of true, judicial confession and stipulation of evidence are freely and voluntarily made, and not influenced by any consideration of fear, persuasion, or delusive hope of pardon or parole.

I, the defendant herein, judicially confess and stipulate in open court that on _____, _____, I was placed on community supervision in this cause for a period of _____, that I received a copy of my conditions of community supervision, that the conditions were explained to me and that I understood the conditions. I further judicially confess and stipulate in open

court that while on community supervision I violated conditions _____ of my community supervision as alleged in the State's Motion.

SIGNATURES AND ACKNOWLEDGMENTS

I, the defendant herein, acknowledge that my attorney has explained to me, and I have read and understand all my rights. I further acknowledge that my statements, waivers, judicial confession and stipulation of evidence are freely and voluntarily made with a full understanding of the consequences. I request that the Court accept my statements, waivers, statements, judicial confession, stipulation of evidence and plea of true.

Defendant
Printed Name: _____

SUBSCRIBED AND SWORN BEFORE ME, the undersigned authority, by the defendant on this _____ day of _____, 20____.

HANNAH KUNKLE, District Clerk

By: _____
Deputy

I have consulted with the defendant whom I believe to be competent concerning the plea in this cause and have advised the defendant of his/her rights. I approve and agree to all waivers, statements of the defendant herein and ask the Court to accept them and the plea.

Date: _____

Attorney for Defendant
Printed Name: _____
State Bar # _____

As attorney for the State, I hereby consent to and approve the stipulations of evidence.
JOHN ROACH, Criminal District Attorney

Date: _____

By: _____
Assistant District Attorney
Printed Name: _____
State Bar # _____

It appearing to the Court that the defendant is mentally competent and is represented by counsel, that the defendant understands the nature and consequences of the accusations, and that all the parties have consented to and approved the stipulations of evidence, the Court finds the waivers and plea to have been knowingly, freely and voluntarily made, approves the waivers, accepts the defendant's plea and approves the stipulation of evidence.

Judge
Date: _____

No. _____

The State of Texas

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§
§

In the _____ Court

v.

of

Defendant

Collin County, Texas

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 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.

SIGNED THIS _____ day of _____, 20_____.

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 appeals’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
Printed Name: _____
Address: _____

Defendant’s Attorney
Printed Name: _____
State Bar No.: _____
Address: _____

Telephone No.: _____
Fax No. (if any): _____

Telephone No. _____
Fax No. (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 trial, or (B) after getting the trial court’s permission to appeal.” TEXAS RULE OF APPELLATE PROCEDURE 25.2(a)(2).

Cause No. _____

STATE OF TEXAS

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IN THE _____ JUDICIAL

VS.

DISTRICT COURT OF

COLLIN COUNTY, TEXAS

JUDGMENT CERTIFICATE OF DEFENDANT'S PRINTS



Defendant's Right Thumb*

Defendant's Hand

THIS IS TO CERTIFY THAT THE FINGERPRINTS ABOVE ARE THE ABOVE NAMED DEFENDANT'S FINGERPRINTS TAKEN AT THE TIME OF DISPOSITION OF THE ABOVE STYLED AND NUMBERED CAUSE.

DONE IN OPEN COURT ON THIS _____ DAY OF _____, 20____.

SUPERVISION OFFICER/ BAILIFF / DEPUTY SHERIFF

Indicate here if print other than the defendant's right thumb is placed in box:

Left Thumbprint

Left / Right Index Finger

Other: _____

No. _____

The State of Texas

§ In the _____ Court

v.

§ of

Defendant

§ Collin County, Texas
§

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- 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.

SIGNED THIS _____ day of _____, 20____.

COURT'S COPY SIGNED BY JUDGE
JUDGE PRESIDING

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COURT'S COPY SIGNED BY DEFENDANT

Defendant
Printed Name: _____
Address: _____

COURT'S COPY SIGNED BY DEFENSE COUNSEL

Defendant's Attorney
Printed Name: _____
State Bar No.: _____
Address: _____

Telephone No.: _____
Fax No. (if any): _____

Telephone No. _____
Fax No. (if any): _____

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