

CAUSE NO. _____

STATE OF TEXAS

§

COUNTY COURT AT LAW

§

vs.

§

OF

§

§

NAVARRO COUNTY, TEXAS

FELONY ADMONITIONS TO THE DEFENDANT

1. The range of punishment attached to this offense as enhanced, if any, is (check one):

- (Capital Felony-death penalty waived) confinement in the Institutional Division of the Texas Department of Criminal Justice for life.
- (Repeat sex offender) confinement in the Institutional Division of the Texas Department of Criminal Justice for life.
- (First offense sex offender – continuous sexual abuse or “super” aggravated sexual assault) confinement in the Institutional Division of the Texas Department of Criminal Justice for life or a term of not more than 99 years or less than 25 years.
- (Habitual Offender) confinement in the Institutional Division of the Texas Department of Criminal Justice for life or a term of not more than 99 years or less than 25 years.
- (First Degree Felony + Repeat Offender) confinement in the Institutional Division of the Texas Department of Criminal Justice for life or a term of not more than 99 years or less than 15 years; in addition, a fine not to exceed \$10,000 may be imposed.
- (First Degree Felony) confinement in the Institutional Division of the Texas Department of Criminal Justice for life or a term of not more than 99 years or less than 5 years; in addition, a fine not to exceed \$10,000 may be imposed.
- (Second Degree Felony) confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of not more than 20 years or less than 2 years; in addition, a fine not to exceed \$10,000 may be imposed.
- (Third Degree Felony) confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of not more than 10 years or less than 2 years; in addition, a fine not to exceed \$10,000 may be imposed.
- (State Jail Felony) confinement in state jail for a term of not more than 2 years or less than 180 days; in addition, a fine not to exceed \$10,000 may be imposed.

If the offense is punished under §12.44(a) of the Texas Penal Code, the range of punishment is not more than 1 year in county jail and/or a maximum fine of \$4,000 If the offense is possession of a controlled substance (Penalty Group 1 or 2), LSD (5 abuse units or less), or marihuana (1lb. or less) or fraud (by prescription for schedule II or III drugs), and Defendant has no prior felony conviction, the judge shall suspend the sentence and place the Defendant on community supervision.

(Special punishment range) confinement in _____ for a term of _____ and/or a fine of _____.

2. The recommendation of the prosecuting attorney, if any, is not binding on the court. The Court will inquire as to the existence of a plea agreement and, if any exists, inform the defendant in open court before any finding on the plea whether the court will follow such agreement. Should the court reject a plea agreement, the defendant will be permitted to withdraw the plea of guilty or no contest. If there is no plea agreement, the Defendant has no right to withdraw the plea following sentencing.
3. If the punishment assessed does not exceed the punishment recommended by the prosecuting attorney and agreed to by the Defendant and the defense attorney, the trial court must give its permission to the Defendant before the Defendant may pursue an appeal on any matter in the case, except for those matters raised by written motions filed and ruled upon before trial.
4. If the Defendant is not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.
5. If the Defendant is convicted of or placed on deferred adjudication for an offense triggering the Sex Offender Registration Program, Defendant will be required to meet the registration requirements of that law. For a list of offenses triggering sex offender registration and the details of that law, see Chapter 62, CCP. Defendant understands that the sex offender registration laws include many details other than those listed in these admonitions, are subject to change, and may be applied retroactively. Failure to comply with the registration law is a felony offense.
6. If the Defendant is convicted of a misdemeanor involving family violence (see Tex. Fam. Code § 71.004), it is unlawful for the defendant to possess or transfer a firearm or ammunition.
7. If the Defendant is placed on deferred adjudication, upon violation of a condition of community supervision, the Defendant may be arrested and detained. The Defendant is entitled to a hearing limited to the determination by the judge whether to proceed with an adjudication of guilt on the original charge. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of community supervision (probation), and Defendant's appeal continue as if the adjudication of guilt had not been deferred.

JUDGE PRESIDING

The Defendant understands the admonitions given above and is aware of the consequences of the plea.

Defendant

Defendant's Attorney

FELONY WAIVERS, CONFESSION, AND AGREEMENT

If a grand jury has not returned an indictment, the Defendant waives the right to be accused by indictment. The Defendant waives the right to service of a copy of the indictment or information, the time allowed by law to file motions and pleadings and to prepare for trial. As to both guilty and punishment, the Defendant waives the following rights: trial by jury, speedy trial, appearance of and confrontation and cross-examination of the witnesses, the privilege against self-incrimination and against double jeopardy, and the right to a presentence investigation pursuant to CCP Art 42.12 sec. 9.

The Defendant waives reading of the indictment or information. The Defendant waives and abandons all motions, pleadings and objections made before the entry of the plea. The Defendant consents to an oral stipulation of the evidence and testimony and to the introduction of testimony by affidavits, written statements of the witnesses and any other documentary evidence.

The Defendant JUDICIALLY CONFESSES to committing the offense(s) of

_____, exactly as charged within the indictment or information or as a lesser included offense of the offense(s) charged in the indictment or information.

A plea agreement exists in this cause as follows:

Defendant agrees to plead guilty/no contest (CIRCLE ONE) to the above specified offense (s), true to enhancement and special issues, if any, in the indictment or information, judicially confess, and waive any right to a motion for new trial and appeal or to expunge any records related to any offenses included in the plea agreement. Defendant also accepts the Court's award of credit for time served and waives any claim to additional credit.

State agrees to recommend

TIME CREDIT (dates incarcerated): from: _____ to _____

If community supervision (probation) in any form is recommended, the Defendant understands that the Court has the discretion to impose any reasonable condition of supervision (including confinement in various facilities, treatment, and restitution) without violating the plea agreement, if any, unless the plea agreement expressly limits or prohibits such a condition.

Defendant

Defendant's Attorney

Sworn and subscribed to before me on the ____ day of _____, 20__.

Clerk

The State consents to and approves the foregoing.

Prosecuting Attorney

The Court consents to and approves the foregoing waivers and consent to stipulation and introduction of evidence.

JUDGE PRESIDING

*By my signature below I acknowledge that my behavior surrounding drugs or alcohol within the last year prior to the date of the offense with which I am charged directly or indirectly contributed to my involvement with the criminal justice system. [If this statement does not apply to you, mark through this statement and initial.]

Defendant

WAIVER OF RIGHT TO MOTION FOR NEW TRIAL AND APPEAL

Having been informed of whatever right to pursue a motion for new trial and appeal may exist, and having agreed to waive those rights, and after having consulted with my attorney, I hereby voluntarily, knowingly and intelligently waive those rights.

Defendant

After having agreed to assess punishment consistent with the plea agreement, the Court hereby finds that the Defendant understands the consequences of waiving the right to a motion for new trial and appeal. The Defendant voluntarily, knowingly and intelligently waived such right. Said waiver is accepted by the Court.

JUDGE PRESIDING