CAUSE NUMBER: _____
TRN NUMBER: _____

| | | |
|---|---|---|
| THE STATE OF TEXAS | § | IN THE COUNTY COURT |
| | § | |
| VS. | § | AT LAW NUMBER TWO OF |
| | § | |
| _____ | § | SMITH COUNTY, TEXAS |

Defendant's Address _____ City _____ State _____ Zip _____
Defendant's Phone# _____ Employer's Name _____ Phone# _____
Defendant's Texas Driver's License# _____ Social Security# _____
Names of **Co-Defendant's**, if any _____
Criminal Offense Alleged: _____ Date of Alleged Offense: _____

## *PLEA ADMONISHMENTS IN WRITING*

Pursuant to Article 26.13 C.C.P., you are admonished as follows:

**1.** If you are convicted of the offense stated above, you face the following possible punishment:

[ ] **DRIVING WHILE INTOXICATED:**
**A fine not to exceed $2000, and confinement in jail for not less than 72 hours no more than 180 days, or both jail and fine. BAC_____ Open Container _____**

[ ] **DRIVING WHILE INTOXICATED – 2nd OFFENSE:**
**A fine not to exceed $4000, and confinement in jail for a term not less than 30 days, nor more than one year, or both jail and fine. BAC_____**

[ ] **DRIVING WHILE LICENSE SUSPENDED/INVALID:**
**A fine of not less than $100 nor more than $500 and up to 180 days confinement in jail.**

[ ] **FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY:**
**1st Offense: A fine not less than $175, nor more than $350.**
**2nd Offense: A fine not less than $350 nor more than $1000.**

[ ] **CLASS "A":**
**A fine not to exceed $4000; confinement in jail for a term not to exceed one year, or both fine and jail.**

[ ] **CLASS "B":**
**A fine not to exceed $2000; confinement in jail for a term not to exceed 180 days, or both fine and jail.**

[ ] **CLASS "C":**
**A fine not to exceed $500.**
**I consent without notice to the issuance of a Capias in the event that fines and court cost are not paid.**

[ ] **Open Container – Minimum of 6 days in jail**

[ ] **OTHER:** _____
_____

**IF PROBATION IS GRANTED, THE TERM OF PROBATION MAY EXCEED THE TIME OF POSSIBLE JAIL CONFINEMENT**

2. **PLEA BARGAINS:** The recommendation of the Prosecuting Attorney as to punishment is NOT binding upon the Court. If a plea bargain exists, the Court will inform you (the Defendant) as to whether or not the Court will follow the plea bargain. Should the Court reject the plea bargain, you will be permitted to withdraw your plea, of you so desire, at which point your case will be set for trial.
3. **APPEAL:** If the punishment assessed does not exceed the punishment recommendation by the Prosecutor and agreed to by the Defendant and the Defendant's attorney, if any, the Court must give its permission to you before you can prosecute an appeal on any matter in the case except for matters raised by written motion and filed with the clerk prior to the time of trial.
4. **CITIZENSHIP**: If the Defendant is not a United States Citizen, a plea of guilty or nolo contender for the offense may result in deportation, the exclusion of admittance to this Country or the denial of naturalization under Federal Law.
5. **DEFERRED ADJUDICATION**: If the Court defers adjudicating your guilt and places you on probation, then upon violation of any imposed condition, you may be arrested and detained as provided by law. You will then be entitled to a hearing limited to the determination by the Court whether to proceed to the adjudication of guilt on the original charge. No appeal may be taken from the Court's determination. After adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation and your right to appeal continue as if adjudication of guilt had not been deferred.

By our signatures located on the last page, the Defendant and attorneys state to the Court that we have furnished to the Court a copy of the Victim's Impact statement, or we do certify that we do not have in our possession, a Victim's Impact Statement. Furthermore, all attorneys have complied with all Victims' Rights Laws that are applicable.

**VICTIM INFORMATION:** Name: _____ Restitution Owed: $_____

Pursuant to S.B. 1010, by signature, the States Attorney verifies they have given notice of the existence and terms of any plea bargain agreement to the victim, guardian or the victim, or close relative of a deceased victim.

Comes now the Defendant, joined by counsel, if any, and state that I understand the admonishments listed on the front side of this document presented to the Court, and I state that I am mentally competent and my plea is freely and voluntarily entered. Furthermore, I state that if I had counsel appointed to represent me, or if I retained my own attorney, I also give up and waive any right I might have to wait ten days, or any other amount of days to prepare for trial. If I am represented by an attorney, I want to state for the record that I am totally satisfied with the representation of my counsel. Counsel, if I have one, provided full, effective, and competent representation.

I, joined by counsel, if any, also waive and give up under Art. 1.14 C.C.P and under the Constitutions of the United States and of the State of Texas, all rights given to me by law, whether of form, substance, or procedure, including but not limited to **(A)** my right to counsel of my own choice to represent me, or, if I am too indigent, or to poor to hire counsel to have an attorney appointed by the Court to represent me, **(B)** my right to call and/or subpoena witnesses on my behalf, **(C)** my right to be faced and confronted by the witnesses against me, and **(D)** ***IN PARTICULAR***, joined by my counsel, if any , and state that I hereby demand an immediate trial to the Court and at the same time, I waive and give up my right to have a jury trial and I request and desire for the Court to set my punishment in this case.

I, with counsel, if any, consent to the oral and/or written stipulations of the evidence. I state that I read and write the English language and that I have not used or consumed an alcoholic beverage or narcotics within the preceding twenty-four (24) hour period.

After being advised by my counsel, if I have one, I state that I have read the Information filed in this case, the penalty range for the offense charged in this case, and I, along with my counsel, if any, hereby waive the arraignment and reading of the Information and demand, once again, an immediate disposition of this case by here and now entering a plea of:

**CIRCLE ONE: [GUILTY] [NO CONTEST]**

I swear to all of the foregoing and I further swear that all testimony that I give in the cause will be the truth, the whole truth, and nothing but the truth, **so help me God.**

**Signed and Approved by: _____, THE DEFENDANT**

**SWORN AND SUBSCRIBED to me on this date _____.**

_____
**Deputy Clerk – Smith County, Texas**

We join and approve the waiver of a jury trial pursuant to Art. 1.113 C.C.P. and we approve of this waiver of rights and any oral or written stipulations of evidence that may be made in this case. We further agree that the Defendant is fully competent and that his/her plea is freely and voluntarily entered.

_____ Counsel for the DEFENDANT

_____ Counsel for the STATE

**PLEA RECOMMENDATION:**

| [ ] Deferred Adjudication | [ ] Probation | [ ] Fine / Jail Term | [ ] OTHER |
|---|---|---|---|
| FINE $_____ | FINE $_____ | FINE $_____ | _____ |
| | JAIL _____ | JAIL_____ | _____ |
| TERM _____ | TERM _____ | | _____ |
| Restitution $_____ | Restitution _____ | | _____ |

Defendant acknowledges that if Deferred Adjudication is assessed the defendant is aware that after conclusion of Deferred Adjudication the defendant has a right to petition the Court for an order of Nondisclosure.

**APPROVED AND AGREED:**

_____ **DEFENDANT'S SIGNATURE**

_____ **ATTORNEY FOR DEFENDANT**

_____ **ATTORNEY REPRESENTING THE STATE**

**The Court finds as a fact that the Defendant is fully competent and that the Defendant's plea is freely and voluntarily entered.**

**SIGNED this date_____.**

_____
**RANDALL LEE ROGERS, JUDGE PRESIDING**
**County Court at Law Number Two**
**Smith County, Texas**