CAUSE NO. _____

THE STATE OF TEXAS

VS.

_____

COUNTY COURT AT LAW #3

IN AND FOR

SMITH COUNTY, TEXAS

WRITTEN PLEA ADMONISHMENTS/WAIVER OF COUNSEL
WAIVER OF RIGHT TO COUNSEL

I, the Defendant in the above entitled and numbered cause, have been advised by the County Court at Law #3, Smith County, Texas, of my right to representation by counsel in the trial of the charge pending against me. I have been further advised that if I am unable to afford counsel, one will be appointed for me free of charge pending the Court's approval of my Pauper's Oath timely filed with this court. Understanding my right to have counsel appointed for me if I am not financially able to employ counsel, I wish to waive that right and request the Court to proceed with my case without an attorney being appointed for me. I hereby waive my right to counsel. I am _____years old. The last grade or level of education completed is as follows:_____.

_____

Defendant's Signature Driver's License No. Address City State Zip

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WRITTEN PLEA ADMONISHMENTS

Pursuant to Art. 26.13 C.C.P., you are hereby admonished in writing:

1. You are charged with the misdemeanor offense of :_____.

2. If convicted, you face the following range of punishment:
   _____1st DWI: a fine not to exceed $2000; and confinement in jail not less than 72 hours or more than 180 days;
   _____2nd DWI: a fine not to exceed $4000; and confinement in jail for a term of not less than 30 days or more than one year;
   _____CLASS A: a fine not to exceed $4000; and confinement in jail for a term not to exceed one year.
   _____CLASS B: a fine not to exceed $2000; and confinement in jail for a term not to exceed 180 days.
   _____CLASS C: a fine not to exceed $500.
   _____D.W.L.S.: a fine of not less than $100 or more than $500; and confinement in jail not less than 72 hours or more than six (6) months.

3. PLEA BARGAINS: If no plea bargain exists, the Court may assess the full range of punishment. If a plea bargain does exist, the Court will inform you whether it will follow the agreement in open court. Should the Court reject the agreement, you will be permitted to withdraw your plea if you desire.

4. PERMISSION TO APPEAL: If the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by you and your attorney, 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 filed prior to trial or entry of your plea.

5. CITIZENSHIP: If you are not a citizen of the United States of America, a plea of guilty or nolo contendere for this offense may result in deportation, the exclusion from admission to the country, or the denial of naturalization under federal law.

6. DEFERRED ADJUDICATION: If the Court defers adjudicating you guilty and places you on probation, you will have the right to petition the Court for an Order of Nondisclosure under Section 411.081, Gov't. Code, unless you are ineligible to pursue that right because of the nature of the current offense or your criminal history. If eligible, and depending on your current offense, you may petition the Court for an Order of Nondisclosure immediately upon completion of your probation or on the 2nd anniversary of your Order of Dismissal.

   While you are on probation, on violation of any imposed condition, you may be arrested and detained as provided by the law. You will then be entitled to a hearing limited to the determination by the Court of whether to proceed with an adjudication of guilt on the original charge. No appeal may be taken from the adjudication. 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.

Comes now the Defendant (WITH/WITHOUT) attorney and state that I understand the foregoing admonishments from the Court and am aware of the consequences of my plea. I further state that I am mentally competent and that my plea is freely and voluntarily entered. (If counsel is appointed) I give up and waive any right I may have to wait to prepare for trial. I am totally satisfied with the representation given to me by my attorney in all respects. I waive and give up my right to a jury in this case under Art. 1.13 C.C.P. Also joined by my attorney under Art 1.15 C.C.P., I waive and give up the right to appearance, confrontation and cross-examination of the witnesses and I consent to oral and written stipulations of evidence. I further do hereby fully and completely waive my right to appeal, except only on the issue(s) of_____ _____ raised by written motion and ruled on prior to this plea. I swear and/or affirm to all of the foregoing and I further swear and/or affirm that all testimony I give in the case will be the truth, the whole truth and nothing but the truth. I further state that I have read the information filed in this case and that I wish to enter my plea of:

GUILTY NO CONTEST

RECOMMENDATION:

_____Day(s) Year(s) CONFINEMENT
_____Day(s) Year(s) Confinement PROBATED for _____Day(s) Month(s) Year(s)
_____Day(s) Month(s) Year(s) DEFERRED ADJUDICATION
_____BAC .15 or more _____ BAC under .15 _____No Breath Test
$_____Fine ($_____Probated)
$_____Court Costs
$_____Restitution (if any)
Victim Name_____
Victim Address_____
_____Other:_____

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Trial Court's Certification of Defendant's Right to Appeal

The Court, pursuant to TEX. R. APP. P. 25.2 advises the Defendant as follows:

1. Texas law gives a defendant convicted of a crime the right to appeal his conviction.

2. If you pled guilty or no contest and accepted the punishment recommended by the prosecutor, however, you cannot appeal your conviction unless this Court gives you permission. If you waived, or gave up, your right to appeal, you cannot appeal your conviction.

3. If you did not plead guilty, you may have the right to appeal. If you want to appeal, you must give notice of appeal in writing to this Court's clerk within 30 days.

4. If an attorney represents you in the court of appeals, your attorney must mail a copy of the court of appeals' judgment and opinion to your last known address. You must tell your attorney, in writing, of any change of address.

5. If you are not satisfied with your appeal's result, you can ask the Court of Criminal Appeals to review your case by filing a petition for discretionary review within 30 days of the opinion's issuance in the court of appeals. If you fail to inform your attorney of any change of your address, you may lose the opportunity to seek discretionary review. You are also informed that you have the right to file a pro se petition for discretionary review.

I further approve the Waiver of right to Counsel, waiver of right to appeal, and/or the waiver of jury trial pursuant to Art. 1.13. C.C.P.. In addition, the Court finds as a fact that the Defendant is fully competent and that his/her plea is freely and voluntarily entered.

_____
FLOYD T. GETZ, JUDGE
COUNTY COURT AT LAW #3
SMITH COUNTY, TEXAS

I have read this document, understand it fully and I have received a copy of the above Certification. The State and defense counsel further join in all waivers, including jury trial pursuant to Art. 1.13 C.C.P.
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, or close relative of a deceased victim.

_____ _____
DEFENDANT DATE

_____ _____
PROSECUTOR DEFENDANT'S COUNSEL
TBA #: