CAUSE NO. _____

THE STATE OF TEXAS	§	IN THE COUNTY
	§	
VS.	§	COURT AT LAW
	§	
_____	§	SMITH COUNTY, TEXAS

WAIVER OF RIGHT TO COUNSEL

I, the Defendant in the above entitled and numbered cause, have been advised by the County Court at Law, 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 counsel appointed for me if I am not financially able to employ counsel or my right to employ counsel of my choice, I wish to waive that right and request the Court to proceed with my case without an attorney. The last grade or level of education completed is as follows: _____.

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

WRITTEN PLEA ADMONISHMENTS

Pursuant to Article 26.13 of the Texas Code of Criminal Procedure (CCP), 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 $2,000, and confinement in jail for a term of not less than 72 hours or more than 180 days;

   ___ 2nd DWI: a fine not to exceed $4,000, 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 $4,000, and confinement in jail for a term not to exceed one year;

   ___ CLASS B: a fine not to exceed $2,000, and confinement in jail for a term not to exceed 180 days;

   ___ CLASS C: a fine not to exceed $500

3. PLEA BARGAINS: If no plea bargain exists, the recommendation of the prosecuting attorney is not binding on the Court. 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.

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. DEFEERED ADJUDICATION: If the Court defers adjudicating you guilty and places you 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 a adjudication of guilt on the original charge. No appeal may be taken from this 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. Upon successful completion of deferred adjudication probation you will have the right to petition the Court for an Order of Nondisclosure under 411.081 Gov. Code, unless you are ineligible to pursue that right because of the nature of the current offense or your criminal history.

7. SEX OFFENDER REGISTRY: If you receive a second conviction for a violation of Section 21.08 (Indecent Exposure) of the Texas Penal Code, you will be required to meet the sex offender registration requirements of Chapter 62 of the CCP regardless of whether your case is on appeal.

Comes now the Defendant (WITH/WITHOUT) attorney and states 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 Article 1.13 CCP. Also joined by my attorney under Art. 1.15, 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 or affirm to all the foregoing, and I further swear 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

SENTENCING RECOMMENDATION:

_____ Day(s) **CONFINEMENT** Blood Alcohol Concentration_____

_____ Day(s) confinement **PROBATED** FOR _____ Month(s)

_____ Month(s) **DEFERRED ADJUDICATION**

_____ Day(s) **NON-REPORTING DEFERRED ADJUDICATION**

$_____ FINE $_____ RESTITUTION OTHER_____

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.

___ 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.

___ is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal.

___ is a plea-bargain case, and the defendant has NO right of appeal.

___ the defendant has waived the right of appeal.

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' 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 Criminal 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 DATE

_____ _____
COUNSEL FOR DEFENDANT & SBN PROSECUTOR

I approve the Waiver of Right to Counsel, Waiver of Right to Appeal and/or the waiver of jury trial pursuant to Article 1.13 CCP. In addition, the Court finds as a fact that the Defendant is fully competent and that his/her plea is freely and voluntarily entered.

Signed on _____

_____
JASON A. ELLIS, JUDGE
County Court at Law
Smith County, Texas