CAUSE NO: _____ THE STATE OF TEXAS VS. _____

OFFENSE: _____ DATE OF COMMUNITY SUPERVISION: _____

ORIGINAL SENTENCE: _____ Confinement \ _____ Community Supervision or Deferred Adjudication

FINE: $_____ /_____ Probated $ _____ Restitution

REVOCATION WAIVER WITH ATTORNEY/WITHOUT ATTORNEY

TO THE JUDGE OF SAID COURT:

I, the undersigned Defendant in this case, in which an application for Revocation of the Probation granted me in this case has been made by the Criminal District Attorney of Smith County, Texas, and the Adult Community Supervision Officer of said Court, in open Court, show to the Court the following:

1. ____ I am represented by _____, Attorney at Law.
   ____ I voluntarily give up the right to have an attorney.
2. I have received and read a copy of the Application to Revoke Probation. I understand that I am entitled to a reasonable waiting period before such application to revoke my probation is heard and acted on by the Court. I further tell the Court that I desire an immediate hearing of such application before the Judge of the Court, and for the Judge to decide all matters of fact of law.
3. **I HERE AND NOW ENTER MY PLEA OF:**

_____ **TRUE** to the statements made in Paragraph(s) numbered _____of such application as grounds for revoking my probation, and I agree and understand that such statements made in said Paragraphs as grounds for revoking my probation are true and correct.

_____ **NOT TRUE** to Paragraph(s) numbered _____

_____ State Abandoned Paragraph(s) numbered _____

4. I have been advised by the Judge of this Court, and I know that I have the right to confront the witnesses against me, the right to require that all witnesses against me testify under oath in open court in my presence and hearing, and the right to cross-examine the witnesses against me.

   I wish to waive these rights. I understand that the attorney representing the State at the hearing of the application will present as fact the paragraphs to which I have pleaded TRUE. Also, the Judge may consider the facts stated as if testified to in my presence and hearing in open Court by the witnesses.

I, the undersigned Defendant, ask the Court to proceed immediately after this document is signed to hear and try the Application to Revoke my probation in this case and to accept my statement in this document that I am guilty of the above-mentioned violations of the conditions of my probation which are the stated grounds for revocation of my probation in the application to revoke. I also request that the Court receive evidence concerning the facts of this case in the way I have agreed to above and to act on it immediately. I waive for said purposes every provision of the law the effects of which would delay the Court hearing and passing upon the State's Application to Revoke Probation.

I have willingly and voluntarily signed this waiver, given up the rights and made the agreements as above stated. The Judge has advised me, and I understand the effect of this waiver and the possible consequences of a revocation of my probation and the range of punishment the court can assess if it is revoked.

I understand that the Court is not bound by any agreement or recommendation with regard to this proceeding.

_____ _____

DEFENDANT ATTORNEY FOR DEFENDANT

The foregoing waiver and application filed and represented to the Court on this the _____ day of _____, 20____, are considered APPROVED AND GRANTED on the same date.

RECOMMENDATION:

_____ Confinement _____ Adjudicated Probation ____ Extension

$_____ Fine $_____ Restitution

Other: _____

_____

JASON A. ELLIS, JUDGE
COUNTY COURT AT LAW
SMITH COUNTY, TEXAS