

CAUSE NO. _____

THE STATE OF TEXAS

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§

IN THE COUNTY

VS.

COURT AT LAW

SMITH COUNTY, TEXAS

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. DEFERRED 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 an 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

