

CAUSE NO. _____

THE STATE OF TEXAS

336TH DISTRICT COURT

VS.

FANNIN COUNTY, TEXAS

PLEA AGREEMENT
(MOTION TO REVOKE or MOTION TO ADJUDICATE)

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the defendant, his/her attorney (if shown below), and the attorney for the State of Texas, and would show the Court that the on the _____ day of _____, _____ defendant was placed on community supervision in this cause for a period of _____ years, that defendant received a copy of the conditions of community supervision, those conditions were explained to defendant, and defendant understating those condition Defendant pleas TRUE to the allegation(s) contained in the State’s Motion to Adjudicate or Revoke and makes the following plea agreement:

- Term of Confinement in _____ for: _____.
- Post-conviction community supervision for _____ years.
- Deferred community supervision for _____ years.
- Pay fine in the amount of \$_____, as directed by the Supervision Office.
- Pay restitution, jointly and severally with co-defendant(s) in the amount of \$_____ (payable prior to plea if deferred community supervision) to:_____.
- Serve _____ days the Fannin County Jail to begin _____;
Work Release: Yes No
- Have no contact with co-defendant(s).
- Testify honestly about any co-defendant’s participation in this offense.
- Have no direct communication with the victim, _____, and his/her family and maintain a distance of at least 50 yards from the victim’s residence or place of employment.
- Provide identity of drug source.
- Driver’s License is suspended for _____ years.
- Participate in and successfully complete the SAFP Program in the Institutional Division and aftercare program.
- Other:_____

COMPLY WITH ALL OTHER CONDITIONS OF COMMUNITY SUPERVISION AS DIRECTED BY THE SUPERVISION OFFICER.

COURT'S ADMONITIONS TO DEFENDANT

- 1. The range of punishment attached to this offense as enhanced, if any, is (check one).
 - 1st Degree Felony:** Life or any term not more than 99 years or less than 5 years in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 2nd Degree Felony:** A term not more than 20 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 3rd Degree Felony:** A term not more than 10 years or less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony:** A term not more than 2 years or less than 180 days confinement in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - State Jail Felony Punished as Class A Misdemeanor:** A term of up to 1 year confinement in the Fannin County Jail, or a fine not to exceed \$4,000, or both such confinement and fine.
 - Other:** _____
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DEFENDANT'S WAIVER OF RIGHTS AND JUDICIAL CONFESSION

With the Court's approval, the defendant herein states that he/she:

- 1. Understands that he by pleading true to the allegation(s) in the motion to adjudicate or revoke the court will find the allegations true and assess a punishment.
- 2. **Understands the trial court is not bound by a plea agreement, if any, between the defendant and the state. If the trial court assesses a punishment different from that recommended by the state, the defendant has no right to withdraw the plea.**
- 3. Agrees that the court may accept his/her plea by broadcast by closed-circuit video teleconferencing.
- 4. Waives the right to the time allowed by law to file motions and pleadings and to prepare for a hearing and obtain discovery of inculcator or exculpatory evidence, beyond that already produced, if any exists,
- 5. Waives the right to a hearing,
- 6. Waives any and all due diligence claims.
- 7. Waives the right to subpoena witnesses and have them testify on his/her behalf.
- 8. Waives the right to remain silent as to guilt and punishment and agrees to testify.
- 9. Waives the right to appeal to the Court of Appeals.
- 10. Waives the right to urge a motion for new trial.
- 11. Waives any right under Arts. 1.149(a) and 38.39(d), Code of Criminal Procedure, requiring the State of Texas to preserve evidence containing biological material.

12. Waives the right to confront and cross-examine the State's witnesses in open court, and consents to the introduction of evidence against him/her in the form of written and oral stipulations of evidence and testimony, testimony by affidavit, written statements of witnesses, and any other documentary evidence.
13. Had had an adequate opportunity to consult with his/her attorney who has explained his/her rights under the constitutions and laws of the United States and the State of Texas and is fully satisfied with the representation provided by his/her attorney.
14. Waives and abandons all motions, pleadings, and objections made before the entry of the plea.
15. Waives the right to seek an application for a writ of habeas corpus under Art. 11.07 Code of Criminal Procedure
16. **JUDICIALLY CONFESSES** and to being the person who was placed on community supervision in this cause and violating the conditions of community supervision as alleged in the State's Motion to adjudicate or Revoke.
17. **THE DEFENDANT AGREES TO PLEAD TRUE** to the allegations contained in the State's Motion to Adjudicate or Revoke, judicially confess, and waive any right to a motion for new trial an appeal.
18. Agrees that upon court order, the Texas Department of Criminal Justice (hereinafter "the Department") may withdraw, seize or garnish funds from an inmate's trust account to pay court fees, costs and fines associated with this conviction. As part of this plea agreement, the defendant:
 - a. Agrees not to object to, challenge, protest, or otherwise contest, in any manner, the withdrawal, seizure or garnishment of funds from your inmate trust account by the Department for the payment of court fees, costs, and fines associated with this conviction.
 - b. Waives the right to object to, challenge, protest or otherwise contest, in any manner, the calculation of the amount of court fees, costs and fines associated with this conviction to be withdrawn, garnished or seized by the Department from your inmate trust account.
 - c. Waives the right to be served with legal process or notice of any kind (including any writ of garnishment, application, accompanying affidavit(s), bill(s) of costs or court order) in any way pertaining or related to the withdrawal, garnishment or seizure of funds from your inmate trust account by the Department for the payment of court fees, costs, and fines associated with this conviction.
 - d. Waives any legal, equitable or administrative process or procedure (including by inmate grievance or other internal Department method) to regain funds, or to prevent withdrawal, garnishment or seizure of funds, from your inmate trust account by the Department for the payment of court fees, costs and fines associated with this conviction.
 - e. Waives, foregoes, surrenders and relinquishes any property right to any funds withdrawn, garnished or seized from your inmate trust account by the Department to pay court fees, costs and fines associated with this conviction.
 - f. Waives the right to the appointment of legal counsel to pursue any legal, equitable or administrative proceeding to prevent the Department from withdrawing, garnishing or seizing funds from your inmate trust account to pay an unpaid fine, court costs or court fees to regain the same.

DEFENDANT'S APPROVAL

I, the defendant herein, do acknowledge that:

1. My attorney has explained to me and I have read and understand the foregoing "Plea Agreement," "Court's Admonitions to Defendant," and "Defendant's Waiver of Rights and Judicial Confession."
2. My attorney has explained to me and I understand the legal effect of waiving my rights and the consequences of my plea.
3. I knowingly, freely, and voluntarily waive my rights, plead TRUE and consent to the stipulation of facts.
4. I request that the Court accept my plea, agreements, waivers, statements, and stipulation.

Date

Defendant
Printed Name: _____

SUBSCRIBED AND SWORN BEFORE ME, the undersigned authority, by the defendant on this the _____ day of _____, 20_____.

Nancy Young, District Clerk

By: _____
Deputy

DEFENSE ATTORNEY'S APPROVAL

I, the attorney of record for the defendant herein, being a licensed member in good standing of the State Bar of Texas, do hereby certify that:

1. The defendant has a sufficient present ability to consult with me with a reasonable degree of rational understanding, and he/she has a rational as well as factual understanding of the proceeding against him/her.
2. I have read the foregoing "Plea Agreement", "Court's Admonitions to Defendant," "Defendant's Waiver of Rights and Judicial Confession," fully explained each of them to the defendant, and I am satisfied that he/she understands each of them.
3. I have explained to the defendant the legal effects of waiver his/her rights and the legal consequences of his/her plea, I have witnessed his/her signature contained herein, and I am satisfied that he/she understands these rights and the legal consequences of his/her plea.
4. I am satisfied that the defendant's plea, agreements, waivers, statements and stipulations are knowingly, freely and voluntarily made, and I do hereby approve and consent to each of them.

Date

Attorney for Defendant
Printed Name: _____
State Bar No.: _____

STATE'S APPROVAL

THE STATE OF TEXAS, by and through its County Attorney, upon the acceptance and approval by the Court of the defendant's waivers and stipulations of fact herein, waives its right to a trial by jury.

RICHARD E. GLASER
Criminal District Attorney
Fannin County, Texas

Date

By: _____
Assistant Criminal District Attorney
State Bar No.:

COURT'S APPROVAL

The Court finds the following:

1. The defendant has a sufficient present ability to consult with his or her lawyer with a reasonable degree of rational understanding, and has a rational as well as factual understanding of the proceeding against his or her.
2. The defendant has the age, maturity, and intelligence to understand does knowingly understand his or her rights with regard to the two above said instruments.
3. The defendant does knowingly waive his or her rights as described therein.
4. The defendant does understand his or her rights regarding stipulations and does knowingly waive his or her rights to have such facts proved otherwise.
5. The defendant does knowingly stipulate and agree that the facts contained in the "Defendant's Waiver of Rights and Judicial Confession" are true and correct.
6. The defendant does knowingly request that a pre-sentence investigation not be made and the Court herein agrees.

IT IS THEREFORE ORDERED that the defendant's waivers as they appear in the aforesaid instruments be and are hereby approved, consented to, and accepted by this court; that the stipulations be are hereby approved, consented to, and accepted by this court; and, said instruments are hereby ORDERED filed in the papers of this cause.

SIGNED THIS _____ day of _____ 20 _____.

PRESIDING JUDGE
336th District Court
Fannin County, Texas

CAUSE NO. _____

THE STATE OF TEXAS

336TH DISTRICT COURT

VS.

FANNIN COUNTY, TEXAS

CONSENT TO DESTRUCTION OF EVIDENCE

The Defendant hereby consents to the destruction of any evidence seized in connection with his arrest and prosecution. The Defendant understands that destruction of such evidence will prevent any future request for additional testing or the presentation of new evidence or defenses or a claim of innocence based on such evidence.

Date

After having agreed to assess punishment consistent with the plea agreement, the Court hereby finds that the Defendant understands the consequences of consenting to the destruction of evidence seized in connection with his arrest and prosecution. The court finds the consent is voluntary, intelligent and knowing and accepts the consent. The state thereby may destroy said evidence.

Investigative/Arresting Agency

Investigative/Arresting Agency Case #

SIGNED THIS _____ day of _____ 20 _____.

PRESIDING JUDGE
336th District Court
Fannin County, Texas