

CAUSE NO. _____

THE STATE OF TEXAS

COUNTY COURT AT LAW

VS.

FANNIN COUNTY, TEXAS

PLEA AGREEMENT

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 defendant will plead GUILTY to the offense of _____ as charged in or as a lesser included offense of the charge in (Count ____ of) the charging instrument and they make the following plea agreement:

- Term of Confinement in **Fannin County Jail** for: _____.
- Post-conviction community supervision for _____.
- Deferred community supervision for _____.
- 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.
- Perform _____ hours Community Service.
- Other:_____

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

1. You stand charged with the offense of _____ . The range of punishment attached to this offense as enhanced, if any, is (check one).
- Class A Misdemeanor + repeat offender:** confinement in the county jail for not less than 90 days or more than one year and/or a maximum fine of \$4,000.00.
 - Class B Misdemeanor + repeat offender:** confinement in the county jail for not less than 30 days or more than 180 days and/or a maximum fine of \$2,000.00.
 - Class A Misdemeanor:** confinement in the county jail for not more than one year and/or a maximum fine of \$4,000.00.
 - Class B Misdemeanor:** confinement in the county jail for not more than 180 days and/or a maximum fine of \$2,000.00.
 - Class C Misdemeanor:** a maximum fine of \$500.00.
 - DWI–Second Offender:** confinement in the county jail for not more than one year or less than 30 days and/or a maximum fine of \$4,000.00.
 - DWI–First Offender:** confinement in the county jail for not more than 180 days or less than 72 hours and/or a maximum fine of \$2,000.00.
 - Special Punishment Range:** _____
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2. The trial court is not bound by a plea agreement, if any exists, between the defendant and the State. If the trial court assesses a punishment different from that recommended by the State or defendant, the defendant has no right to withdraw the plea after sentencing.
3. If the punishment assessed does not exceed the punishment recommended by the prosecuting attorney and agreed to by the Defendant and the defense attorney, the trial court must give its permission to the Defendant before the Defendant may pursue an appeal on any matter in the case, except for those matters raised by written motions filed and ruled upon before trial.
4. If the Defendant is not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.
5. If the Defendant is convicted or placed on deferred adjudication for an offense triggering the Sex Offender Registration Program, Defendant will be required to meet the registration requirements of that law under Chapter 62 of the Code of Criminal Procedure. Defendant understands that the sex offender registration laws include many details other than those listed in these admonitions, are subject to change, and may be applied retroactively. Failure to comply with the registration law is a felony criminal offense.
6. If the Defendant is placed on deferred adjudication, upon violation of a condition of community supervision, the Defendant may be arrested and detained. The Defendant is entitled to a hearing limited to the determination by the judge whether to proceed with an adjudication of guilt on the original charge. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of community supervision (probation), and Defendant’s appeal continue as if the adjudication of guilt had not been deferred.
7. If the Defendant is convicted of a crime involving family violence, it is unlawful for the Defendant to possess or transfer a firearm or ammunition.

DEFENDANT’S WAIVER OF RIGHTS AND JUDICIAL CONFESSION

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

1. Waives the right to service of a copy of the indictment or information.
2. Waives the time allowed by law to file motions, pleadings, and the discovery of any inculpatory and exculpatory evidence beyond that already provided, if any exists.
3. Waives any and all defects, errors or irregularities, whether of form or substance, in the charging instrument.
4. Waives arraignment and formal reading of the charging instrument.
5. Waives the ten (10) days allowed to prepare for trial after the appointment of counsel and agrees to proceed on this date.
6. Waives the preparation of a pre-sentence investigation report.
7. Waives the right to a jury trial on both guilt and punishment.
8. Waives any and all due diligence claims.
9. Waives the right to subpoena witnesses and have them testify on his/her behalf.
10. Waives the right to remain silent as to guilt and punishment and agrees to testify.
11. Waives the right to a speedy trial.
12. Waives the right to appeal to the Court of Appeals.
13. Waives the right to urge a motion for new trial.
14. Waives the right to request final adjudication and/or withdraw his/her plea of guilty, if the case is one in which a finding of guilt is deferred and the defendant is placed on community supervision.
15. 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.
16. 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.
17. Has had an adequate opportunity to consult with his/her attorney [unless waiver is signed] 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.
18. **JUDICIALLY CONFESSES** and admits to committing the offense of _____, as stated in the stipulation of evidence.
19. **PLEADS TRUE** to the all enhancement paragraph(s) which are contained in the charging instrument, and judicially confesses that he/she is the same person who was previously duly and legally convicted of the offenses(s) alleged therein.

WAIVER OF RIGHT TO COUNSEL

I have been advised by the court of my right to be represented by an attorney in the trial of the charge pending against me. I have further been advised that if I am unable to afford counsel, one will be appointed for me free of charge. I was advised of my right to counsel prior to any communication with any attorney representing the state. Understanding my right to be represented by counsel, and to have counsel appointed for me free of charge if I am not financially able to employ counsel, I wish to waive that right and request to proceed with my case without an attorney being appointed to me. I hereby waive my right to counsel.

Defendant

It clearly appears to the court that the Defendant understands the consequences of waiving the right to counsel. The Defendant voluntarily, knowingly, and intelligently waives such right. Said waiver is accepted by the Court.

PRESIDING JUDGE
County Court at Law
Fannin County, Texas

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,” “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 GUILTY and consent to the stipulation of facts.
- 4. I request that the Court accept my plea, agreements, waivers, statements, and stipulation.

Date

Defendant

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

Tammy Biggar, County 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
State Bar No.: _____

STATE'S APPROVAL

THE STATE OF TEXAS, by and through its Criminal District 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 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
County Court at Law
Fannin County, Texas

CAUSE NO. _____

THE STATE OF TEXAS

COUNTY COURT AT LAW

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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

Defendant

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
County Court at Law
Fannin County, Texas