

Cause No. F

282nd

STATE OF TEXAS

§

IN THE JUDICIAL DISTRICT

VS.

§

COURT \_\_\_\_\_

§

§

DALLAS COUNTY, TEXAS

**PLEA FORM (Motion to Revoke or Adjudicate)**

TO THE HONORABLE JUDGE OF SAID COURT:

The defendant herein and the attorneys for both the defendant and the State make the following agreement:

**Defendant's plea:**  True

**Type of Motion:**  Motion to Revoke  Motion to Adjudicate

**State's Agreed Recommended Sentence:**

- Confinement in  *penitentiary*  *state jail*  *county jail* for \_\_\_\_  years  months  days
- Post-conviction community supervision, confinement probated for \_\_\_\_\_  years  months  days
- Extend community supervision from \_\_\_\_\_ to \_\_\_\_\_
- Boot Camp  Shock Probation  Substance Abuse Felony Punishment Facility
- Judicial Treatment Center  CENIKOR
- Other: \_\_\_\_\_
- Defendant will sign waiver of extradition.  Defendant knowingly and voluntarily waives appeal.
- Defendant will testify.  Defendant will not testify.
- Defendant waives court reporter.
- Other: \_\_\_\_\_
- Back-time included: \_\_\_\_\_  Back time NOT included.

**COURT'S ADMONITIONS TO DEFENDANT**

You have an absolute right to confront and cross-examine the witnesses against you, and to call witnesses in your own behalf. You have a right to testify, but you cannot be compelled to do so. If you do testify anything you say can and will be used as evidence against you. The prosecuting attorney's recommendation as to punishment is not binding on the Court. You do not have the right to withdraw your plea if the Court does not follow the prosecuting attorney's recommendation as to punishment. You have the right to be represented by an attorney. If you have a court-appointed attorney, you have a right to ten days from the date of the attorney's appointment to prepare for the hearing. If you are on unadjudicated community supervision, are found to have violated a condition of community supervision, and your guilt is adjudicated by the Court, the court may assess your punishment anywhere within the range provided by law for the offense. After adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, the granting of community supervision, and an appeal, then continue as if adjudication of guilt had not been deferred.

**DEFENDANT'S STATEMENTS AND WAIVERS**

Defendant, with the approval of counsel, makes the following voluntary statements and waivers. I am the person named as the accused in the State's motion and am the same person who was previously placed on community supervision in this cause. I am mentally competent. I understand the nature of the accusation made against me, the range of punishment of the offense I was placed on community supervision for, and the consequences of a plea of true. I understand that I have the right to remain silent, that anything I say can and will be used against me, and that I have the right to confront and cross-examine the witnesses against me.

I hereby waive any and all defects, errors, or irregularities, whether of form or substance, in the State's motion, and waive my right to remain silent. I waive arraignment and reading of the State's motion, the appearance, confrontation, and cross-examination of witnesses, and my right to ten days to prepare for trial after the appointment of counsel (if counsel has been appointed). I consent to the oral or written stipulation of evidence or testimony, to the introduction of testimony by affidavits or written statements of witnesses, and to all other documentary evidence. I affirm that my plea, judicial confession, and stipulation of evidence are freely and voluntarily made, and not influenced by any consideration of fear, persuasion, or delusive hope of pardon or parole.

I understand that if I am continued on community supervision in this case and I am charged with a violation of my community supervision and arrested in another state, under the Uniform Extradition Act I have the right to require the issuance and service of a warrant of extradition, the right to hire legal counsel, or, if indigent, to have counsel appointed, and the right to apply for a writ of habeas corpus to contest my arrest and return to this State.

I voluntarily and knowingly waive my rights under the Extradition Act, waive extradition, and waive my right to contest my return to the State of Texas from any jurisdiction where I may be found. I understand and agree that such waiver is irrevocable.

I understand that I have a right to appeal to the Court of Appeals. If the trial court follows the terms of the State's recommendation as to sentencing, then, after consulting with my attorney, I do expressly, voluntarily, knowingly, and intelligently give up and waive my right to any appeal.

I understand that I have a right to have a court reporter make a record of these court proceedings and, after consulting with my attorney, I do hereby voluntarily, knowingly, and intelligently waive my right to have a court reporter make a record of these proceedings.

In my judicial confession and stipulation which follows, I incorporate by reference the allegations made against me in the motion now being heard by the Court.

**DEFENDANT'S JUDICIAL CONFESSION AND STIPULATION OF EVIDENCE**

I, the defendant herein, judicially confess and stipulate in that on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I was placed on community supervision in this case for a period of \_\_\_\_  years  months  days, that I received a copy of my conditions of community supervision, that they were explained to me, and that I understood them; and that, while on community supervision, I violated the conditions of my community supervision as follows: \_\_\_\_\_.

(COP letter violated)

I committed the criminal offense (or offenses) as alleged in the State's motion.

I failed to report to the supervision officer as directed, as alleged in the State's motion, though I was able to report and could have reported.

I failed to pay the following, as alleged, though able to do so:  Community supervision fees  
 Restitution  Court-appointed attorney fees  Fine  
 Court costs  Drug testing fees  Other \_\_\_\_\_

I used a controlled substance or narcotic, and failed urinalysis, as alleged.

I failed to attend Alcoholics Anonymous or Narcotics Anonymous as directed.

I failed to obtain an alcohol or drug evaluation as directed.

I failed to obtain and/or complete, as I was directed:  Psychological evaluation and/or counseling

Drug Treatment  Drug aftercare treatment  G.E.D.

Other: \_\_\_\_\_

I failed to perform community service as directed.

I committed these further violations, as alleged in the State's motion: \_\_\_\_\_

**SIGNATURES AND ACKNOWLEDGMENTS**

I, the defendant herein, acknowledge that my attorney has explained to me, and I have read and I understand, all the foregoing admonitions and warnings regarding my rights and my plea, and that my statements and waivers are knowingly, freely, and voluntarily made with full understanding of the consequences. I request that the Court accept all my waivers, statements, agreements, and my plea.

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Defendant  
Printed Name: \_\_\_\_\_

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

FELICIA PITRE, District Clerk

By: \_\_\_\_\_  
Deputy

I have consulted with the defendant, whom I believe to be competent, concerning the plea in this case and have advised the defendant of his/her rights. I approve and agree to all waivers, statements, and agreements of the defendant herein and ask the Court to accept them and the defendant's plea.

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Attorney for Defendant  
Printed Name: \_\_\_\_\_  
State Bar # \_\_\_\_\_

As attorney for the State, I hereby consent to and approve the requests, waivers, agreements, and stipulations in this instrument.

JOHN CREUZOT, Criminal District Attorney, Dallas County, by

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Assistant District Attorney  
Printed Name \_\_\_\_\_  
State Bar # \_\_\_\_\_

It appearing to the Court that the defendant is mentally competent and is represented by counsel, that the defendant understands the nature and consequences of the charge, and that all the parties have consented to and approved the stipulations of evidence, the Court finds the waivers, agreements, and plea to have been knowingly, freely, and voluntarily made, approves the waivers and agreements, accepts the defendant's plea, and approves the stipulation of testimony.

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Judge

(Revised 04/01/20)