

Cause No. _____

STATE OF TEXAS

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IN THE

VS.

DISTRICT COURT

DALLAS COUNTY, TEXAS

PLEA AGREEMENT

The attorney for the State of Texas, the Defendant, his/her attorney (if shown below), shows the Court that the defendant will plead GUILTY NOLO CONTENDERE to the offense of _____ as charged in the charging instrument or as a lesser included offense of the offense alleged in the charging instrument and they make the following plea agreement:

Charging Instrument: Indictment Information

Term of Confinement in penitentiary state jail county jail for years months days

Post-conviction community supervision, confinement probated for years months days

Deferred community supervision for years months days

Pay fine in the amount of \$ _____, as directed by the Supervision Office, to be paid probated.

Pay restitution, jointly and severally with co-defendant(s) in the amount of \$ _____.

Affirmative finding the defendant used or exhibited a deadly weapon, to-wit: _____.

Affirmative finding of family violence. Affirmative finding of bias or prejudice.

Affirmative finding victim was younger than 17 years of age at time of offense (20.02, 20.03, 20.04).

Affirmative finding victim was younger than 14 years of age at time of offense (62.001)

Serve _____ days in the Dallas County Jail to begin _____.

Work Release Off Work Hours Weekends _____.

Sentence to run: Concurrently Consecutively with cause number(s): _____.

Time Credit: From _____ To _____.

Have no contact with co-defendant(s), to-wit: _____.

Testify honestly about any co-defendant's participation in this offense, to-wit: _____.

Have no direct or indirect 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.

Participate in and successfully complete SAFP Program in the Institutional Division and aftercare program JCCJTC program at Wilmer.

Participate in and successfully complete ISF – cognitive track ISF – substance abuse track ISF – both tracks.

12.44(a) 12.44(b)

Other: _____

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

COURT'S ADMONITIONS TO DEFENDANT

1. The offense of _____ as charged in (or as a lesser included offense of) the charging instrument has a range of punishment (as enhanced, if applicable) of (check one below):
- Capital Offense (Death Penalty Waived):** Life without parole in the Institutional Division of the Texas Department of Criminal Justice.
 - 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 a State Jail and an optional fine not to exceed \$10,000.
 - Habitual Offender:** Life or a term not more than 99 years or less than 25 years confinement in the Institutional Division of the Texas Department of Criminal Justice.
 - 1st Degree Felony Enhanced:** Life or any term not more than 99 years or less than 15 years in the Institutional Division of the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.
 - 2nd Degree Felony Enhanced:** 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.
 - 3rd Degree Felony Enhanced:** 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.
 - State Jail Felony punished as 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. **State Jail Felony punished as 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 Punished as Class A Misdemeanor (12.44(a)):** A term of up to 1 year confinement in the Dallas County Jail, or a fine not to exceed \$4,000, or both such confinement and fine.
 - State Jail Felony Reduced to a Class A Misdemeanor (12.44(b)):** A term of up to 1 year confinement in the Dallas County Jail, or a fine not to exceed \$4,000, or both such confinement and fine.
 - Other:** _____.
2. The recommendations of the prosecuting attorney are not binding on the Court. If a plea agreement does exist, the Court will inform you whether it will follow or reject the agreement in open court and before any finding on your plea. Should the Court reject any plea agreement, you will be permitted to withdraw your plea.
3. If the punishment assessed does not exceed the agreement between you and the prosecutor, the Court must give its permission to you before you may appeal on any matter in this case except for those matters raised by written motions prior to trial.
4. If you are not a citizen of the United States of America, a plea of guilty or nolo contendere may, and under current Federal immigration rules is almost certain to, result in your deportation, removal, exclusion from admission to the United States, or the denial of naturalization.
5. You will be required to meet the registration requirements of Chapter 62 of the Code of Criminal Procedure (CCP) if you are convicted or place on deferred adjudication for an offense for which a person is subject to the registration requirements under Chapter 62 CCP.
6. If the Court defers adjudicating your guilt and places you under community supervision, on violation of any condition you may be arrested and detained as provided by law. You are then entitled to a hearing limited to a determination by the Court whether to proceed with an adjudication of guilt on the original charge. After adjudication of guilt, all proceedings, including the assessment of punishment and your right to appeal, continue as if adjudication of guilt had not been deferred.
7. If the Court defers an adjudication of guilt and places you on community supervision, you may have the right to petition the Court for an order of non-disclosure after successfully completing community supervision, unless you are ineligible due to the nature of this offense or your criminal history.
8. If the Court places you on community supervision, after satisfactorily fulfilling the conditions of community supervision and on expiration of the period of community supervision, the court is authorized to release you from the penalties and disabilities resulting from the offense as provided by Article 42A.701(f) CCP.

9. If you are found guilty in the aforementioned cause, the Court will make an affirmative finding that you have been found guilty of a felony offense. You are instructed that a felony conviction impacts your right to vote in the State of Texas. Once the judgment is entered and any appeals are exhausted, you will **not** be qualified to vote in Texas. To become qualified to vote in the State of Texas after having been finally convicted of a felony, you must: 1) fully discharge your sentence, including any term of incarceration, parole, or supervision, 2) have completed your period of probation as ordered by the Court, or 3) have been pardoned or otherwise released from the resulting disability to vote.

DEFENDANT'S WAIVER OF RIGHTS AND JUDICIAL CONFESSION

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

1. Understands that he has a right to be charged by an indictment returned by a grand jury, and to be served with a copy of the indictment. If an indictment has not been returned in this case, the defendant waives those rights, and agrees to be tried on an information.
2. Is the same person charged in the charging instrument.
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 presentence investigation report and/or postsentence 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 appeal to the Court of Appeals.
12. Waives the right to urge a motion for new trial.
13. Waives any right under Arts. 1.14(a) and 38.43, Code of Criminal Procedure, or any other law requiring the State of Texas to preserve evidence containing biological material and agrees that all law enforcement agencies possessing evidence related to this case may dispose of it without further notice to him/her, his/her attorney, or the Court.
14. Waives the right to confront and cross-examine the State's witnesses, 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.
15. Waives the right to discovery beyond materials already produced or inspected in the case, and agrees that he/she has received all information necessary to enter his/her plea and dispose of the case.
16. Has 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.
17. Has had sufficient time to consult with an immigration attorney if so desired, and fully understands the immigration consequences of his/her plea.
18. Understands that child support, restitution, child health care costs, court fees and costs, fines, and any other court order, judgment, or writ may be collected from monies deposited in his/her inmate trust account.
19. a) Waives the requirement under Article 42A.301 of the Code of Criminal Procedure that a risk and needs assessment be conducted prior to the Court determining the initial conditions of Defendant's community supervision in this cause, b) understands the Court will set initial conditions of community supervision prior to a risk and needs assessment being conducted, c) understands a risk and needs assessment will be done after the Court has accepted my plea of guilty or nolo contendere, and d) understands based on the results of the risk and needs assessment, the Court may modify the conditions and order additional conditions of community supervision.

20. Understands that under the Uniform Extradition Act, should he/she be charged with a violation of his/her community supervision and be arrested in another state, he/she has 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 his/her arrest and return to this State. Understanding this right, he/she voluntarily and knowingly waives his/her rights under the Extradition Act, waives Extradition, and waives his/her right to contest his/her return to the State of Texas from any jurisdiction where he/she may be found. He/she understands and agrees that such waiver is irrevocable.
21. ***JUDICIALLY CONFESSES*** and admits to committing the offense of
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- exactly as charged in the charging instrument or as a lesser included offense of the offense alleged in the charging instrument.**
22. ***PLEADS TRUE*** to the FIRST SECOND **ALL** of the enhancement paragraphs which are contained in charging instrument, and judicially confesses that he/she is the same person who was previously duly and legally convicted of the offense(s) alleged therein.
23. Defendant waives any transcription through a certified court reporter of this plea.

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 effects of waiving my rights and the consequences of my plea.
3. I knowingly, freely, and voluntarily waive my rights, plead "GUILTY" or "NOLO CONTENDERE", and consent to the stipulation of facts.
4. I request that the Court accept my plea, agreements, waivers, statements, and stipulations.

Date

Defendant's signature

Defendant's printed name

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 proceedings against him/her.
2. I have read the foregoing "Plea Agreement", "Court's Admonitions to Defendant", and "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 waiving his/her rights and the legal consequences of his/her plea, 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.
5. I acknowledge receipt or inspection of all discovery materials as recorded in the Discovery Log and Acknowledgment of Discovery Rights signed by the parties and filed with the Court as required under Art. 39.14 of the Tex. Code of Criminal Procedure.

Date

Attorney for Defendant - signature

Attorney for Defendant – printed name

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. The State further attests that requirements of Art. 39.14 under the Tex. Code of Criminal Procedure have been complied with to the best of its knowledge.

JOHN CREUZOT, Criminal District Attorney
Dallas County, Texas

BY:

Date

Attorney for State - signature

Attorney for State – printed name

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 proceedings against him or her.
2. The defendant has the age, maturity, and intelligence to understand and does knowingly understand his or her rights with regard to the plea agreement, the admonishments, and waiver of rights and judicial confession.
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 neither a pre- or post-sentence investigation be made.
7. The Court acknowledges that the parties have represented they have complied with Article 39.14(j) of the Texas Code of Criminal Procedure.

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 and are hereby approved, consented to, and accepted by this court, and, said instruments are hereby ORDERED filed in the papers of this cause.

SIGNED AND ENTERED ON _____, 20

JUDGE PRESIDING

Cause No. _____

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DISTRICT COURT

DALLAS COUNTY, TEXAS

JUDGMENT CERTIFICATE OF DEFENDANT'S PRINTS

Defendant's Right Thumb*

Defendant's Hand

THIS IS TO CERTIFY THAT THE FINGERPRINTS ABOVE ARE THE ABOVE-NAMED DEFENDANT'S FINGERPRINTS TAKEN AT THE TIME OF DISPOSITION OF THE ABOVE STYLED AND NUMBERED CAUSE.

*Indicate here if print other than the defendant's right thumb is placed above:

- Left Thumbprint
- Left / Right Index Finger
- Other:

DONE THIS DAY _____, 20

SUPERVISION OFFICER/ BAILIFF / DEPUTY SHERIFF

Cause No. _____

STATE OF TEXAS

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VS.

DISTRICT COURT

DALLAS COUNTY, TEXAS

TRIAL COURT’S CERTIFICATION OF DEFENDANT’S RIGHT OF APPEAL*

I certify that this criminal case:

- is not a plea-bargain case, and the defendant has the right of appeal;
- is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal;
- is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal;
- is a plea-bargain case, and the defendant has NO right of appeal;
- the defendant has waived the right of appeal.

Judge

Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a pro se petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals’ judgment and opinion to my last known address and that I have only 30 days in which to file a pro se petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2, 68.3. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a pro se petition for discretionary review.

Defendant

Mailing address: _____

Telephone number: _____

Email Address (if any): _____

Defendant’s Counsel

State Bar of Texas ID number: _____

Mailing address: _____

Telephone number: _____

Email Address: _____

* See TEX. R. APP. P. 25.2(a)(2).

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- is not a plea-bargain case, and the defendant has the right of appeal;
- is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal;
- is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal;
- is a plea-bargain case, and the defendant has NO right of appeal;
- the defendant has waived the right of appeal.

Judge

Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a pro se petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals’ judgment and opinion to my last known address and that I have only 30 days in which to file a pro se petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2, 68.3. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a pro se petition for discretionary review.

Defendant

Defendant’s Counsel

Mailing address: _____

State Bar of Texas ID number: _____

Mailing address: _____

Telephone number: _____

Telephone number: _____

Email Address (if any): _____

Email Address: _____

* See TEX. R. APP. P. 25.2(a)(2).

DEFENDANT’S COPY