

Revised 12/2016

**WRITTEN PLEA ADMONISHMENTS
406TH DISTRICT COURT**

Cause No. _____ **Date:** _____

Defendant: _____

Pursuant to Art. 26.13 C.C.P., you are hereby admonished in writing:

You are charged with the felony offense of:

PUNISHMENT RANGE

If convicted, you face the following range of punishment:

() **FIRST DEGREE FELONY:** A term of life or any term of not more than 99 years or less than 5 years in the Institutional Division of the Texas Department of Criminal Justice and in addition, a fine may be assessed not to exceed \$10,000.

() **SECOND DEGREE FELONY:** A term of not more than 20 years or less than 2 years in the Institutional Division of the Texas Department of Criminal Justice and in addition, a fine may be assessed not to exceed \$10,000.

() **THIRD DEGREE FELONY:** A term of not more than 10 years or less than 2 years in the Institutional Division of the Texas Department of Criminal Justice and in addition, a fine may be assessed not to exceed \$10,000.

() **STATE JAIL FELONY:** A term of not more than 2 years or less than 180 days in the State Jail Division of the Texas Department of Criminal Justice and in addition, a fine may be assessed not to exceed \$10,000.

() **HABITUAL OFFENDER:** A term of life or any term of not more than 99 years or less than 25 years in the Institutional Division of the Texas Department of Criminal Justice.

() **FIRST DEGREE ENHANCED:** A term of life or any term of not more than 99 years or less than 15 years in the Institutional Division of the Texas Department of Criminal Justice and in addition, a fine may be assessed not to exceed \$10,000.

() **CLASS A MISDEMEANOR:** A term of confinement not to exceed one year in the county jail or a fine not to exceed \$4,000.00, or both such confinement and fine.

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() CLASS B MISDEMEANOR: A term of confinement not to exceed 180 days in the county jail or a fine not to exceed \$2,000.00, or both such confinement and fine.

() _____

PLEA BARGAIN

If no plea bargain exists, the Court is not bound to or limited by any punishment recommendation made by the State. If a plea bargain does exist, the Court must inform you in open Court whether or not it will follow the agreement before any finding is made on your plea. Should the Court reject your agreement, you are entitled to withdraw your plea.

PERMISSION TO APPEAL

If the punishment assessed does not exceed the plea bargain agreement, the Court must give permission before you can appeal on any matter in the case except matters raised by written motions before trial.

CITIZENSHIP

If you are not a U.S. Citizen, a plea of guilty or nolo contendere may result in your deportation, exclusion from admission to the country or denial of naturalization under federal law.

DEFERRED ADJUDICATION

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 of whether to proceed with an adjudication of guilt on the original charge. No appeal may be taken from this determination. 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.

**OSCAR J. HALE, JR., JUDGE
406th JUDICIAL DISTRICT COURT
WEBB COUNTY, TEXAS**

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STIPULATIONS, WAIVERS & JUDICIAL ADMISSION

Comes now the defendant, joined by my counsel, and states that I understand the foregoing admonishments from the Court and I am aware of the consequences of my plea. I am mentally competent and my plea is freely and voluntarily made. If counsel was appointed, I give up and waive any time provided to me by law to prepare for trial. I am totally satisfied with the representation provided to me by my attorney who provided fully effective and competent legal representation. Under Art. 1.14 C.C.P., I give up all rights given to me by law, whether of form, substance or procedure. Joined by my attorney, I give up my right to a jury in this case and my right to the appearance, confrontation and cross examination of the witnesses. I consent to oral and written stipulations and agree that they may be considered as evidence in my case. I have read the charging instrument and my attorney has explained it to me and I committed each and every element alleged. I give up my right to confidentiality of the pre or post sentence report and agree that it may be publicly filed in the papers of my case. I am guilty of the offense and all lesser included offenses charged against me in this case. I swear that all of the foregoing, as well as the testimony I give, are the true, so help me God.

Defendant

SWORN to and SUBSCRIBED to before me by the defendant on this _____ day of _____, 201____. I hereby certify that the thumb print shown below and on the docket sheet and/or community supervision order is that of the defendant in this case.

**Deputy District Clerk
Webb County, Texas**

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We join in and approve the waivers and stipulations made above by the Defendant and certify that the defendant appears legally competent to stand trial; that all of the defendant's statements were freely and voluntarily made; and that the defendant's plea in this case was freely and voluntarily entered.

Counsel for Defendant

Prosecutor

**OSCAR J. HALE, JR., JUDGE
406th JUDICIAL DISTRICT COURT
WEBB COUNTY, TEXAS**

DEFENDANT'S RIGHT THUMB PRINT:

STATE'S EXHIBIT NO. 1

DEFENDANT'S POST CONVICTION WAIVERS

Comes now the defendant joined by his counsel, and in writing and in open Court after sentence has been imposed, and waives and gives up any time provided and his right to file a Motion for New Trial, Motion for Arrest of Judgment or Notice of Appeal.

Defendant

Counsel for Defendant

CAUSE NO. _____

THE STATE OF TEXAS

v.

§
§
§
§
§

IN THE DISTRICT COURT

406TH JUDICIAL DISTRICT

WEBB COUNTY, TEXAS

**ACKNOWLEDGMENT OF COMPLIANCE WITH
TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 39.14 (a)**

Comes now the defendant and hereby withdraws any requests made in the above numbered cause for further discovery pursuant to Texas Code of Criminal Procedure Article 39.14 (a). My attorney has fully and completely explained to me my right to request discovery under Texas Code of Criminal Procedure Article 39.14 (a) and I understand that right. I am satisfied with the State's compliance and I affirmatively and voluntarily declare that I have no additional requests for discovery of items pursuant to Texas Code of Criminal Procedure Article 39.14 (a).

DEFENDANT

Sworn to and Subscribed before me on _____, 20____.

WEBB COUNTY DEPUTY DISTRICT CLERK

I represent the defendant in this case, and I believe that this document was executed by him freely, knowingly, and voluntarily. My client and I have fully discussed his right to discovery under Texas Code of Criminal Procedure Article 39.14 (a), and I believe that he understands this right and the consequences of executing this document. It is my opinion that he is competent to make this acknowledgment, and along with him and at his instruction I also withdraw any pending or additional discovery requests made pursuant to Texas Code of Criminal Procedure Article 39.14(a).

Defense Attorney (print)

Signature of Defense Attorney

This document was executed by the defendant, his attorney, and then filed with the papers of the case. The defendant came before me and I approved the above acknowledgment along with the defendant's plea of guilty or no contest. After I admonished the defendant of the consequences of this document, I ascertained that he entered it knowingly and voluntarily after discussing it with his attorney. It appears that the defendant is mentally competent to withdraw any request he may have made for further discovery pursuant to Texas Code of Criminal Procedure Article 39.14 (a), and is doing so freely and voluntarily. I find that the defendant's attorney adequately informed him of his right to discovery under Texas Code of Criminal Procedure Article 39.14 (a) and the effects of this acknowledgment.

NOTHING HEREIN SHALL ABRIDGE THE STATE'S ONGOING DUTY TO DISCLOSE TO THE DEFENDANT ANY EXCULPATORY, IMPEACHMENT OR MITIGATING INFORMATION IN THE POSSESSION, CUSTODY OR CONTROL OF THE STATE THAT TENDS TO NEGATE THE GUILT OF THE DEFENDANT OR WOULD TEND TO REDUCE THE PUNISHMENT FOR THE OFFENSE CHARGED.

ASST. DISTRICT ATTORNEY

The Court hereby **ORDERS** the District Clerk of Webb County, Texas to file this document in the Court's record in this cause.

OSCAR J. HALE JR., JUDGE
PRESIDING JUDGE