

**IN THE DISTRICT COURT  
OF KLEBERG COUNTY, TEXAS  
THE 105<sup>TH</sup> JUDICIAL DISTRICT OF TEXAS**

**THE STATE OF TEXAS  
VS.**

**NO.** \_\_\_\_\_

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**COURT'S WRITTEN ADMONISHMENTS TO DEFENDANT  
ON DEFENDANT'S PLEA OF GUILTY OR NOLO CONTENDERE**

The Defendant herein has informed the Court that he/she desires to enter a plea of guilty or a plea of nolo contendere in this cause. Accordingly, pursuant to Art. 26.13(d), Texas Code of Criminal Procedure, the Court admonishes the Defendant in writing as follows:

**Perjury Admonishment:** When the hearing begins, you will be placed under oath. *You are now warned that any statements you make must be the truth.* If you make a false statement during this hearing, you may be charged with the offense of Aggravated Perjury, which is punishable by imprisonment in the state penitentiary for any term of not more than 10 years or less than 2 years and a fine not to exceed \$10,000; or you may be held in Contempt of Court, which is punishable by confinement in jail for a term not to exceed 180 days or by a fine not to exceed \$500 or both; and if you are granted community supervision, your community supervision may be revoked, and you may be sent to prison or State Jail.

**Offense Charged:** You are charged with the offense of \_\_\_\_\_

alleged to have occurred in **Kleberg County, Texas** on \_\_\_\_\_. The punishment range applicable for the offense is stated in the Court's Written Admonishments on Range of Punishment. Should you have any questions about the range of punishment, please ask them during the hearing.

**Plea Bargain Agreement:** You and your attorney may enter into a plea bargain agreement with the State. If the Court accepts your plea and approves the agreement, the Court will follow the agreement and assess your punishment not to exceed the plea bargain. Keep in mind that the Court does not participate in any plea bargaining or negotiation in any case.

**If Plea Bargain Rejected:** If the Court rejects the plea bargain agreement, you have two options: (1) you may withdraw your plea; your plea of not guilty is then restored. Your case will then be set for trial before the Court or a jury, unless you reach another agreement acceptable to the Court; or, (2) you may continue with your plea without a plea bargain agreement. See "If No Plea Bargain" below.

**If Plea Bargain Accepted:** If the Court accepts the plea bargain agreement, and the punishment does not exceed the State's agreed recommendations, you may appeal (1) only those matters that were raised by written motion filed and ruled upon by the Court before the plea, or (2) after getting the Court's permission to appeal. This means that you have a limited right to appeal if the Court follows the plea bargain.

**If No Plea Bargain:** If you enter a plea of guilty/nolo contendere without a plea bargain agreement and the Court makes a sentencing decision that you do not like, you have the right to appeal; however, because you entered such a plea without a plea bargain agreement, your right to appeal may be extremely limited.

**Voluntary Plea:** Your plea must be voluntary. The Court cannot accept your plea if anyone forced you; tried to force or persuade you to make the plea; threatened or promised you anything in return for making the plea; or if your plea is influenced by any consideration of fear or a delusive hope of a pardon prompting you to confess your guilt. *Your plea must be of your own free will.*

**Basis for Guilty Plea:** Your plea of guilty may be accepted by the Court only if you are in fact guilty and you should not plead guilty for any other reason. By pleading guilty, the Court will find either that you are guilty or that the evidence substantiates your guilt.

**Basis for Nolo Contendere Plea:** You may plead nolo contendere (that is, no contest) if you do not want to plead guilty, but you will not contest, challenge or oppose the charges or evidence against you. A plea of nolo contendere has the same effect as a plea of guilty in that the Court will find either that you are guilty or that evidence substantiates your guilt.

**Right to Plead Not Guilty:** Though you know that you may be guilty, you still have the right to plead not guilty and to force the State to prove your guilt beyond a reasonable doubt. You have basic trial rights; the right to a trial by jury; the right to remain silent and not testify; the right to force the State to bring witnesses into court to testify against you; the right to confront and through your attorney, to cross-examine the State's witnesses; the right to compel the attendance of witnesses in your behalf; and the right to present evidence in your defense. These are some of your Constitutional rights that you waive or give up by pleading guilty or nolo contendere and by agreeing to be tried before the Court without a jury upon stipulated or agreed testimony and evidence.

**If Not a Citizen:** If you are not a citizen of the United States, a plea of guilty or nolo contendere in this case may result in your deportation, your exclusion from admission to this country, or your denial of naturalization under federal law. This Court has no power to bind the federal government regarding your immigration status in this country as a result of any plea bargain agreement you may have with the State.

**Right to Notify Consular Office:** If you are not a citizen of the United States, you are entitled to have the State of Texas notify your native country's consular representative here in the United States and to inform that representative that felony charges have been filed against you. Your country's consular officials are entitled to have access to you and to provide you consular assistance if you desire such assistance, whatever assistance that might be. If you want the State of Texas to notify your country's consular representative before you enter your plea, you must tell the Court now. Otherwise, you will waive or give up your right to have the State of Texas notify your country's consular representative.

**If a Sex Offender:** If you enter a plea of guilty/nolo contendere to a reportable sex offense, you will be required to comply with the registration requirements under Chapter 62 of the Texas Code of Criminal Procedure and to register as a sex offender at least once each year and every time you change your residence. Depending on the sex offense involved, your duty to register as a sex offender will end (1) on the tenth anniversary from the date that you are discharged from community supervision or release from prison, whichever is later, or (2) when you die. Failure to register as a sex offender when required to do so is a felony offense and may result in additional felony charges filed against you.

**If a Family Violence Offender:** If you enter a plea of guilty/nolo contendere to an offense of family violence defined by Section 71.004 of the Texas Family Code, including to a misdemeanor family violence offense, it is unlawful for you, from now on, to own, possess or transfer a firearm or any ammunition. If you do so, you may be prosecuted under either state or federal law or both.

**Ineligibility to possess a firearm:** In accordance with 1 Texas Administrative Code §176.1, 1. You are, by entry of order or judgment, ineligible under Texas law to possess a firearm or ammunition. 2. Beginning now, if you possess

a firearm or ammunition it could lead to charges against you. If you have questions about how long you will be ineligible to possess a firearm or ammunition, you should consult an attorney. 3. Under Texas Penal Code §46.01(3): “Firearm” means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. You may wish to consult an attorney or the statutes listed below. • Code of Criminal Procedure Article 17.292 – Magistrate’s Order for Emergency Protection • Code of Criminal Procedure Article 27.14(e)(1) – Plea of Guilty or Nolo Contendere in Misdemeanor • Code of Criminal Procedure Article 42.0131 – Notice for Persons Convicted of Misdemeanors Involving Family Violence • Penal Code §46.02 – Unlawful Carrying Weapons • Penal Code §46.04 – Unlawful Possession of Firearm • Penal Code §25.07 – Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case • Family Code §85.026 – Warning on Protective Order.

**DNA Testing:** If you are convicted of any felony, you shall submit to DNA testing and you shall pay the cost thereof. If you are granted community supervision under a deferred adjudication judgment, the Court may require you to submit to DNA testing and to pay the cost thereof.

**Community Supervision:** If you filed a motion for community supervision (formally known as probation), you must state under oath whether 1) you have never before been convicted of a felony or placed on felony community supervision or probation in this State, any other State, or by the United States; or 2) if you have a prior criminal record, then you must disclose any prior felony conviction or community supervision or probation. At trial, the Court will consider your Motion for Community Supervision, but there is no guarantee that the Court will place you on community supervision; the Court will make its own decision whether to place you on community supervision, regardless of any recommendations made by the State or your attorney. Finally, the conditions of community supervision are not negotiable in any plea bargain agreement; the Court may impose any conditions upon you as warranted by the facts of the case and your circumstances, including confinement in a county jail, a state jail or prison, regardless of whether you previously agreed to those conditions.

**Deferred Adjudication:** If you request that the Court defer adjudication in your case and if the Court grants your request, the Court will find that the evidence substantiates your guilt for the offense to which you entered your plea, will defer an adjudication of guilt, and will place you on community supervision. If you successfully complete the period of community supervision, this cause will be dismissed and you will have no conviction. However, if you violate any condition of your community supervision, then you may be arrested and returned to this Court for a hearing limited to a determination whether to proceed with an adjudication of guilt on the charge to which you entered your plea of guilty/nolo contendere. If the Court proceeds to adjudicate your guilt, then the Court may revoke your community supervision, find you guilty and sentence you up to the maximum term of imprisonment or confinement provided for the offense. But, if you later decide that you do not want to proceed with deferred adjudication, you may request the final adjudication of your case by filing a written motion within 30 days from the day you entered your plea. The Court shall then proceed to find you guilty and to determine the appropriate punishment for you, regardless of the recommendation of counsel.

**Periods of Community Supervision:** In accordance with Article 42A.053, Texas Code of Criminal Procedure, in a felony case the **minimum** period of community supervision (subject to judicial extensions), except for State Jail felonies, is equal to the minimum term of imprisonment for the specific offense. The **maximum** period of community supervision is 10 Years for any felony **except** a third-degree felony under Title 7 – Penal Code, the Health and Safety Code Chapter 481, or a State Jail felony. The maximum period is 5 years for the excepted third-degree or State Jail felonies. For a misdemeanor offense, the maximum period of community supervision is 2 years, subject to extensions.

**Period of Community Supervision in Sex Offense Cases:** Under Article 42A.757 Texas Code of Criminal Procedure, in a case involving an offense of Indecency with a Child, Sexual Assault or Aggravated Sexual Assault,

at any time during the original period of community supervision, the Court may extend the period of supervision for an additional 10 Years for a maximum total of 20 years, if it is shown that the defendant has not sufficiently demonstrated a commitment to avoid future criminal behavior and that the release of the defendant from community supervision would endanger the public.

**Jail Term as condition of Community Supervision:** If you are convicted of a DWI offense and are granted community supervision, you will be required to serve a *mandatory* jail term as a condition of community supervision; the jail term is determined by the offense to which you entered your plea. In any other case, the Court may order that you serve a jail term as a condition of community supervision and the jail term cannot exceed 180 days in any case.

**Driver License Suspension:** If you are convicted of a DWI offense or a felony offense under the Controlled Substance act, your driver license will be suspended, even if you are granted community supervision. The period of suspension is determined by the offense to which you entered your plea.

**Fine for Conviction of DWI Offense:** If you are finally convicted of an offense relating to the operating of a motor vehicle while intoxicated (unless you are exempt as listed in Texas Transportation Code Sec. 709.001), in addition to the fine prescribed for the specific offense you shall pay a fine of:

- (1) \$3,000 for the first conviction within a 36-month period;
- (2) \$4,500 for a second or subsequent conviction within a 36-month period; and
- (3) \$6,000 for a first or subsequent conviction if it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed.

**In-Patient Treatment Placement:** If you are placed on community supervision for DWI or a controlled substance offense and/or if the evidence shows that you have a history of substance abuse, the Court may, with or without your agreement, place you in an in-patient residential treatment facility, including a substance abuse felony punishment facility operated by the Texas Department of Criminal Justice. The term of the placement cannot exceed one year.

**If No Motion for Community Supervision:** If you do not file a motion for community supervision, then if you are found guilty, your punishment shall be definite term of imprisonment or confinement and possibly a fine.

**Pre-Sentence Investigation:** The Court is required, in most cases, to direct a community supervision officer to prepare and submit a pre-sentence investigation report to assist the Court in determining the appropriate punishment for you. If you have not waived a required pre-sentence investigation report required in your case and you have not yet submitted to the pre-sentence investigation, your punishment hearing may be reset to a later date. If no pre-sentence investigation was required in your case and you are imprisoned or confined, the Court may order a post-sentence investigation in your case. If you are sent to prison, the pre-sentence or post-sentence investigation report will be sent to the prison and parole authorities.

**Parole:** If you are convicted and sent to prison, your eligibility for release on parole is generally determined by the grade and type of offense for which you were convicted. Eligibility for parole does not guarantee that parole will be granted. **Nothing about your plea agreement is in anyway a guarantee or predictor of parole eligibility or time served.**

**No parole:** If you are sentenced to life imprisonment without parole or serving a sentence for an offense under Penal Code §21.02, §22.021(f), or §20A.03 – Continuous Human Trafficking (with elements of §20A.02(a)(5)(6)(7)), or you are otherwise not eligible for release on parole, you will have to serve the entire sentence, day for day, for either the rest of your life or for the term of the sentence imposed. Tex. Gov't Code Ann. §508.145(a).

**Capital Offense:** If you are sentenced to life imprisonment for a capital offense under §12.31(a)(1), Penal Code (under 18 years of age when the offense was committed) you are not eligible for release on parole until the actual

calendar time you have served, without consideration of good conduct time, equals 40 calendar years. You will have to serve 40 years, day for day, before you may be considered for parole. Tex. Gov't Code Ann. §508.145(b).

**Repeat Sex Offender of Children:** If you are sentenced to life imprisonment for an offense under §12.42(c)(2), Penal Code (generally, sex offenses against children and victims of human trafficking), you are not eligible for release on parole until the actual calendar time you have served, without consideration of good conduct time, equals 35 calendar years. You will have to serve 35 years, day for day, before you may be considered for parole. Tex. Gov't Code Ann. §508.145(c).

**Article 42A.0254 (formerly 3g) & EOCA Offenses:** If you are convicted of an offense listed in Article 42A.054 or 42.01991 Code of Criminal Procedure or Sections 71.02 or 71.023, Penal Code (other than an offense under Penal Code §§19.03, 20A.02, 20A.03, 21.02, 22.021(f) or a capital offense as described above), you will not become eligible for parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less, without consideration of any good conduct time earned. If you are sentenced to a term of less than four years, you must serve at least two years before you are eligible for parole. Tex. Gov't Code Ann. §508.145(c-1)(2), (d).

**Enhanced Drug Free Zone Offense:** If you are convicted of and sentenced for a Drug Free Zone offense for which the punishment is increased under §481.134, Health and Safety Code, you will not be eligible for release on parole until your actual calendar time served, without consideration of good conduct time, equals 5 years or the term to which you are sentenced, whichever is less. Tex. Gov't Code Ann. §508.145(e).

**State Jail Offenses:** If you are convicted of and sentenced for a State Jail offense, you will not earn good conduct time on your sentence. There is no early release or parole on a State Jail sentence. You will have to serve the entire sentence, day for day.

**Filing an Appeal:** In this section, “sentencing date” means the date (1) the sentence is imposed, (2) the sentence is suspended and probated; or (3) deferred adjudication is granted.

You may have a right to appeal your case, **except** (1) in a plea bargain case or (2) if you waive your right of appeal. If you want to appeal, you must give Notice of Appeal within 30 days from the sentencing date. If you want to file a Motion for New Trial, you must file the motion within 30 days of sentencing. If you file a Motion for a New Trial, you must give notice of appeal within 90 days from the sentencing date. The Notice of Appeal and the Motion for New Trial must be in writing and must be timely filed with the Clerk of this Court.

If you are indigent and unable to hire an attorney, at your request, the Court will appoint an attorney to represent you on appeal free of charge, and will also furnish you with a record of the hearing free of charge. If you are now being represented by an appointed attorney, your attorney shall continue to represent you on appeal until appeals are exhausted or the attorney is relieved of their duties by the Court or replaced by other counsel.

After the proceeding, the Court will sign the “Trial Court’s Certification of Defendant’s Right of Appeal,” which will give you additional admonishments about your right of appeal. You are required to sign your receipt of the certification and to provide contact information. You will be provided a copy of the appeal certification after you sign it. It is your responsibility to follow all appellate timetables provided by the Texas Code of Criminal Procedure and the Texas Rules of Appellate Procedure.

**Jail Time Credit for Pre-Trial Confinement:** Depending on the degree of offense and/or the facts and circumstances of confinement, you may be entitled to mandatory credit of any jail confinement in your case. State Jail felonies are not entitled to mandatory credit unless you are indigent, did not post bond and are sentenced to the maximum 2 years confinement.

**Jail Term as a Condition:** If you are ordered to serve a jail term as a condition of community supervision, you are not entitled to credit for that term of confinement.

**COURT’S WRITTEN ADMONISHMENTS ON RANGE OF PUNISHMENT**

In addition to the Court’s Admonishments to Defendant on Defendant’s Plea of Guilty or Nolo Contendere, the Court admonishes the Defendant in writing on the range of punishment applicable to this cause as follows:

The range of punishment for the offense that you are charged with or are entering a plea of guilty/nolo contendere to is for a \_\_\_\_\_ offense.

Punishment for such an offense is defined below in the paragraphs marked [xx] or highlighted. If you have prior final felony convictions, your punishment may be increased as shown below. The Court will set your punishment within the applicable range of punishment. Imprisonment is in the Institutional Division of the Texas Department of Criminal Justice. Confinement is in the State Jail Felony Facility for a state jail felony offense or in the county jail for a misdemeanor offense. In addition to imprisonment or confinement, a fine may also be assessed.

**Regular Punishments under the Penal Code**

[ \_\_\_\_\_ ] **Capital Felony §12.31:** One guilty of a **Capital** felony shall be punished by imprisonment for Life without parole or by death.

[ \_\_\_\_\_ ] **Aggravated Sexual Assault of a Child §22.021(f), committed on or after September 1, 2007:** One guilty of the offense of Aggravated Assault of a Child (1) younger than 6 years or (2) younger than 14 years and which offense was committed with violence, shall be punished by imprisonment for life for any term of not more than 99 years or less than 25 years, and by a fine not to exceed \$10,000.

[ \_\_\_\_\_ ] **First-Degree Felony §12.32:** One guilty of a First Degree felony shall be punished by imprisonment for **life** or for any term of not more than 99 years or less than 5 years, and by a fine not to exceed \$10,000.

[ \_\_\_\_\_ ] **Second-Degree Felony §12.33:** One guilty of Second degree felony shall be punished by imprisonment for any term of not more than 20 years or less than 2 years, and by a fine not to exceed \$10,000.

[ \_\_\_\_\_ ] **Third-Degree Felony §12.34:** One guilty of a Third degree felony shall be punished by imprisonment for any term of not more than 10 years or less than 2 years, and by a fine not to exceed \$10,000.

[ \_\_\_\_\_ ] **Smuggling Offenses:** Regardless of Degree, the minimum punishment for a smuggling offense under TXPC 20.05 committed after February 6, 2024 is 10 years in prison, except in certain circumstances (see code).

[ \_\_\_\_\_ ] **State Jail Felony §12.35(a), (b):** One guilty of a State Jail Felony shall be punished by confinement in a State Jail for any term of not more than 2 years or less than 180 days, and by a fine not to exceed \$10,000. If you have not previously been convicted of any felony, the Court shall place you on community supervision; if you do have a prior felony conviction, the Court may place you on community supervision or sentence you directly to the State Jail. The requirement for community supervision also does not apply if the person possessed more than five abuse units of the controlled substance under §481.121(b)(3), Health and Safety Code.

[ \_\_\_\_\_ ] **Aggravated State Jail Felony §12.35(c):** One guilty of a State Jail felony shall be punished for a Third-degree felony if:

- (1) A deadly weapon was used or exhibited during the commission of the offense or during immediate flight therefrom, and the person used or exhibited the deadly weapon or was a party to the offense and knew that a deadly weapon would be used or exhibited, or,

- (2) The person has previously been finally convicted (a) of continuous sexual abuse of a young child or children; (b) of murder, capital murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, aggravated robbery, sexual assault, sexual performance by a child, first degree felony injury to a child, or certain controlled substance offenses under §481.134 and §481.140, Health and Safety Code; or (c) of an offense for which the judgment contains an affirmative finding that a deadly weapon was used or exhibited or the person was a party to the offense and knew that a deadly weapon would be used or exhibited.

[ ] **Class A Misdemeanor, §12.21:** One guilty of a Class A misdemeanor shall be punished by a fine not to exceed \$4,000; by confinement in jail for any term not to exceed on year, or by both such fine and confinement.

[ ] **Class B Misdemeanor §12.22:** One guilty of a Class B misdemeanor shall be punished by a fine not to exceed \$2,000; by confinement in jail for any term not to exceed 180 days; or by both such fine and confinement.

### **Miscellaneous Punishment under Other Law**

One guilty of the offense of \_\_\_\_\_ shall be punished by a term of confinement in the county jail or the State jail or a term of imprisonment in the State penitentiary for not more than \_\_\_\_\_ days/months/ years or less than \_\_\_\_\_ days/months/years, and by a fine not to exceed \$\_\_\_\_\_.

### **Enhanced Punishments under the Penal Code**

If you have previously been convicted of a felony, your punishment may be enhanced, that is, increased, as follows:

#### **[ ] Repeat Offender for the State Jail Felony Conviction, §12.425:**

[ ] (1) a person found guilty of a state jail felony who has been convicted of two state jail felonies shall be punished for a **Third-Degree felony**.

[ ] (2) A person found guilty of a state jail felony under §12.35(a), who has been convicted of two felonies, in which the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, shall be punished for a **Second-Degree felony**.

[ ] (3) A person found guilty of a state jail felony under §12.35(c), who has been convicted once before of a felony shall be punished for a **Second-Degree felony**.

[ ] **Repeat Offender for Third-Degree Felony Convictions, §12.42(a)(3):** A person found guilty of a Third-Degree felony who has been once before convicted of any felony shall be punished for a **Second-Degree felony**.

[ ] **Repeat Offender for Second-Degree Felony Conviction §12.42(b):** A person found guilty of a Second-Degree felony who has been once before convicted of a felony shall be punished for a **First-Degree felony**.

[ ] **Repeat Offender for First-Degree Felony Conviction, §12.42(c)(1):** A person found guilty of a First-Degree felony who has been once before convicted of any felony shall be punished by imprisonment for **life** or for any term of not more than 99 years or less than 15 years, and by a fine not to exceed \$10,000.

[ ] **Repeat Sex Offender, §12.42(c)(2):** A person found guilty of sexual assault; aggravated sexual assault; aggravated kidnapping with the intent to violate or abuse the victim sexually; burglary of a habitation with intent to commit sexual assault, aggravated sexual assault, aggravated kidnapping with the intent to violate or abuse the victim sexually, or indecency with a child; And who has been previously convicted of any of the following felony offenses: sexual performance by a child; possession or promotion of child pornography; indecency with a child;

aggravated sexual assault; prohibited sexual conduct; aggravated kidnapping with intent to violate or abuse the victim sexually; or burglary of habitation, with intent to commit indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct, or aggravated containing elements that are substantially similar to the elements of any offense listed above, shall be punished by imprisonment for **life**.

[ ] **Repeat Sex Offender Capital Felony, §12.42(c)(3), committed on or after September 1, 2007:** A person found guilty of Aggravated Sexual Assault of a Child that is otherwise punishable under §22.021(f), Penal Code, shall be punished as a **Capital felony**, if it is shown that the person has previously been finally convicted of Aggravated Sexual Assault of a Child and the child was (1) younger than 6 years of age or (2) younger than 14 years of age, or if the person has previously been convicted of an offense that was committed under the laws of another state that contains elements that are substantially similar to this offense. Upon conviction, the person shall be sentenced to imprisonment for **life without parole**.

[ ] **Repeat Continuous Sexual Abuse of Young Child or Disabled Individual Felony, §12.42(c)(2)(B), committed on or after September 1, 2007:** A person found guilty of Continuous Sexual Abuse of a Child or Disabled Individual under §21.02, Penal Code, shall be punished by imprisonment for **life** if the person has previously been convicted of a similar offense under §21.02, Penal Code, or of a substantially similar offense under the laws of another State.

[ ] **Habitual Felony Offender, §12.42(d):** Except as provided by §12.42(c)(2), Penal Code, a person found guilty of a felony other than a state jail felony punishable under §12.35(a), Penal Code, who has previously been finally convicted of two felony offenses, in which the second previous felony conviction was for an offense that occurred subsequent to the first previous conviction having become final, shall be punished by imprisonment for **life** or for any term of not more than 99 years or less than 25 years.

**Other Punishments under Health and Safety Code**  
*(for offenses not designated for a specific degree or class)*

[ ] **Aggravated Controlled Substance Felony:** One guilty of an aggravated felony for an offense stated in §§ 481.116(e), 481.117(e), 481.118(e), or 481.121(b)(6), Health and Safety Code, shall be punished by imprisonment for **life** or for any term of not more than 99 years or less than 5 years, and by a fine not to exceed \$50,000.

[ ] **Aggravated Controlled Substance Felony:** One guilty of an aggravated felony for an offense state in §§ 481.112(e), 481.113(e), 481.114(e), 481.115(f), or 481.120(b)(6) Health and Safety Code, shall be punished by imprisonment for **life** or for any term of not more than 99 years or less than 10 years, and by a fine not to exceed \$100,000.

[ ] **Aggravated Controlled Substance Felony:** One guilty of an aggravated felony for an offense state in §481.112(f), Health and Safety Code, shall be punished by imprisonment for **life** or for any term of not more than 99 years or less than 15 years, and by a fine not to exceed \$250,000.

[ ] **Punishment for Drug Offense in Drug-Free Zones:** One guilty of a drug offense committed in a drug-free zone shall be punished as provided in §481.134, Health and Safety Code. The punishment range for an offense committed in a drug-free zone is increased by one degree or by increasing the minimum confinement or imprisonment and the maximum fine. Community Supervision and/or deferred adjudication may not be applicable for certain offenses committed in a drug-free zone. Punishment that is increased for a conviction for an offense committed in a drug free zone may not run concurrently with punishment for a conviction under any other statute.

*You yourself must read the foregoing admonishments and the admonishments on the range of punishment; if you cannot read, and then have your attorney or the language interpreter (if necessary) read the documents to you. If you do not understand a particular item or if you have questions on anything stated above, you must let me know or ask those questions during the hearing. Do not sign any documents unless you yourself have read them or someone else read them to you, word for word, and unless you fully understand what is contained in the documents. After the hearing, it will be too late to complain about any matter that could have been taken care of at the hearing.*

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**Hon. Jack W. Pulcher**  
**Judge Presiding**

**DEFENDANT'S STATEMENT UNDERSTANDING ADMONISHMENTS**

**[Instructions to Defendant: Mark the box and place your initials on the [ ] only if that paragraph applies to you. All other paragraphs without a box apply to you.]**

\_\_\_\_\_ I understand and can read the English language. I have personally read the documents required for this hearing.

\_\_\_\_\_ Although I cannot read, I do understand and speak the English language. All of the documents required for this hearing were read to be by \_\_\_\_\_.

\_\_\_\_\_ I do not understand, speak or write the English language. All of the documents required for this hearing were read to me by \_\_\_\_\_.

\_\_\_\_\_ I do not understand, speak or write the English language. All of the documents required for this hearing were read to me in my native language by \_\_\_\_\_.

\_\_\_\_\_ I understand the Court's written admonishments and explanation of my Constitutional and statutory rights.

\_\_\_\_\_ I am the same person who is charged in this cause with the offense as stated in the Court's written admonishments. I now enter my plea of guilty/nolo contendere to that offense. I enter my plea voluntarily and without force, threats, persuasion, fear or promise.

\_\_\_\_\_ I enter my plea of guilty because I am in fact guilty of said offense.

\_\_\_\_\_ I enter my plea of nolo contendere or no contest because, although I do not admit criminal responsibility, I will not contest or oppose the charges against me. I do not object to the admission of any evidence offered by the State against me. I stipulate that the State's witnesses would testify as shown in the State's evidence, regardless of whether I agree with such evidence.

\_\_\_\_\_ I have had sufficient time and opportunity to consult with my lawyer and have discussed with him/her all relevant facts and law applicable in this case. I am satisfied with the representation my lawyer has given me, and I have no complaints against my lawyer or objections to him/her representing me.

\_\_\_\_\_ I am mentally competent to enter a plea in this case. I am sane now and I know what I am doing in court today. As far as I know, I was sane and I knew what I was doing on the date the offense was committed.

\_\_\_\_\_ With the assistance of my lawyer, I have entered into a plea bargain agreement with the State. My lawyer has explained the plea bargain to me. I understand the plea bargain and I agree to it. I understand

that if the Court follows the plea bargain, I am not allowed to appeal the judgment of the Court unless the Court gives me permission to appeal or except on those matters raised by pretrial motion and ruled upon by the Court. Nevertheless, I ask the Court to accept my plea and to follow the plea bargain agreement.

\_\_\_\_\_ I will enter a plea of guilty or nolo contendere without a plea bargain agreement. Because I entered such a plea without a plea bargain agreement, I understand that my right to appeal may be extremely limited.

\_\_\_\_\_ I have filed a motion for community supervision (formally known as probation). I understand that the Court is not required to place me on community supervision. I also understand that the conditions of community supervision are not negotiable in plea bargaining, and that the Court can impose conditions of community supervision upon me (such as confinement in a county jail or a state jail or placement in a corrections or treatment or other residential facility) that the Court feels may be appropriate regardless of whether I agree. I further understand that, if placed on community supervision, I am required to comply with the conditions of community supervision as ordered by the Court.

\_\_\_\_\_ I have requested that the Court defer further proceedings on my case without entering an adjudication of guilt and place me on community supervision. I understand that if I violate a condition of my community supervision, I may be arrested, detained in jail and returned to a hearing limited to a determination by the Court of whether it proceeds with an adjudication of guilt on the charge that I entered my plea of guilty or nolo contendere. If the Court proceeds to an adjudication of guilt, I also understand that the Court may revoke my community supervision, find me guilty and sentence me up to the maximum term of imprisonment or confinement for the offense to which I entered my plea. I further understand that, if I decide that I do not want to be on deferred adjudication, I may request the final adjudication of my case by filing a written motion within 30 days from the day I entered my plea, in which event the Court shall proceed to find me guilty and then determine the appropriate punishment for me, regardless of the agreed recommendation of counsel for a particular punishment.

\_\_\_\_\_ I have not filed a motion for community supervision. I know and understand that, if I am found guilty, I will be punished by imprisonment or confinement for a definite term and that I may be fined.

\_\_\_\_\_ I understand that the Court may direct that a pre-sentence investigation report be made to assist the Court in assessing punishment. If no pre-sentence investigation was required in my case, I understand that the Court may order a post-sentence investigation report be prepared and filed.

\_\_\_\_\_ I am a citizen of the United States of America.

\_\_\_\_\_ I am not a citizen of the United States of America. I fully acknowledge and understand that, because I am not a citizen of the United States, a plea of guilty or nolo contendere for the offense in my case may result in my deportation, the exclusion from admission to this country, or the denial of naturalization under federal law. I also understand that this Court has no authority to bind the United States government regarding my immigration status in this country.

\_\_\_\_\_ I am not a citizen of the United States. I understand that I am entitled to have the State of Texas notify my country's consular representative in the United States and to inform the representative that felony charges have been filed against me; and that my country's consular officials are entitled to have access to me and to provide me consular assistance if I desire such assistance, whatever assistance that might be. I do not want, and I hereby waive and give up my rights, to have the State of Texas notify my country's consular representative on my behalf, nor do I want any consular assistance on these matters.

\_\_\_\_\_ I understand that, because I have plead guilty/nolo contendere to a reportable sex offense, I will be required to register as a sex offender with the local law enforcement authority. I also understand that I must register every time establish a new residence or change my address. I also understand that if I fail to timely register as a sex offender, additional felony charges may be filed against me. I also understand that I must register as a sex offender within seven days from today.

\_\_\_\_\_ I understand that, because I have entered a plea of guilty or nolo contendere to an offense of family violence, including a misdemeanor family violence offense, it will be unlawful for me to possess or transfer a firearm or ammunition, and that if I do so, I am be prosecuted under either state or federal law or both for possession a firearm.

\_\_\_\_\_ I understand that if I am granted community supervision in a DWI case, I must serve a mandatory minimum jail term as a condition of community supervision. I also understand that in any other case, the Court may order that I serve a jail term not to exceed 180 days in the county jail as a condition of community supervision.

\_\_\_\_\_ I understand that if I am convicted of a DWI or a controlled substance offense, my driver license, if I have one, will be suspended for a period determined by the offense, even if I am granted community supervision. I also understand that, if I do not now have a driver's license, I may be denied the privilege of obtaining a driver license for at least 180 days.

\_\_\_\_\_ I understand that if I am convicted of a DWI or a controlled substance offense and/or if the evidence shows that I have a history of substance abuse, I may be placed in an in-patient treatment facility whether I agree to it or not.

\_\_\_\_\_ I understand that if I am convicted of any felony, I will be required to submit to DNA sample and to pay the cost thereof. If I am granted community supervision under a deferred adjudication judgment, I understand that the Court may require me to submit to DNA sample and pay the cost thereof.

\_\_\_\_\_ I understand the admonishments concerning parole.

\_\_\_\_\_ I understand that my right of appeal may be affected by my plea. I understand that if the Court accepts and follows the plea bargain agreement, I will waive or give my right of appeal, except to those matters raised by written motion ruled upon by the Court, unless the Court grants me permission to appeal. I also understand that, if I request permission to appeal, the Court, in all likelihood, will deny me permission to appeal. I further understand that if I enter my plea without a plea bargain agreement and the Court makes a sentencing decision that I do not like, my right to appeal may be extremely limited.

\_\_\_\_\_ I also understand that if I am indigent and unable to hire a lawyer, the Court will appoint a lawyer to represent me on appeal free of charge to me, and will also furnish me free of charge a record of these proceedings. I understand that if I am now being presented by an appointed attorney, my attorney shall continue to represent me on appeal until direct appeals are exhausted or the attorney is relieved of his duties by the Court or replaced by other counsel.

\_\_\_\_\_ I also understand that, after the proceedings, I will be required to sign the "Trial Court's Certification of Defendant's Right of Appeal" and to provide contact information. I will receive a copy of the Certification after I sign it.

\_\_\_\_\_ I also understand that it is my responsibility to follow all requirements for appeal and all appellate timetables as set by the Texas Code Criminal Procedure and the Texas Rules of Appellate Procedure.

\_\_\_\_\_ I understand that admonishments given to me in writing by the Court, I know the range of punishment applicable in this cause, and I am aware of the consequences of my entering a plea of guilty/nolo contendere.

\_\_\_\_\_ I understand that, after being placed on deferred adjudication upon, violation of a condition of community supervision I may be arrested and detained in the Kleberg County Jail. I am entitled to a hearing limited to the determination by the judge whether to proceed with an adjudication of guilt on the original charge. This determination is reviewable in the same manner as a revocation hearing in which an adjudication of guilt is not deferred. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of community supervision, and my right to appeal continues as if adjudication of guilt had not been deferred.

\_\_\_\_\_ If, I successfully complete my term of deferred adjudication, and my case is dismissed, I may be eligible to file a petition with this Court for an order of non-disclosure. Depending on my prior criminal history, and my continued law-abiding conduct after this charge is dismissed, I may be entitled to file my petition immediately upon discharge, or two years after discharge. In some instances, I may not be entitled to file a petition. Filing a petition for an order of non-disclosure does not guarantee the Court will grant the petition.

\_\_\_\_\_ I am hereby notified that if the Court determines that I have satisfactorily fulfilled the conditions of my community supervision (hereinafter "probation"), upon expiration of my probation, if certain requirements are met, I may be able to receive judicial clemency from the court.

Under article 42A.701, Code of Criminal Procedure, the Court may use its discretion to exercise judicial clemency in termination my probation if:

1. The Court determines that I have satisfactorily fulfilled the conditions of my probation;
2. The term of my probation has expired, including any amended or modified term of my probation;
3. The Court discharges me from probation; and
4. The Court sets aside the verdict in my case or permits me to withdraw my plea.

If the above requirements are met, the Court is authorized to dismiss the accusation, Complaint, Information, or Indictment against me and to release me from all penalties and disabilities resulting from my conviction or plea. However, if the Court releases me from the consequences of my conviction or plea, and I am subsequently convicted of another offense, my conviction or plea will be made known to the judge, and if I am an applicant for or holder of a license issued by the Department of Family and Protective Services (hereinafter "Department"), the Department may consider that I previously received probation as factor in issuing, renewing, denying or revoking a license.

---

Defendant

### **Defendant's Waiver of Rights**

With the advice and consent of my lawyer, and as shown by my initials to each applicable paragraph, I hereby file my Waiver of Rights prior to entry of my plea of guilty or nolo contendere as follows:

\_\_\_\_\_ **Waiver of Language Interpreter:** I understand and speak the English language. I understand that if I do not fully speak or understand the English language, I have the right to have an interpreter present to translate all of the proceedings and testimony to me in a language that I understand. I hereby waive the right to have a certified language interpreter.

\_\_\_\_\_ **Waiver of Indictment:** I understand that I am charged by a felony Information. I understand that I have the right to demand that my case be taken to the Grand Jury for its review, and that the Grand Jury may return an Indictment against me charging me with an offense or that it may return a no-bill in my favor, resulting in the dismissal of charges against me. I hereby waive my rights to be accused by Indictment of any offense.

\_\_\_\_\_ **Consent to Venue:** I understand that a criminal case is ordinarily prosecuted in the county in which the offense occurred. I hereby agree to the prosecution and disposition of my case in a county other than that in which the offense occurred, and hereby consent to venue as provided by Chapter 13, Texas Code of Criminal Procedure.

\_\_\_\_\_ **Waiver of Arraignment:** I understand my right to formal arraignment and to have the Indictment or Information read to me in open court. I hereby waive my formal arraignment and further waive the reading of the Indictment or Information.

\_\_\_\_\_ **Waiver of Pre-trial Motions.** I waive or give up and/or withdraw all pretrial motions filed in this cause, except those motions previously ruled upon by the Court.

\_\_\_\_\_ **Waiver of Resource Inquiry.** I waive or give up the right to an inquiry during or immediately after imposing sentence regarding whether I have sufficient resources or income to immediately pay all or part of the fine and costs as required under TCCP Article 42.15 (a-1).

\_\_\_\_\_ **Waiver of Jury Trial:** I understand my right to a jury trial. I know what a jury trial is. I understand that I can demand that a jury determine whether I am guilty or not guilty, and/or that the jury determine punishment. I now waive my right to a jury trial on all issues.

\_\_\_\_\_ **Waiver of 10-Day Preparation:** I understand my right that entitles my court-appointed lawyer to at least 10 days after appointment to prepare for trial or for today's proceedings. In the event my lawyer was appointed less than 10 days from today, I hereby waive the 10-day preparation period.

\_\_\_\_\_ **Waiver of Confrontation of Witnesses:** I understand that I have the right to appearance, confrontation and cross-examination of witnesses in this cause. I hereby waive my right to the appearance, confrontation, and cross-examination of the witnesses against me. I agree that the testimony of the witnesses may be read into the record by the State's attorney; that such testimony would be the same as if the witnesses were present in the court and were testifying under oath; and that any testimony or evidence may be introduced by an affidavit, written statements of witnesses and any other documents offered by the State. **(Unless contested, this must ALWAYS be initialed.)**

\_\_\_\_\_ **Waiver of In-person Confrontation of Witnesses (ZOOM):** I understand that I have the right to appearance, and in-person confrontation and cross-examination of witnesses in this cause. I hereby waive my right to the in-person appearance of witnesses for the purposes of remote proceedings such as "ZOOM" hearings, but I reserve my right to confront and cross-examine witnesses remotely.

\_\_\_\_\_ **Withdrawal of Pretrial Motions and/or Rulings on Pretrial Motions:** In the event that my lawyer filed pretrial motions on my behalf, I hereby withdraw all such motions, except those motions

previously ruled upon by the Court. If the Court ruled on any pretrial motions filed on my behalf, I hereby waive my right to appeal any such rulings.

\_\_\_\_\_ **Waiver of Appeal:** I understand that, whether I plead guilty or nolo contendere with or without a plea bargain agreement, I may have a limited right to appeal. Regardless of the result of the proceeding, **I hereby waive any right of appeal that I may have in this cause.**

\_\_\_\_\_  
Defendant

**Clerk's Certificate**

On \_\_\_\_\_, the Defendant stated to me under oath that he/she had read all of this document or that this document had been read to him/her in his/her native language; that he/she understand all of the statements contained therein; that he/she freely signed this document; and that Defendant's signatures appearing on the document were his/her signatures.

JENNIFER WHITTINGTON, DISTRICT CLERK

BY \_\_\_\_\_, DEPUTY CLERK

**Counsel's Certification of Consultation and Consent to Waiver**

I, \_\_\_\_\_, Bar No. \_\_\_\_\_, attorney for the Defendant herein, hereby certify that I have read and explained all of the Court's written admonishments to the Defendant, the applicable range of punishment and the waiver of rights. The defendant understands and can read the English language; if he/she cannot read but does understand English, I have had the document read to him/her in my presence; if he/she does not understand English, I have had the certified language interpreter orally translate and interpret the document to him/her in my presence in the language of his/her understanding. In my opinion, the Defendant is mentally competent today and was sane at the time of the commission of the offense. He/She understands the nature of the accusation against him/her and of the proceedings herein. We have discussed the facts of the case and the applicable law. His/Her plea of guilt/nolo contendere is made freely and voluntarily, knowingly and intelligently, and is done with my advice and consent. The Defendant is fully aware of the consequences of his/her plea, knows the range of punishment, and understands all of the admonishments given to him/her by the Court in writing. The Defendant understands that if the Court accepts the plea bargain agreement, he/she will waive his/her right to of appeal; if there is no plea bargain agreement, he/she understands the consequences of entering a plea of guilty or nolo contendere without a plea bargain agreement. I agree and consent to his/her waiver of rights.

\_\_\_\_\_  
Signature of Attorney for Defendant

**State's Consent**

I, \_\_\_\_\_, Bar No. \_\_\_\_\_, Attorney for the State of Texas, hereby consent to the Defendants waiver of a jury and agree to waive a jury in this cause.

\_\_\_\_\_  
Attorney for the State

**ORDER APPROVING DEFENDANT'S WRITTEN STATEMENTS AND WAIVERS**

Prior to the hearing on the Defendant's plea of guilty or nolo contendere, the Court tendered to the Defendant the document containing the "Court's Written Admonishments to Defendant's Plea of Guilty or Nolo Contendere," the "Court's Written Admonishments on Range of Punishment," and "Defendant's Statement Understanding Admonishments," and "Defendant's Waiver of Rights."

During the hearing, the Court received and reviewed the Defendant's sworn statement that he/she understands the Court's written admonishments and waiver of rights as stated above. The Court finds that said statement and waiver and the attorney's certificate are in due and proper form; that the Defendant fully understands all of the admonishments given to him/her in writing; that the Defendant is aware of the range of punishment applicable in this case; that the Defendant is mentally competent and was sane at the time of the commission of the offense; that his/her plea is made freely and voluntarily, knowingly and intelligently, and made with the advice and consent of his attorney; that the Defendant understands his/her rights and that the Defendant has freely and voluntarily, and knowingly and intelligently waived all of his rights.

IT IS ORDERED that the Defendant's Sworn Statement and Waiver of Rights be hereby APPROVED and ACCEPTED and made a part of the record in this case.

SIGNED on \_\_\_\_\_.

\_\_\_\_\_  
**Hon. Jack W. Pulcher**

**Judge Presiding**

NO. \_\_\_\_\_

**THE STATE OF TEXAS**

**VS.**

\_\_\_\_\_

**DEFENDANT’S MOTION FOR COMMUNITY SUPERVISION**

To the Honorable Judge of Said Court:

The Defendant herein hereby submits his/her Motion for Community Supervision as follows by initialing the applicable paragraphs:

\_\_\_\_\_ I have never been convicted of a felony or placed on felony probation or community supervision in this State, in any other State or by the United States.

\_\_\_\_\_ I request that the Court defer further proceedings in my case and not enter a finding or judgment of guilt. If the Court grants my request, I understand that I will be on community supervision, I may be arrested and returned to this Court for a hearing, and the Court may revoke my community supervision, find me guilty and sentence me to the maximum term of punishment for the offense to which I entered my plea. I further understand that, if within the next 30 days, I do not wish to be on deferred adjudication, I request the final adjudication of my case by filing a written motion within 30 days from the day I entered my plea, in which event the Court may proceed to find me guilty and then determine the appropriate punishment for me.

\_\_\_\_\_ I have been convicted and/or placed on the following felony probation or community supervision for the following offenses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ I demand a jury trial on the issue of punishment and request the Court to submit the issue of community supervision to the Jury.

\_\_\_\_\_ I understand that if I am granted community supervision, the Court will impose upon me such conditions of community supervision that the Court may deem reasonable and appropriate for me, whether I agree to such conditions or not.

\_\_\_\_\_  
Defendant

Signed and sworn to before me on \_\_\_\_\_.  
JENNIFER WHITTINGTON, DISTRICT CLERK

BY \_\_\_\_\_, DEPUTY DISTRICT CLERK



IN THE DISTRICT COURT  
OF KLEBERG / KENEDY COUNTY, TEXAS  
THE 105TH JUDICIAL DISTRICT OF TEXAS

THE STATE OF TEXAS

VS.

No. \_\_\_\_\_

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL\*

I, the Judge of the trial Court, certify that this criminal case:

- is not a plea bargain case, and the Defendant has the right of appeal. [*or*]
- 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. [*or*]
- is a plea bargain case, but the Court has given permission to appeal, and the Defendant has the right of appeal. [*or*]
- is a plea bargain case, and the Defendant has NO right of appeal. [*or*]
- the Defendant has waived the right of appeal.

\_\_\_\_\_  
JACK W. PULCHER, JUDGE PRESIDING

\_\_\_\_\_  
Date signed

I, the Defendant, 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 appeals. Tex. R. App. P. 68.2. 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, state jail or county jail unit. I understand that, because of appellate timetables, 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:

\_\_\_\_\_  
Fax number (if any):

\_\_\_\_\_  
Defendant's Counsel SBN:

\_\_\_\_\_  
Mailing address:

\_\_\_\_\_  
Telephone:

\_\_\_\_\_  
Fax number (if any):

\*"A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case—that is, a case in which a defendant's plea was guilty or *nolo contendere* and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant—a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal." Texas Rule of Appellate Procedure 25.2(a)(2).

**IN THE DISTRICT COURT  
OF KLEBERG / KENEDY COUNTY, TEXAS  
THE 105<sup>TH</sup> JUDICIAL DISTRICT OF TEXAS**

**THE STATE OF TEXAS  
VS.**

**CAUSE NO. \_\_\_\_\_-CRF-\_\_\_\_\_**

**PLEA AGREEMENT**

The **Defendant**, \_\_\_\_\_, who is charged by **information / indictment** in this case with the offense of \_\_\_\_\_, a \_\_\_\_\_ degree / state jail felony, agrees:

- to plead **guilty / nolo contendere** as charged.
- to plead **guilty /nolo contendere** to the lesser included offense of \_\_\_\_\_, a \_\_\_\_\_ degree felony /state jail felony /Class \_\_\_\_ misdemeanor;
- to waive all pretrial motions on file and the right to an indictment, if an information is filed.
- to waive my right against self incrimination and make a written / oral judicial confession under oath.
- to be punished as recommended by the State and to forfeit any firearm used or mentioned in this case.
- plead TRUE to all enhancements in the indictment and other bad acts in the Judicial Confession and Stipulation.
- to waive any right of appeal on all matters other than adverse rulings on pretrial motions. If by ZOOM or other electronic style hearing, to waive in person confrontation of witnesses.
- to make restitution to the victim, \_\_\_\_\_ in the amount of \$\_\_\_\_\_.

In consideration of the defendant's plea of guilty / nolo contendere, the State agrees to recommend to the Court:

- that punishment be assessed at confinement
  - in the Institutional Division of the Texas Department of Criminal Justice for a term of \_\_\_\_\_ **years and waive any jail credits not specifically listed on this agreement.**
  - in the Kleberg County Jail for a term of \_\_\_\_\_ **months / days.**
  - in a State Jail Facility for a term of \_\_\_\_\_ **days / months / years.**
- that the Defendant be ordered to pay restitution to the Texas Department of Public Safety for the cost of drug analysis in the amount of **\$180.00.**
- that the Defendant be ordered to pay a contraband storage fee to the Kleberg County Sheriff's Office or the Kingsville Police Department in the amount of **\$110.00.**
- that the Defendant be punished by a fine in the amount of \$\_\_\_\_\_
- that the fine of \$\_\_\_\_\_ be suspended.

- that the confinement be suspended and that the term of the community supervision be for a period of \_\_\_\_\_ **months / years**.
- that the Court defer adjudication of guilt and place the Defendant on community supervision for \_\_\_\_\_ **months / years**.
- that, in addition to other conditions imposed by the Court, as a condition of community supervision, the Defendant be ordered to: \_\_\_\_\_
- to recommend that the sentence/probation in this case run **concurrent / consecutive** with the sentence/probation (s) imposed in \_\_\_\_\_
- to make no recommendation as to whether this sentence should run **concurrent / consecutive** with any other sentence.
- to recommend to the Court that defendant be punished under Penal Code Section 12.44
  - 12.44(a) SJF punished as a misdemeanor OR  12.44(b) reduced to a Class A misdemeanor
- to abandon the portion of the indictment alleging the following: \_\_\_\_\_
- to dismiss the following unadjudicated charges pending against the defendant: \_\_\_\_\_
- to consent to the Court's consideration of the following unadjudicated offenses in determining punishment pursuant to Penal Code Section 12.45 upon the Defendant pleading TRUE to those offenses: \_\_\_\_\_
- that Defendant will be given credit for time served as listed \_\_\_\_\_.
- Other agreements: \_\_\_\_\_

Attorney for the defendant approves the agreements made by the State and the Defendant.

The defendant understands the following: (1) that should the Court reject this agreement, he/she shall be permitted to withdraw his/her plea of guilty or nolo contendere, and neither the fact that he/she had entered the plea nor any statements made by him/her at the hearing on the plea may be used against the defendant on the issue of guilt or punishment in any future criminal proceeding; (2) that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and his/her attorney, he/she cannot appeal his/her conviction without permission of the Court for non-jurisdictional defects or errors that occurred before entry of the plea; (3) and that he/she may appeal his/her conviction only on matters raised by written motion and ruled on before trial; (4) Defendant agrees to the destruction and/or forfeiture of all evidence 30 days after the judgment is signed; (5) to accept this plea agreement he/she must waive all pre-trial matters; (6) by accepting this plea agreement he/she waives any future investigation or supplementation of the case.

\_\_\_\_\_  
PROSECUTOR

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
DEFENSE ATTORNEY

NO. \_\_\_\_\_

THE STATE OF TEXAS

§  
§  
§  
§  
§

IN THE DISTRICT COURT

VS.

KLEBERG COUNTY, TEXAS

105th JUDICIAL DISTRICT

**ARTICLE 42A.301 PLEA ADDENDUM**  
**Agreement for Community Supervision and Waiver of Risk & Needs Assessment**

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I am entering into a plea agreement in the above styled and numbered case. As part of that plea agreement I am requesting that I be placed on community supervision. Accordingly, I acknowledge and agree to follow all terms and conditions of community supervision imposed by this Court.

I acknowledge and agree that, pursuant to Article 42A.301 of the Texas Code of Criminal Procedure, I may be subject to a risk and needs assessment for purposes of determining the conditions of community supervision.

However, I am waiving the requirement for the assessment of risk and needs prior to a plea but agree that a risk and needs assessment may be conducted following the Court's acceptance of my plea of guilty/no contest.

I also agree to certain standard conditions of community supervision, those mandatory conditions related to specific offenses, special conditions required by plea agreement, and to additional conditions as required by the Court or its representative which are hereby imposed prior to the risk and needs assessment being conducted.

I also agree that based upon the results of the risk and needs assessment, the Court may order one or more of the following additional conditions of community supervision:

- Electronic monitoring/GPS
- Curfew
- Parenting classes
- Random drug testing
- Comply with CPS conditions
- No Harmful or Injurious Contact with Injured Party
- Do not go within \_\_\_\_ feet of said location
- Psychological/Sexual Evaluation
- Driver Safety Course
- Substance Abuse Evaluation which could result in recommendation for:
  - Outpatient treatment
  - Education classes
  - Residential treatment
  - AA/NA or specified support group
  - Counseling
- Specialized Caseload/Specialized Conditions of Probation (for example, economic crime amendment, prescription drug amendment, mental health conditions or high risk conditions)
- I also understand that determining probation conditions is an ongoing process rather than a one-time decision and modification of conditions may occur.

- Alternative Alcohol Monitoring device
- Education classes
- Cognitive classes
- No alcohol
- No contact with Injured Party
- No contact with codefendants
- Mental Health Evaluation
- No contact/no unsupervised contact with children under the age of 17
- Gun Safety Course

I have fully reviewed, understand and agree to the above which is hereby incorporated as part of my plea agreement.

\_\_\_\_\_  
DEFENDANT

I have fully reviewed and explained the above to the Defendant.

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT State Bar ID # \_\_\_\_\_

State's acknowledgment:

\_\_\_\_\_  
ATTORNEY FOR STATE State Bar ID # \_\_\_\_\_

\_\_\_\_\_  
**JUDGE JACK PULCHER**  
**105TH DISTRICT COURT**

Cause No. \_\_\_\_\_

THE STATE OF TEXAS                    §            IN THE DISTRICT COURT  
VS.    §            OF KLEBERG COUNTY, TEXAS  
\_\_\_\_\_ §            105TH JUDICIAL DISTRICT

**ARTICLE 39.14 DISCOVERY COMPLIANCE DOCUMENTATION**

Before entering a plea of guilty or nolo contendere, or before trial, the parties herein, the State and the Defense, hereby acknowledge in writing the disclosure, review, and/or receipt of the list of documents, items and information provided to the defendant as follows:

- OFFENSE REPORTS & OFFENSE SUPPLEMENTS
- WITNESS STATEMENTS
- REPORTS OF SCIENTIFIC TESTING AND ANALYSIS
- OPPORTUNITY TO REVIEW ANY PHYSICAL EVIDENCE OBTAINED IN CONNECTION WITH THE OFFENSE
- PHOTOGRAPHS
- BUSINESS RECORDS
- STATEMENT OF DEFENDANT
- ELECTRONIC / AUDIO / VIDEO RECORDINGS / DIGITAL MEDIA OBTAINED BY LAW ENFORCEMENT PERTAINING TO THE OFFENSE
- REVOCATION / MOTION ADJUDICATE GUILT DOCUMENTATION
- OTHER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The parties also incorporate by reference all notices on file in the Clerk's Record under this cause number provided in compliance with the requirements of the Texas Code of Criminal Procedure and the Texas Penal Code. Based on the signatures below and/or provided in attached documents and documents incorporated by reference, the below signed Assistant District Attorney and Defense Counsel do hereby acknowledge that all the designated items thereby referenced were released pursuant to Texas Code of Criminal Procedure article 39.14, and that the State has complied with its duty to release all discoverable evidence in its possession as of the date of the entry of the plea

or commencement of trial as required by that provision. I recognize that the training and personnel files of law enforcement, child protective services and other agencies are not in the custody of the District Attorney's Office and that I must request those through the appropriate agency if desired. This document is the acknowledgment required by article 39.14(j), and acts as a written record of the documents, items, and information provided to the defendant in relation to this cause number, as is hereby witnessed to by our signatures as counsel for the parties.

Additionally, as Counsel for the Defense, I acknowledge the State has maintained an open file in this case with the opportunity to view and inspect the same for additional information.

The above documents, items and information have been provided to me in the above styled and numbered cause. As Counsel for the Defense, I am aware of the obligations and restrictions contained in Article 39.14 concerning the use, redaction and dissemination of these materials, including that I understand that non-public information received pursuant to Art. 39.14 is not subject to disclosure without a Court order. I further understand that I cannot allow the Defendant to have copies of this information other than his/her own statement and that prior to showing the Defendant any other information, I must redact it as set forth by Art. 39.14.

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 and made him/her aware of the discovery provided in this case.

After consultation with my client, we are satisfied with the discovery set forth above and wish to proceed with, and derive the benefits of, a plea of guilty or no contest. Accordingly, we withdraw our request for any other documents, items, or information which may have been previously designated for production, and waive our right to view any criminal history not listed above. Consequently, 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: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
DEFENSE ATTORNEY SIGNATURE  
SBN: \_\_\_\_\_

\_\_\_\_\_  
PRINTED NAME

As Attorney for the State, I represent that the above referenced materials have been made available as set forth above.

Date: \_\_\_\_\_

\_\_\_\_\_  
ASST. DISTRICT ATTORNEY  
SBN: \_\_\_\_\_

\_\_\_\_\_  
PRINTED NAME

THE COURT ACCEPTS THIS DOCUMENT AS COMPLIANCE WITH ART. 39.14 OF  
THE TEXAS CODE OF CRIMINAL PROCEDURE

DATE: \_\_\_\_\_

\_\_\_\_\_  
JUDGE PRESIDING