

CAUSE NO _____

STATE OF TEXAS

IN THE COUNTY COURT

V.

AT LAW

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BOSQUE COUNTY, TEXAS

WAIVER OF JURY TRIAL AND OTHER RIGHTS, ACKNOWLEDGMENTS, AND PLEA

I, the Defendant, in person, and in open court, after full consultation with, and with the consent and approval of my attorney (if applicable), freely and voluntarily enter my plea and make the waivers, requests, acknowledgments and stipulations contained in this document, the Disclosure of Plea Agreement, and other documents submitted to the Court on this date.

I am the person charged in the complaint, I am mentally competent, I understand the charge(s) against me. and my true name is correctly alleged in the complaint, unless I have submitted a written name correction. I understand I can plead guilty, not guilty or nolo contendere (no contest). I understand the minimum and maximum punishment possible in this case.

Waivers and Plea: I request the Court to receive my plea of _____ **GUILTY** _____ **NOLO CONTENDERE** herein, and to assess my punishment without a jury. I understand and WAIVE the right to 1) remain silent; 2) confront and cross-examine the State's witnesses; 3) present my own evidence; 4) a recording of this proceeding; and 5) a jury trial on any plea I enter. I consent to and persist in any other stipulations and waivers I have approved in writing and filed with the Court.

Plea Agreements: I understand that no plea agreement is binding on the Court, and that if the punishment assessed by the Court does not exceed the punishment recommended by the prosecutor and agreed to by me, I cannot appeal without the Court's permission, except on matters raised by written motion filed and ruled on prior to trial.

Deferred Adjudication: I understand that, if the Court defers an adjudication of guilt and places me on community supervision, the Court may impose additional conditions on me. I understand that it will be my duty to notify the Court that I have completed those conditions. I also understand that if I fail to notify the Court of said completion, the Court may summon me to appear and I may receive a conviction for this offense.

I have read this document, it has been explained to me, and I understand the consequences of my plea. I still insist upon my plea indicated above.

Date: _____

Defendant

SUBSCRIBED AND SWORN to by the Defendant before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Tabatha Ferguson, Bosque County Clerk

Deputy Clerk

I have consulted with and advised my client concerning the charges and my client's rights, including the plea entered and its consequences. I believe my client is competent and fully understands the admonishments and the consequences of his/her plea. I approve all waivers, acknowledgments, requests and stipulations made herein.

Date: _____

Attorney for Defendant

APPROVED:

Prosecutor

The Court finds that the Defendant 1) is mentally competent, 2) understands the nature of the charge(s), 3) has been duly admonished regarding and understands the consequences of the waivers, requests and acknowledgments herein, and 4) persists in Defendant's waivers, requests and plea. The Court, therefore, approves and accepts the Defendant's written waivers, requests, acknowledgments and plea made herein.

Date: _____

Presiding Judge

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DISCLOSURE OF PLEA AGREEMENT

_____ OPEN plea (no agreement) - Waivers herein will be applicable; **OR**

The State of Texas and the Defendant have entered into the following plea agreement, and acknowledge that this is the entire agreement. This agreement is not binding on the Court. In return for the waiver of the Defendant's rights and the Defendant's plea of GUILTY, NOLO CONTENDERE or TRUE in this cause, the State makes the following recommendations and waivers.

_____ CONVICTION			
Transportation Code Fine:	\$ _____	State Traffic Fine:	\$50
Consolidated Court Costs:	\$76	Local Traffic Fine:	\$3
Administrative Fee:	\$2	Notice to Appear (Reimbursement Fee):	\$5

_____ DEFERRED ADJUDICATION			
Supervision Period:	_____	State Traffic Fine:	\$50
Transportation Code Fine:	\$ _____	Local Traffic Fine:	\$3
Consolidated Court Costs:	\$76	Notice to Appear (Reimbursement Fee):	\$5
Complete a driving safety course		Administrative Fee:	\$2

ADDITIONAL TERMS

_____ Reduction of the charged offense to: _____

_____ Appeal Waiver (The Defendant will waive the right to appeal, except for matters preserved in that document.)

Additionally, by signing below, the Defendant voluntarily waives the following: 1) objection to the State's summary of evidence and any exhibits offered; 2) the right to confront and cross-examine the State's witnesses; 3) the right to ten days to prepare for trial if defense counsel is appointed; 4) the right to remain silent; and 5) a record of the proceedings.

Date: _____

Defendant

Bosque County Attorney

Attorney for Defendant

_____ Approved _____ Rejected

Presiding Judge

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BOSQUE COUNTY, TEXAS

JUDGMENT AND SENTENCE

The Defendant, charged with the offense of _____, as alleged in the Complaint herein, appeared this date in person and with counsel (if represented) and the State appeared by the Bosque County Attorney. All parties announced ready for trial. A jury and a record were waived by all parties. Defendant waived the appearance of the State’s witnesses and all rights to confrontation and cross-examination of the same. Defendant consented to the State’s introduction of testimony by summary and other documentary evidence. The Defendant was arraigned of the charges and pleaded _____ **GUILTY** or _____ **NOLO CONTENDERE**. Trial proceeded before the Court.

Considering Defendant’s plea and all evidence, the Court finds the Defendant **GUILTY** of the offense charged in the Complaint.

Having found the Defendant **GUILTY** of the above offense, the Court subsequently proceeded to sentencing. Defendant had nothing to say why sentence should not be pronounced, and it is therefore **ORDERED, ADJUDGED, and DECREED** that the Court pronounce the sentence as follows: said Defendant shall pay a Transportation Code fine of \$_____, pay a State Traffic Fine of \$50, pay a Local Traffic Fine of \$3, pay a Notice to Appear Reimbursement Fee of \$5, pay an Administrative Fee of \$2, and pay State and Local Consolidated Court Costs totaling **\$76**. The State of Texas shall have and recover of the said Defendant all fines assessed and costs incurred in this cause, for which let execution issue. Defendant shall receive credit for any amount previously paid in the form of an Appeal Bond.

SIGNED and ENTERED on: _____

Presiding Judge

I acknowledge that I have received a copy of this Judgment and Sentence.

Defendant

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BOSQUE COUNTY, TEXAS

ORDER DEFERRING ADJUDICATION

The above-named Defendant, charged with the offense of _____, as alleged in the complaint herein, appeared in person and with counsel (if applicable) and the State appeared by the Bosque County Attorney. All parties announced ready for trial. The Defendant was arraigned in open court on the charges contained in the complaint, made a request for deferred adjudication community supervision, and pleaded **GUILTY**. A jury and a record were waived by all parties, and trial proceeded before the Court. Considering Defendant's plea and all evidence submitted, the Court finds that such evidence substantiates the Defendant's guilt, and that the best interest of society and the Defendant will be served by deferring further proceedings without entering an adjudication of guilt, and placing the Defendant on community supervision.

IT IS THEREFORE ORDERED by the Court that the proceedings be and are hereby deferred without an adjudication of guilt, and the Defendant is placed under supervision of the Court for a period of _____, subject to the following terms and conditions, beginning on the date of the signing of this Order. Defendant is obligated to provide the Court with satisfactory evidence of compliance with all conditions contained below. Defendant is ORDERED to comply with the following conditions. Defendant shall:

1. Commit no offense against the laws of the State of Texas, any other state, or the United States;
2. Pay a Transportation Code Fine of \$ _____;
3. Pay a State Traffic Fine of \$50;
4. Pay a Local Traffic Fine of \$3;
5. Pay State and Local Consolidated Court Costs totaling \$76;
6. Pay the Notice to Appear Reimbursement Fee of \$5;
7. Pay an Administrative Fee of \$2;
8. Complete a driving safety course approved under Chapter 1001 of the Texas Education Code; and
9. If the Defendant holds a provisional license, be examined by the Department of Public Safety as required by § 521.161(b)(2), Transportation Code and pay the fee for said examination (Mandatory?).

Date: _____

Presiding Judge

I am the Defendant in the above-numbered cause. I hereby acknowledge that I do not currently hold a commercial driver license, and I did not hold such license on the date of the offense in this case. I further acknowledge that this violation did not occur in a construction or maintenance work zone. I understand the conditions of my community supervision and that I must submit satisfactory proof of completion of the above conditions to the Court before the expiration of the period of community supervision. I also acknowledge and understand that my failure to comply with this requirement could result in a final conviction in this case. A copy of this Order was provided to me.

Date: _____

Defendant

Mailing Address:

Tabatha Ferguson, Bosque County Clerk

Deputy Clerk

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BOSQUE COUNTY, TEXAS

WAIVER OF APPEAL

I, the Defendant in the above styled and numbered cause, in open Court, being fully aware of the sentence pronounced against me by the Court, state as follows:

1. I understand I have the right to file a motion for new trial and an amended motion for new trial within thirty (30) days of the entry of a Judgment and Sentence, Order Granting Probation, Order Revoking Probation or other appealable order of this Court;
2. I understand I have the right to request the Court's permission to appeal if the punishment assessed against me did not exceed the recommendation of the State contained in the Disclosure of Plea Agreement, if any, and I have the right to appeal matters raised by written motion and presented to and ruled upon by the Court prior to my trial;
3. I understand I have the right to give notice of appeal and to appeal from the Judgment, Sentence or other appealable order of this Court, unless prohibited by law from doing so;
4. I understand that, if I appeal and if I am indigent, I have the right to a free record and transcript, and I have the further right to court-appointed counsel to prosecute my appeal.

Knowing these rights, I expressly **WAIVE ALL RIGHTS TO APPEAL**, and I further **WAIVE** the following:

1. The right to file a motion for new trial or an amended motion for new trial;
2. The right to request permission from the trial Court to appeal;
3. The right to appeal matters raised by written motion and ruled upon prior to trial (unless reserved below);
4. The right to give notice of appeal or the right to appeal any Judgment, Sentence or other appealable order of this Court, (unless reserved below); and
5. The right on appeal to a free record, a free transcript and a court-appointed attorney, if I am indigent.

_____ I hereby reserve and **DO NOT WAIVE** all my rights to appeal the following matter(s) raised by written motion and ruled upon by the trial Court prior to trial: _____

Date: _____

Defendant

I have consulted with my client and have advised him of all his/her rights on appeal. I believe my client fully understands the admonishments and is aware of the consequences of this waiver. I approve this waiver of appeal.

Date: _____

Attorney for Defendant

It appears to the Court that the Defendant has been duly admonished regarding and understands the consequences of this waiver of appeal, and the Court, therefore, approves and accepts the Defendant's written waiver of appeal.

Date: _____

Presiding Judge

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BOSQUE COUNTY, TEXAS

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT TO APPEAL

I, Judge of the Bosque County Court at Law, certify 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; (or)

_____ the Defendant has waived the right of appeal.

Date: _____

Presiding Judge

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 appeal's 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. 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

Printed name: _____

State Bar Number: _____

Texas Rule of Appellate Procedure 25.2 (a) (2) states: "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."