

CAUSE NO. _____

THE STATE OF TEXAS

§

IN THE DISTRICT COURT OF

VS

§

BURNET COUNTY, TEXAS

§

33rd / 424th JUDICIAL DISTRICT

**WAIVER OF RIGHTS AND DEFENDANT’S PLEA OF TRUE TO STATE’S
MOTION TO REVOKE/REQUEST FOR ADJUDICATION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant herein, in open court in the above entitled and numbered cause, and in writing makes the following voluntary statements:

ORIGINAL OFFENSE: _____

ORIGINAL SENTENCE: _____

DATE ORIGINAL SENTENCE IMPOSED: _____

I have received a copy of the State’s Motion to Revoke/State’s Request for Adjudication, and I am aware of the substance of all allegations made therein, including the violations of my conditions of probation, and specifically, I admit and plead **TRUE** that I committed the acts as set forth in paragraph(s):_____. In exchange for my plea, the State of Texas has agreed to recommend to the Court the following sentence: _____. I am admitting to or pleading true to the above listed violations of probation freely and voluntarily, without pressure, promise or persuasion, except for the State’s agreed recommendation.

I know that I have a right to an attorney, even an appointed one if I cannot afford an attorney, and for my attorney to cross-examine the witnesses produced by the State of Texas, but I desire to waive my right to have my attorney cross-examine witnesses in this hearing.

I know that I have a right to a hearing with witnesses, but I desire to waive my right to a hearing. I also have a right to have ten (10) days to prepare for this hearing, however, it is my desire to waive that 10-day period. I know that I have a right to have the State prove the allegations contained in the above referenced paragraphs by preponderance of the evidence, but I waive that right as well.

Defendant

Defendant’s Attorney

Sworn and subscribed to before me on the _____ day of _____.

Clerk of the Court

The State consents to and approves the foregoing.

Attorney for the State

The Court consents to and approves the foregoing waivers and consent to stipulation and introduction of evidence.

Judge Presiding

CAUSE NO. _____

THE STATE OF TEXAS § IN THE DISTRICT COURT OF
VS § BURNET COUNTY, TEXAS
§ 33rd / 424th JUDICIAL DISTRICT

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

I certify this criminal case:

- ___ Is not a plea-bargain case, and the defendant has the right to 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 trial 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.
- ___ The defendant in this styled and numbered case, after consulting with his attorney, waives his right to file a post-conviction application for writ of habeas corpus pursuant to Article 11.07 and Article 11.072 of the Texas Code of Criminal Procedure. This waiver will apply to any claim the Defendant had knowledge of or any claim the defendant could have discovered by exercising due diligence with the assistance of counsel. The waiver also applies to any facts the defendant should have been able to comprehend the legal significance of and develop on the record had he chosen to do so.

Presiding Judge

Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file pro se petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2 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 *pro se* petition for discretionary review.

Defendant

Defendant’s Counsel

Mailing address

State Bar of Texas ID Number

Telephone number & Fax number

Mailing Address

Telephone number & Fax number

*A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certificate 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)