

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

THE STATE OF TEXAS

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§

IN THE DISTRICT COURT OF

V.

BURNET COUNTY, TEXAS

\_\_\_\_\_

33<sup>rd</sup>/424<sup>th</sup> JUDICIAL DISTRICT

**FELONY ADMONITIONS TO THE DEFENDANT**

1. The range of punishment attached to this offense(s) as enhanced, if any, is (check one):

Count \_\_\_\_\_ (**Habitual Offender**) confinement in the Institutional Division of the Texas Department of Criminal Justice for life or a term of not more than 99 years or less than 25 years.

Count \_\_\_\_\_ (**First Degree Felony + Repeat Offender**) confinement in the Institutional Division of the Texas Department of Criminal Justice for life or a term of not more than 99 years or less than 15 years; in addition, a fine not to exceed \$10,000 may be imposed.

Count \_\_\_\_\_ (**First Degree Felony**) confinement in the Institutional Division of the Texas Department of Criminal Justice for life or a term of not more than 99 years or less than 5 years; in addition, a fine not to exceed \$10,000 may be imposed.

Count \_\_\_\_\_ (**Second Degree Felony**) confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of not more than 20 years or less than 2 years; in addition, a fine not to exceed \$10,000 may be imposed.

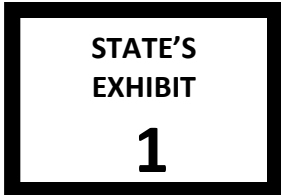
Count \_\_\_\_\_ (**Third Degree Felony**) confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of not more than 10 years or less than 2 years; in addition, a fine not to exceed \$10,000 may be imposed. If the offense was committed before 9/1/94, the punishment may include an alternative confinement of up to one year in a community correctional facility.

Count \_\_\_\_\_ (**State Jail Felony**) confinement in state jail for a term of not more than 2 years or less than 180 days; in addition, a fine not to exceed \$10,000.00 may be imposed. If the offense is possession of a controlled substance in penalty group I or II (< 1g), LSD (5 abuse units or less), marijuana or synthetic marijuana (1 lb. or less), or fraud by prescription (Schedule II or III drugs), and the Defendant has no prior felony conviction, the judge shall suspend sentence and place the Defendant on probation (community supervision).

Count \_\_\_\_\_ (**12.44 Agreement**) For an offense committed after 8/31/95, if the offense is punished under Section 12.44(a) of the Texas Penal Code, the range of punishment is not more than 1 year in the county jail and/or a fine not to exceed \$4000.00.

Count \_\_\_\_\_ (**Special punishment range**) confinement in \_\_\_\_\_  
for a term of \_\_\_\_\_ and/or a fine of \_\_\_\_\_.

Count \_\_\_\_\_ (**Class A Misdemeanor**) confinement in county jail for not more than one year and/or a fine not to exceed \$4,000. For a DWI enhanced as a subsequent, the minimum term of confinement in jail is 30 days.



2. The recommendation of the prosecuting attorney, if any, is not binding on the Court. The Court will inquire as to the existence of a plea agreement and, if any exists, inform the defendant in open Court before any finding on the plea whether the Court will follow such agreement. Should the Court reject a plea agreement, the defendant will be permitted to withdraw the plea of guilty. If there is no plea agreement, the defendant has no right to withdraw the plea following sentencing.
3. If the punishment assessed does not exceed the punishment recommended by the prosecuting attorney and agreed to by the defendant and the defense attorney, the trial Court must give its permission to the defendant before the defendant may pursue an appeal on any matter in the case, except for those matters raised by written motions filed and ruled upon before trial.
4. If the defendant is not a citizen of the United States of America, a plea of guilty for the offense(s) charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.
5. If the defendant is convicted of or placed on deferred adjudication for an offense for which a person is subject to sex offender registration, the defendant will be required to meet the registration requirements of Chapter 62 of the Code of Criminal Procedure. See attached supplemental sex offender registration admonition.
6. If the defendant is convicted of a misdemeanor offense involving violence and the Defendant is or was a spouse, intimate partner, parent or guardian of the victim, or is/was involved in another, similar relationship with the victim, it may be unlawful for the Defendant to possess or purchase a firearm (including a handgun or long gun) or ammunition, pursuant to federal law under 18 USC § 922(g)(9) or state law under § 46.04(b) PC. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.
7. If the Defendant is placed on deferred adjudication, upon violation of a condition of community supervision, the defendant may be arrested and detained. The defendant is entitled to a hearing limited to the determination by the judge whether to proceed with an adjudication of guilty on the original charge. No appeal may be taken from this determination. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of community supervision (probation), and defendant's appeal continue as if the adjudication of guilty had not been deferred.
8. The statutes listed below are a starting point for ineligibility to possess a firearm or ammunition. For more information about the laws that make you ineligible to possess a firearm or ammunition, or for more information on how long your ineligibility to possess a firearm or ammunition lasts, the Court recommends you contact an attorney.
  - Code of Criminal Procedure Article 17.292 – Magistrate's Order for Emergency Protection
  - Code of Criminal Procedure Article 42.0131 – Notice of 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

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JUDGE PRESIDING

The defendant understands the admonitions given above and is aware of the consequences of the plea.

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DEFENDANT

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DEFENDANT'S ATTORNEY

**FELONY WAIVERS, CONFESSION, AND AGREEMENT**

I, \_\_\_\_\_, the Defendant herein, make the following waivers as to each count of the indictment or information not waived/abandoned by the State of Texas as indicated by his

**Initials:**

1. \_\_\_\_\_ If the Grand Jury has not returned an indictment, I waive the right to be accused by indictment and agree to proceed by way of information.
2. \_\_\_\_\_ I waive the right to service of a copy of the indictment or information and the time allowed by law to file motions and pleadings thereon and to prepare for trial.
3. \_\_\_\_\_ I waive the right to a trial, including the right to a trial by jury during the guilt innocence phase and a speedy trial.
4. \_\_\_\_\_ I waive the appearance of and confrontation and cross-examination of the State's witnesses, the privilege against self-incrimination (as to guilt and punishment), and the right against double jeopardy.
5. \_\_\_\_\_ I waive the reading of the indictment or information.
6. \_\_\_\_\_ I waive and abandon all motions, pleadings and objections made before the entry of my plea.
7. \_\_\_\_\_ I consent to an oral stipulation of the evidence and testimony and to the introduction of testimony by affidavits, written statements of the witnesses and any other documentary evidence.
8. \_\_\_\_\_ I waive my right to file a post-conviction application for writ of habeas corpus pursuant to Article 11.07 or 11.072 of the Texas Code of Criminal Procedure. This waiver applies to any claim of which I had knowledge or any claim that I could have discovered by the exercise of due diligence with the assistance of my attorney. This waiver also applies to any facts, the legal significance of which I should have been able to comprehend and develop on the record had I chosen to do so.
9. \_\_\_\_\_ I waive my right to a motion for new trial.
10. \_\_\_\_\_ I waive any appeal that I could make or pursue in this cause.

11. \_\_\_\_\_ I waive my right to an indigency hearing on fees, fines and court costs (including attorney's fees, probation fees and any other CSCD fees) and agree to any assessment.

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
DEFENDANT'S ATTORNEY

**A plea agreement exists in this cause as follows (and the State agrees to recommend):**

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

**Initials:**

\_\_\_\_\_ If community supervision (probation) in any form is recommended, I understand that the Court has the discretion to impose any reasonable condition of supervision, including confinement in various facilities, treatment, and restitution without violating the plea agreement, if any, unless the plea agreement expressly limits or prohibits such a condition.

\_\_\_\_\_ If community supervision (probation) in any form is recommended, I agree to waive my right to petition the court for early termination of community supervision without first obtaining the approval of the District Attorney or Assistant District Attorney handling my case.

\_\_\_\_\_ If my attorney is appointed by the Court, I acknowledge that I have the ability to reimburse the county for court-appointed attorney fees assessed, either in full or by periodic partial payments, upon release on community supervision or upon release from incarceration.

**I, \_\_\_\_\_, the Defendant herein, JUDICIALLY CONFESS to committing every element of the offense(s) of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ exactly as charged in the indictment or information and to any lesser included offenses of the offense(s) charged in the indictment or information.**

**I, \_\_\_\_\_, the Defendant herein, agree to plead GUILTY to the above specified offense(s), TRUE to all enhancements and special issues, if any, as charged in the indictment or information. By my signature below, I judicially confess to the above offense(s).**

**I, \_\_\_\_\_, the Defendant herein, agree that I have the ability to pay all fines, fees, and restitution assessed as a condition of my probation.**

\_\_\_\_\_

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DEFENDANT

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DEFENDANT'S ATTORNEY

THUMBPRINT

Sworn and subscribed to before me on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Clerk of the Court

The State consents to and approves the foregoing.

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ATTORNEY FOR THE STATE

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

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JUDGE PRESIDING