

CAUSE NO. _____

THE STATE OF TEXAS

§

IN THE DISTRICT COURT OF

VS.

§

BURNET COUNTY, TEXAS

§

33rd / 424th JUDICIAL DISTRICT

JOINT REQUEST FOR PLEA AND/OR SENTENCING BY VIDEO CONFERENCE UNDER TCCP ART. 27.18

The Defendant and the State of Texas in the above entitled and numbered cause and agree as follows:

1. The Defendant, the Defendant's Attorney, and State knowingly, intelligently, and voluntarily consent to the use of videoconferencing consistent with TCCP Art. 27.18 for the purposes of waiving certain rights and entering a plea in the above referenced cause(s).
2. The parties agree that the use of closed-circuit videoconference in this cause provides for a simultaneous, compressed full motion video, and interactive communication of image and sound among the Court, the State, the Defendant, and the Defendant's Attorney. The parties also agree that the videoconference allows the Defendant to be present as required by TCCP 42.03. The Defendant knowingly, intelligently, and voluntarily waives being present in open court.
3. The parties agree that, on the Defendant's request, the Defendant and the Defendant's Attorney are able to communicate privately without being recorded or heard by the Judge or the State.
4. The parties acknowledge that, on the Defendant or the State's motion or in the Court's discretion, the Court may terminate an appearance by videoconference at any time and require appearance by the Defendant in open court.
5. The parties agree that, if no audiovisual recording of the requested hearing is created, a court record created by a licensed court stenographer shall be deemed sufficient for compliance with the terms of TCCP Art. 27.18 and acknowledge that the loss or destruction of or failure to create a court record or an electronic recording in the above mentioned cause(s) is not alone sufficient grounds for a Defendant to withdraw the Defendant's plea or to request the Court to set aside a conviction, sentence, or plea.
6. If the Defendant is confined in a county other than Burnet County, the Defendant consents to venue in Burnet County and waives any claim of error related to venue.

Defendant

Attorney for the State

Defendant's Attorney

The Court FINDS:

1. The Defendant and State have filed a written consent to the use of videoconference;
2. The videoconference in use provides for a simultaneous, compressed full motion video, and interactive communication of image and sound among the Court, the State, the Defendant, and the Defendant's Attorney;
3. On the Defendant's request, the Defendant and the Defendant's Attorney are able to communicate privately without being recorded or heard by the Court or the State;
4. A record of the communication has been made solely, unless below excepted, by a licensed court stenographer and will be preserved by the court reporter until all appellate proceedings have been disposed and/or [if checked]
 A record of the communication has been made by electronic recording and will be preserved by electronic recording until all appellate proceedings have been disposed;
5. The parties have knowingly, voluntarily, and intelligently acknowledged that the loss or destruction of or failure to create a court record or an electronic recording of a plea in the above mentioned cause(s) is not alone sufficient grounds for a Defendant to withdraw the Defendant's plea or to request the Court to set aside a conviction, sentence, or plea;
6. The Defendant was presenting for his/her sentencing via video conference as required by TCCP 42.03 and the Defendant knowingly, intelligently, and voluntarily waived being present in open court; and
7. The Defendant in the above enumerated cause(s) is the person who signed above and who participated in this plea.

Date

Judge Presiding