

Cause: _____

THE STATE OF TEXAS
VS.

§
§
§

COUNTY CRIMINAL COURT
NUMBER _____
DENTON COUNTY, TEXAS

**WAIVER OF JURY TRIAL | WAIVER OF TEN DAYS TO PREPARE FOR TRIAL | COURT'S
ADMONISHMENT | WAIVER OF PRESENTENCE REPORT | PLEA AGREEMENT & JUDGMENT**

(Probation/Deferred Plea)

Comes now the Defendant, joined by his attorney/ or Pro Se, and the Attorney for the State in the above-styled and numbered cause, waives his right to trial by jury and confront his accusers, the right to subpoena witnesses to testify on Defendant's behalf, and if applicable, waives 10 days to prepare for trial. Defendant waives the right to remain silent and not incriminate himself and waives a reading of the Information. The Defendant and the State hereby enter an announcement of ready. The State waives its right to a trial by jury.

The plea recommendation set forth below is agreed to by the Defendant, his attorney, if applicable, and the State's attorney, as evidenced by their respective signatures below. The Defendant understands that if he pleads guilty or nolo contendere and the punishment assessed by the court does not exceed the punishment recommended, an appeal herein may only be prosecuted with the permission of the trial court. All written motions on file are hereby waived. The Defendant affirmatively waives all rights to appeal this cause.

The Defendant acknowledges that he is aware of the full range of punishment provided by law for this offense.

Defendant is hereby informed that on violation of a condition of probation the Defendant may be arrested and detained. The defendant is entitled to a hearing limited to the determination by the court of whether it proceeds with an adjudication of guilt or revocation on the original charge. After the hearing, an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation, and defendant's appeal continue as if the adjudication had not been deferred, if applicable. Should the Court find any violation "True", the court may assess punishment anywhere within the range provided by law for the offense.

The defendant waives a pre-sentence report, administration of the Texas Risk Assessment Survey and his right to an alcohol evaluation performed prior to sentencing.

Have you ever been convicted of a felony in any court in this state, any other state or under the laws of the United States? Yes No

| | | | |
|---|--|--|--|
| <input type="checkbox"/> Plea Recommendation | <input type="checkbox"/> Open Plea | <input type="checkbox"/> Enhancement True | <input type="checkbox"/> Enhancement Waived |
| <input type="checkbox"/> Lesser Included | <input type="checkbox"/> Court finds Family Violence per TFC 71.004 | | Date of Offense: |
| Offense Pled to: | | | Class: |
| Range of Punishment: Jail: | | Fine: | |
| DEFENDANT'S PLEA: <input type="checkbox"/> GUILTY <input type="checkbox"/> NOLO CONTENDRE Enhancement(s): True Not True | | | |
| Fine: _____ + CC _____ = _____ | Jail: _____ | <input type="checkbox"/> Deferred Adjudication _____ months | <input type="checkbox"/> Regular Probation _____ months |
| Reimbursement: _____ | | | |
| <input type="checkbox"/> _____ days in jail as a condition of probation beginning: _____ or per work release order attached | | | |

| | |
|---|---|
| <input type="checkbox"/> Prior DWI within 5 years, if checked a 49.09 order shall be attached | <input type="checkbox"/> DL Suspension: _____ days |
| <input type="checkbox"/> Notes: _____ | |
| <input type="checkbox"/> Accident | <input type="checkbox"/> Defendant Under 21 YOA at time of Incident |
| <input type="checkbox"/> Victim Impact Statement | <input checked="" type="checkbox"/> 39.14 Disclosure Attached |

FIREARM WARNING: if you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent or guardian of the victim or are/were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun or ammunition, pursuant to federal law under 18 U.S.C. §922(g)(9) or §46.04 (b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, consult your attorney.

IMMIGRATION WARNING: The Defendant acknowledges that if the Defendant is not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may result in deportation, exclusion from the country, or the denial of naturalization under federal law. Defendant acknowledges the right to consult with counsel about the potential immigration consequences of entering this plea.

SEXUAL OFFENDER REGISTRATION REQUIREMENTS: If you are convicted of a second violation of Indecent Exposure §21.08 Texas Penal Code as described in Chapter 62 Article 62.001(5)(F), Texas Code of Criminal Procedure, you must meet all the registration requirements set out in that chapter. **Failure to properly register is a separate criminal offense. By signing this document, you and your attorney are acknowledging that your attorney has advised you and you are aware of any applicable registration requirements under Chapter 62.**

Notice of Right to Petition for Non-Disclosure: After Sentencing the defendant, the Court hereby informs Defendant of the right to petition the court for an order of nondisclosure of criminal history record information under Subchapter E-1, Chapter 411, Government Code, unless Defendant is ineligible to pursue that right.

Conditions of Community Supervision: The judge may impose any reasonable condition of community supervision. The judge may also amend or modify the conditions of supervision at any time during the period of supervision.

Plea and Judicial Confession: I voluntarily enter my plea of GUILTY/NOLO CONTENDERE to the above mentioned offense. My plea is entered freely and voluntarily, and without any coercion, distress or promise of benefit other than the plea-bargain agreement.

I swear to or affirm all of the foregoing, and I further swear or affirm that all testimony that I give in this case will be the truth, the whole truth and nothing but the truth. I understand the English language or this document has been translated for me. I have read or my attorney has read this entire document, to me and I have discussed it fully with my attorney; I understand this document completely, including the Court's admonishments, and I am aware of the consequences of my plea. My attorney has discussed with me the law and the facts applicable to this case, and I am satisfied that I have been effectively represented. I understand that if an appeal is made, written Notice of Appeal must be filed within 30 days of the sentencing date.

X

SIGNATURE OF DEFENDANT

DEFENSE ATTORNEY

I hereby join, consent and approve of the waiver of jury trial. In addition, I hereby advise the Court that I fully consulted with the Defendant and carefully reviewed this entire document with him/her. I believe the Defendant is mentally competent, understands the admonishments, is aware of the consequences of the plea and is freely, voluntarily, knowingly and intelligently entering his/her plea of guilty or nolo contendere, waiver, stipulation and judicial confession. I hereby waive my right to 10 days to prepare after my appointment, with Defendant's consent.

ATTORNEY FOR DEFENDANT

Printed Name of Defense Attorney

STATE'S ATTORNEY

Before the entry of Defendant's plea of guilty or nolo contendere herein, the above requests, waivers and stipulations are hereby consented to and approved by me, the attorney representing the State of Texas.

STATE'S ATTORNEY

Printed Name of State's Attorney

INTERPRETER

I understand the _____ language. This entire document was read to me and fully explained to me in that language by my attorney and/or interpreter.

DEFENDANT

The Defendant does not adequately understand the English language. I have read this entire document to the Defendant in _____, and s/he has indicates that s/he understands my explanation of the document.

ATTORNEY FOR DEFENDANT

Interpreter Signature (Sign & Print Name)

JUDGE

THE COURT HEREBY FINDS THAT: (1) The Defendant was sane when the alleged offense was committed, is mentally competent to enter his/her plea, is represented by competent counsel, understands the nature of the charges against him/her, and has been warned of the consequences of a plea of guilty or nolo contendere, including the minimum and maximum punishment provided by law; (2) the attorney for Defendant and the State consent to and approve the waiver of trial by jury and agree to stipulate the evidence and judicial confession in this case; and (3) the Defendant understands the consequences of his/her plea, and the Defendant's plea of guilty or nolo contendere, statements, waivers, consent stipulations and judicial confession were freely, voluntarily, knowingly and intelligently made. The Court hereby grants leave to amend the information/indictment (if applicable), approves the waiver of jury trial, all other waivers, the consent to stipulate evidence and judicial confession. (4) The evidence submitted substantiates the guilt of the Defendant. If a conviction, the Court finds the defendant "Guilty" of the offense.

SIGNED AND ENTERED _____.

JUDGE PRESIDING

**I AM THE DEFENDANT WHO RECEIVED THIS
JUDGMENT, INCLUDING THE ORDER OF PROBATION
TERMS, ON THE ABOVE DATE IN OPEN COURT**

Defendant

Date of Birth

SID #

Texas Driver's License

TRN/ TRS #

Right Thumb Print

Order of Probation and Terms and Conditions

The Court orders that the imposition of the jail sentence be suspended and the Defendant hereby placed on Community Supervision and orders the Defendant shall:

- (A) Commit no offense against the laws of this State, of any other State, or the United States, and avoid the illegal use or possession of controlled substances including marijuana and/or CBD;
- (B) Avoid injurious or vicious habits;
- (C) Report in person to the Community Supervision and Corrections Department of Denton County (hereinafter referred to as CSCD), Texas immediately following this hearing, and not less than monthly thereafter, or as scheduled by the court or supervision officer and obey all rules and regulations of the department;
- (D) Pay to the Community Supervision and Corrections Department, P.O. Box 1309, Denton, Texas 76202, a supervision fee in the amount of \$60.00 on or before the 20th day next month and pay that amount on or before the 20th day of each month thereafter during the period of Community Supervision;
- (E) Permit the Supervision Officer to visit you at your residence or elsewhere, and notify your Supervision Officer within five (5) days of any change of address or employment prior to such move;
- (F) Work faithfully at suitable employment as far as possible and support your dependents;
- (G) Remain within the State of Texas during the term of Community Supervision unless given permission to leave the State in writing by the Court;
- (H) Pay the **FINE, FEES, and COSTS INSTANTER**; or immediately report to the Denton County Collections Department located in the Courts Building at 1450 E. McKinney, Denton, Texas and make payments in accordance with the terms and conditions agreed upon;
- (I) Complete _____ hours of **COMMUNITY SERVICE RESTITUTION** at a community service project or projects for an organization or organizations provided in a list by CSCD or approved by CSCD; to be completed at a rate of not less than four hours per week starting no later than 60 days from the effective date of this order, and provide your Supervision Officer with verification of hours worked monthly. With approval of the supervision officer, the defendant may make a donation to a food bank approved by the CSCD for no more than one half of the originally ordered hours. Defendant will receive one (1) hour of credit for every \$5.00 (in cash or non-perishable food items) donated.
- (J) Submit to testing for alcohol and/or illicit drug usage at the request of the Supervision Officer with and pay for the costs of these tests within 30 days of giving the specimen;
- (K) Furnish a sample of your breath, blood or urine at the request of any peace officer who has probable cause to believe the defendant may have committed any crime under Chapter 49 of the Texas Penal Code;
- (L) Consume no alcoholic beverages during the term of Community Supervision; and
- (M) Take all medications as prescribed by a physician and provide to the supervision officer documentation from the physician stating such medication is prescribed to the Defendant;

The Court also orders the following terms and conditions if checked and/or circled:

- ____ (1) _____

- ____ (2) Pay **RESTITUTION** in the amount of \$ _____ as determined by the Denton County Community Supervision Department; said amount of restitution or property due (to be delivered to the Denton County Community Supervision and Corrections Department for transfer to the victim or other person in installments of \$ _____ per month, beginning on the 20th day of _____, until fully paid;
- ____ (3) Within _____ days have an **IGNITION INTERLOCK** device installed by CSCD approved provider on the motor vehicle owned by the defendant, or on the vehicle most regularly driven by the defendant, that uses a deep-lung breath analysis mechanism to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the operator. Defendant may not operate motor vehicle unless it is equipped with the device for a period of _____ months. Follow recalibration schedules and rules of the monitoring agency and pay all costs incurred. If Defendant does not own or operate a vehicle, they must install a portable alcohol

monitoring device as directed by CSCD.

- _____ (4) Within three (3) business days, Defendant shall secure and place upon their person a **CONTINUOUS TRANSDERMAL ALCOHOL MONITORING DEVICE**, and maintain same for a period of _____ days of probation or until released by the Court. Defendant shall abide by all rules and requirements of any participation agreement, including not missing any required communication times. Defendant shall allow for visual inspection of the monitor at the request of your Supervision Officer. Defendant shall pay all costs associated with the device and is ordered not to tamper with, remove or obstruct the monitoring device;
- _____ (5) The Defendant shall obtain a **PORTABLE ALCOHOL MONITORING DEVICE** within _____ days of this judgment and maintain the device in their care and custody at all times. The Defendant shall pay for and follow all downloading schedules and rules of the monitoring agency;
- _____ (6) The Defendant shall install the **TRANSDERMAL PATCH** on or before _____. Probationer shall follow all guidelines of the provider with scheduled reporting and patch changes, pay all costs incurred, and maintain this transdermal patch until otherwise directed by the Court;
- _____ (7) Within three (3) business days, Defendant shall secure and place upon their person an **ELECTRONIC LEG MONITORING DEVICE (ELM)** and maintain same for a period of _____ days of probation or until released by the Court. Defendant shall abide by all rules and requirements of any participation agreement, including not missing any required communication times. Defendant shall allow for visual inspection of the monitor at the request of your Supervision Officer. Defendant shall pay all costs associated with the device and is ordered;
- _____ (8) Within 60 days, the Defendant shall complete a **DRUG/ALCOHOL EVALUATION** through an agency approved by his/her Supervision Officer. If treatment is deemed necessary, the defendant shall abide by any and all treatment directives, comply with the rules and regulations of the approved agency, pay all costs incurred for such services. The Defendant shall continue in said treatment until successfully completed as stated by the Defendant's counselor/provider;
- _____ (9) If requested by Denton County Adult Supervision Officer or Court, submit to **PSYCHOLOGICAL EVALUATION**, within 30 days and abide by any and all treatment directives and comply with the rules and regulations of the approved agency and pay all costs incurred;
- _____ (10) Successfully complete, within 180 days, a **DWI Safety Education Program / the Drug Offender Education Program / DWI Repeat Offender Program**, through an agency approved by your Supervision Officer, pay all required fees for the program, and provide written proof of the completion of the program to the CSCD within 10 days of the date of completion;
- _____ (11) Successfully complete within 181 days of this order the **DWI Victim Impact Panel / Domestic Violence Victim Impact Panel** and pay all costs of such panel; provide written proof of completion to your Supervision Officer within 10 days of the date of completion;
- _____ (12) **Defendant must attend a Community Based Sobriety Support Group** that is approved by your supervision officer at least _____ times per week until further order from the court or discharged by the community supervision officer. Document attendance and work with a sponsor/accountability partner;
- _____ (13) Participate in the **Life Skills Program / Anger Management Program; Alcohol Seller/Server Program; Theft Diversion Program**; begin participation in the program(s) within 60 days of this order at an approved agency, comply with the rules of the agency, and pay all costs of the services. Continue in said treatment until successfully completed as stated by the counselor with the agreement of your Supervision officer. Provide written proof to the Supervision Officer within 30 days of completion;
- _____ (14) Participate in the **Batterer's Intervention Prevention Program (BIPP)**; begin Orientation within 60 days; start the weekly group session within 90 days of this order at an approved agency, comply with the rules of the agency, and pay all costs of the services. Continue in said treatment until successfully completed as stated by the counselor with the agreement of the community supervision officer. Provide written proof of completion to the supervision officer within 360 days;
- _____ (15) Pay \$10 to the **Denton County Crime Stoppers Program** through the CSCD within 30 days;
- _____ (16) **Pay a LABORATORY FEE of \$ _____** to the Denton County Community Supervision and Corrections Department within 120 days of the date of this order for testing performed by Department of Public Safety or the laboratory that performed the analysis;
- _____ (17) **Pay \$100 to a Family Violence Shelter** in Denton County that receives state or federal funds; to be paid through the CSCD in installments of \$20 per month, beginning on the 20th day of next month and a like payment on the same day of each month thereafter until fully paid;

- _____ (18) Complete a **PARENTING COURSE** at the direction of his community supervision officer. Defendant will participate in such treatment until successfully discharged by his counselor and community supervision officer, and pay all costs incurred for such services;
- _____ (19) Begin **GED** preparation classes within 30 days. Complete the GED test during the term of community supervision and pay all costs incurred;
- _____ (20) Enroll in an “**English as a Second Language (ESL)**” class within thirty (30) days of the date of the judgment and successfully complete and provide proof of completion to your community supervision officer no later than thirty (30) days prior to the expiration of the probationary period. Defendant’s participation in the ESL Class shall be credited toward community service restitution hours.
- _____ (21) **Maintain Proof of Financial Responsibility** for any motor vehicle you own or operate, and provide proof to your Supervision Officer each time you report and at any other time it is requested;
- _____ (22) **Possess no firearms or ammunition and/or complete a firearm/weapon safety course approved by CSCD;**
- _____ (23) **Forfeit Weapon(s)** involved in this criminal case to appropriate law enforcement agency;
- _____ (24) Add Uber or Lyft application to your phone.
- _____ (25) No return to _____.
No contact with _____.

You are hereby advised that under the law of this State, the Court shall determine the terms and conditions of your Community Supervision. The Court also has the authority at any time during the period of Community Supervision to revoke your Community Supervision, or to proceed to adjudication for violation of any of the conditions of your Community Supervision set out above.

Defendant’s Signature

Date Signed

CAUSE NO. _____

THE STATE OF TEXAS

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IN THE COUNTY

VS.

CRIMINAL COURT NO. _____

DENTON COUNTY, TEXAS

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

I, judge of the trial court, certify 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 trial court has given permission to appeal, and the defendant has the right of appeal. [*or*]
- involves another appealable order (specify: _____) [*or*]
- is a plea-bargain case, and the defendant has NO right of appeal. [*or*]
- the defendant has waived the right of appeal.

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 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 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
State Bar ID _____