

Name:
Cause No(s):



GRAYSON COUNTY COURTS AT LAW

WRITTEN MISDEMEANOR PLEA ADMONISHMENTS IN ANTICIPATION OF PLEA AGREEMENT

1. You are charged with the misdemeanor offense or offenses which have been made known to you.
2. If convicted, you face the following range of punishment. Under Texas law, ordinary misdemeanor punishments are as follows:

Class A Misdemeanor – (1) a fine not to exceed \$4,000; (2) confinement in jail for a term not to exceed one year; or (3) both such fine and confinement.

Class B Misdemeanor – (1) a fine not to exceed \$2,000; (2) confinement in jail for a term not to exceed 180 days; or (3) both such fine and confinement.

Class C Misdemeanor – (1) a fine not to exceed \$500
3. Intoxication Offenses. If you are charged with any of the following offenses, if convicted, you will face the following range of punishment:

Driving, Flying or Boating While Intoxicated. Class B Misdemeanor with a minimum term of confinement of 72 hours.

Driving While Intoxicated with Open Container. Class B Misdemeanor with a minimum term of confinement of six days.

Driving While Intoxicated BAC 0.15 or greater. Class A Misdemeanor (no minimum term of confinement)

Driving, Flying or Boating While Intoxicated Second Offense. Class A Misdemeanor with a minimum term of confinement of 30 days.
4. **Minimum Penalties for Repeat and Habitual Offenders.** (1) Class A Misdemeanor offense with prior Class A or any felony conviction, minimum term of confinement is 90 days; (2) Class B Misdemeanor offense with prior Class A or Class B or any felony conviction, minimum term of confinement is 30 days.
5. **OTHER:**
6. Additional admonishments, rights, and waivers are set forth in the attached pages. These additional admonishments, rights, and waivers should be reviewed with great care. Prior to entering a plea agreement, you are required to understand each admonishment, right and waiver.

Revised August 13, 2019

Defendant's Initials:
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WRITTEN PLEA ADMONISHMENTS
Grayson County Courts at Law, Grayson County Texas

1. **Plea Agreements:** The recommendations of the prosecuting attorney are not binding on the Court. If a plea agreement exists, the Court will inform you whether it will follow or reject the agreement in open court before any finding on your plea. If the Court rejects any plea agreement, you will be permitted to withdraw your plea.
2. **Right to Appeal:** If the punishment assessed by the Court does not exceed the punishment recommended by the prosecutor and agreed to by you and your attorney, if you are represented by an attorney, you must obtain the Court's permission before you may appeal any matter in this case, except for those matters raised by written motion and ruled upon prior to your plea.
3. **Citizenship:** If you are not a U.S. citizen, a plea of *guilty* or *nolo contendere* may result in deportation, exclusion from admission to this country, or the denial of naturalization under federal law.
4. **Sex Offender Registration:** You will be required to meet the registration requirements of Texas Code of Criminal Procedure Chapter 62 if you are convicted of or placed on deferred adjudication for an offense for which you are subject to registration under Chapter 62.
5. **Driving Privileges:** If you are convicted of an offense involving intoxication, drugs, or alcohol offenses relating to minors, your driving privileges may be suspended or revoked by the Texas Department of Public Safety pursuant to Subchapter N of the Texas Transportation Code. If you have any questions whether these laws will result in a suspension or revocation of your driver's license as a result of your conviction in this case, you should consult an attorney.
6. **Reduction or Termination of Community Supervision Period:** If you are placed on community supervision in this case, after satisfactorily fulfilling the conditions of your community supervision and on expiration of the period of your community supervision, the Court is authorized to release you from the penalties and disabilities resulting from the offense as provided by the Texas Code of Criminal Procedure. You should consult with an attorney regarding any questions that you may have about how this provision may affect your community supervision.
7. **Deferred Adjudication:** (A) If the Court defers adjudicating your guilt and places you on probation, and you are charged with violating any condition of your probation, you may be arrested and detained as provided by law. You are then entitled to a hearing limited to a determination by the Court whether to proceed with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After adjudication of guilt, all proceedings, including the assessment of punishment and your right to appeal, continue as if adjudication of guilt had not been deferred. (B) If the Court defers adjudicating your guilt and places you on probation, and you successfully complete your probation and receive a discharge and dismissal from the Court under Chapter 42A, Subchapter C, of the Texas Code of Criminal Procedure, you may have the right to petition the Court for an Order of Nondisclosure of Criminal History Record Information under Texas Government Code §411.071 et seq. You should consult with an attorney regarding any questions that you may have about your eligibility to apply for non-disclosure under this law. [Art. 42A.106(b)]
8. **Family Violence:** 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, 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) and/or state law under §46.04(b), Texas Penal Code. You should consult an attorney if you have any questions whether these laws make it illegal for you to possess or purchase a firearm.

Defendant's Initials:

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Defendant's Acknowledgment and Waiver of Rights

YOU HAVE THE FOLLOWING RIGHTS UNDER TEXAS LAW. YOU ARE REPRESENTING TO THE COURT THAT YOU UNDERSTAND AND ARE WAIVING EACH RIGHT SPECIFIED. IF YOU UNDERSTAND THESE RIGHTS AND WISH TO WAIVE THESE RIGHTS AND PLEAD GUILTY, YOU SHOULD PLACE YOUR INITIALS IN THE SPACE PROVIDED. IF YOU ARE PLEADING GUILTY TO MORE THAN ONE OFFENSE, THESE DOCUMENTS APPLY TO EACH SEPARATE CASE.

<i>Initials</i>	Joined by my counsel, or having previously waived counsel, I state that:
	I am the person named in the charging instrument in the case. I understand the charges against me and the penalty range for the offense. I waive a formal reading.
	I understand the range of punishment and all of the foregoing admonishments.
	I am aware of the consequences of my plea, and my plea is freely and voluntarily made.
	I am mentally competent to stand trial.
	If my counsel was appointed, I waive and give up any time provided me by law to prepare for trial.
	I am totally satisfied with the representation provided to me by my counsel, and I received effective and competent representation.
	Under Article 1.14 C.C.P. I give up all rights given to me by law, whether form, substance or procedure.
	Joined by counsel, I waive and give up my right to trial by jury in this case and my right to require the appearance, confrontation, and cross-examination of witnesses.
	I consent to oral and written stipulations of evidence in this case.
	I know and fully understand that the State must prove that I committed the offense alleged in this case beyond a reasonable doubt. I give up the right to require the State to meet this burden, and I plead "guilty" to the offense alleged in this case.
	I waive the right to a pre-sentence report. If one is prepared, I waive and give up my right of confidentiality to the pre-sentence report and agree that the report may be publicly filed.
	PROBATION/COMMUNITY SUPERVISION: I waive the requirement that a risk and needs assessment be conducted prior to the Court determining the conditions of community supervision. I understand that a risk and needs assessment will be conducted following the Court's acceptance of my plea of guilty, and based on the results of the risk and needs assessment, the Court may order additional conditions of community supervision
	DISCOVERY: I understand that I have the right under Texas law, as specified in Art. 39.14, Texas Code of Criminal Procedure, prior to entering a plea of guilty or proceeding to trial, to request and receive from the State a copy of all material constituting or containing evidence material to any matter involved in any and all cases before the court. I waive the requirements of this law, and give up my right to inspect and review this material.
	I waive any and all rights of appeal that I may have in this case.

Defendant's Initials:

Defendant's Plea of Guilty

Having been duly sworn, and understanding that all statements made herein are subject to the penalty of perjury, I plead guilty. I am guilty of this offense. Further, I swear or affirm that the foregoing and all testimony I give in this case, including the stipulation of evidence which follows, is true.

Defendant

Sworn to and subscribed to before me by the defendant on this date.

Deputy Clerk

Date

Defense Counsel Certification

I join in and approve the waivers and stipulations made by the defendant. I certify that in my opinion the defendant is legally competent to stand trial, all of the defendant's statements were freely and voluntarily made, and the defendant's plea was freely and voluntarily entered.

Attorney for Defendant

Texas State Bar Number

DEFENDANT'S STIPULATION TO EVIDENCE

HAVING BEEN DULY SWORN, I SWEAR OR AFFIRM AS FOLLOWS:

I am the defendant named in this cause and, having waived my constitutional right against self-incrimination and having been duly sworn, upon oath, do hereby judicially confess to the offense charged against me in the charging instrument filed in this cause, and do hereby stipulate that the allegations included in the charging instrument are true and correct. I further stipulate that if the State were to call its witnesses, the evidence would prove beyond a reasonable doubt that I am guilty of the offense exactly as charged in the charging instrument. Further, I do hereby state under oath as follows:

My **CRIMINAL HISTORY** falls within the category or categories indicated below: [INITIAL ALL THAT APPLY]

<i>Initial</i>		<i>Initial</i>	
	No prior criminal convictions above Class C traffic offenses		More than 3 prior misdemeanor convictions above Class C traffic offenses
	1-3 prior misdemeanor convictions above Class C traffic offenses		At least 1 felony conviction within the past 5 years
	1-3 prior misdemeanor convictions above Class C traffic offenses, but none within the past 5 years		At least 1 felony conviction, but not within the past 5 years

My **PROBATION HISTORY** falls within the category or categories indicated below: [INITIAL ALL THAT APPLY]

<i>Initial</i>		<i>Initial</i>	
	I have never been placed on probation.		I have successfully completed probation in the past.
	I am currently on probation.		I have been placed on probation which was revoked.

OTHER CHARGES. I am currently on bond on other criminal charges (circle one): **Yes** or **No**

INTOXICATION OFFENSES ONLY

Further, I do hereby state under oath that, on the date of the offense--- [*Initial all statements that apply to your case*]

<i>Initial</i>		<i>Initial</i>	
	I was 21 years of age or older.		I was under 21 years of age.
	I voluntarily submitted a specimen of my blood.		I voluntarily submitted a specimen of my breath.
	A specimen of my blood was taken pursuant to a blood search warrant.		

Further, I do hereby state under oath that --- [*Answer ALL questions*]

1. Did the offense in this case result in either an injury or accident with property damage? (circle one): **Yes** or **No**
2. Analysis of the specimen of my breath or blood showed an alcohol concentration of _____.
3. The analysis of the specimen of my blood showed the presence of a controlled substance, namely _____.
4. I have _____ previous convictions for intoxication offenses, and _____ are within the preceding five (5) years.
5. My **most recent** conviction for an intoxication offense is as follows:
 - (a) *offense:*
 - (b) *date of offense:*
 - (c) *date of conviction:*
 - (d) *county and state of conviction:*

I HEREBY STIPULATE TO THE WAIVERS, CONFESSIONS, CRIMINAL HISTORY, PROBATION HISTORY, AND ALL OTHER EVIDENCE AND FACTS INDICATED ABOVE:

Defendant

AGREED MOTION FOR LEAVE TO DESTROY EVIDENCE

Comes now the State of Texas, by and through her Criminal District Attorney, pursuant to Texas Code of Criminal Procedure Arts. 18.17, 18.18 and/or Texas Health & Safety Code 481.159, and hereby files this Agreed Motion for Leave to Destroy Evidence in the case or cases before the court pursuant to the State's plea agreement with the defendant.

Leave is requested to dispose of the following evidence, without further notice to the court or the defendant, which may be in the possession of the arresting law enforcement agency, prosecutor's office, or crime laboratory charged with the collection, storage, preservation, analysis or retrieval of said toxicological evidence, but not to include the destruction of any record maintained by any governmental body which is required to be maintained by the Public Information Act of the State of Texas.

	Evidence
	All controlled substances seized, all illegal weapons seized, and all videos made during the investigation and/or prosecution of the offense or offenses which are the subject of this plea agreement
	INTOXICATION OFFENSES--All toxicological evidence, including but not limited to specimens of blood, relevant to the investigation and/or prosecution of the offense or offenses which are the subject of this plea agreement

Respectfully submitted:

Assistant District Attorney, Grayson County Texas

Texas State Bar Number

AGREED:

Defendant

Attorney for Defendant

Texas State Bar Number