

WRITTEN MISDEMEANOR PLEA ADMONISHMENTS
County Court at Law No. 2 of Grayson County, Texas

Defendant's Name: _____

Date: _____

Cause No(s): _____

1. **You are charged with the misdemeanor offense(s) of** _____

2. **If convicted, you face the following range(s) of punishment:** *[If these admonishments apply to multiple cases that will be presented to the court at the same plea hearing, the cause number (CN) of the case to which the range of punishment applies should be noted on the line provided.]*

Class A misdemeanor + repeat offender: Confinement in the county jail not less than 90 days nor longer than one year, and, in addition, a fine may be imposed not to exceed \$4,000
 [CN _____]

Class B misdemeanor + repeat offender: Confinement in the county jail not less than 30 days nor longer than 180 days, and, in addition, a fine may be imposed not to exceed \$2,000
 [CN _____]

Class A misdemeanor: Confinement in the county jail not longer than one year and/or a fine not to exceed \$4,000
 [CN _____]

Class B misdemeanor: Confinement in the county jail not longer than 180 days and/or a fine not to exceed \$2,000
 [CN _____]

Class C misdemeanor: A fine not to exceed \$500
 [CN _____]

DWI/BWI-Second Offense: Confinement in the county jail not less than 30 days nor longer than one year, and, in addition, a fine may be imposed not to exceed \$4,000
 [CN _____]

DWI/BWI-First Offense: Confinement in the county jail not less than 72 hours nor longer than 180 days, and, in addition, a fine may be imposed not to exceed \$2,000
 [CN _____]

DWI-BAC 0.15 or higher: Confinement in the county jail not longer than one year and/or a fine not to exceed \$4,000
 [CN _____]

Other: A term of confinement in the county jail not longer than ____ days and/or a fine not to exceed \$ _____
 [CN _____]

3. **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.

4. **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 trial. You should refer to the copy of the Certification of Defendant's Right to Appeal that you receive from the court clerk.

5. **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.

<i>Initials</i>		<i>Initials</i>	
	I affirm that I am a U.S. citizen.		I affirm that I am NOT a U.S. citizen.

6. 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 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.

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 under §5(c), Article 42.12, Code of Criminal Procedure, you may have the right to petition the Court for an order of nondisclosure under §411.081, Government Code. You should consult with an attorney regarding any rights that you may have under this law.

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. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

Judge Presiding

DEFENDANT’S ACKNOWLEDGMENTS, WAIVER OF RIGHTS, TESTIMONY, AND PLEA OF GUILTY

<i>Initials</i>	Joined by my counsel, or having previously waived counsel, I state under oath that:
	I am the person named in the charging document in this case. I understand the charge against me and the penalty range for the offense. I waive a formal reading of the charging document.
	I understand 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 attorney 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 attorney. I received effective and competent representation.
	I waive and give up all rights given to me by law, whether form, substance or procedure.
	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, beyond a reasonable doubt, that I committed the offense alleged in this case. I 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 document. I give up the right to require the State to meet its 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.
	I swear or affirm that the foregoing and all further testimony I give in this case is true, so help me God.

I further state under oath that 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

I further state under oath that my **probation history** falls within the category 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.

 Defendant’s Signature

SWORN TO AND SUBSCRIBED BEFORE ME by the defendant on the above stated date.

 Deputy Clerk

DEFENSE COUNSEL'S 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 Bar No.

PLEA AGREEMENT AND SENTENCE RECOMMENDATION

Comes now the DEFENDANT and states the following:

I ACCEPT AND AGREE TO THE PLEA RECOMMENDATION that is set forth herein below. I know and fully understand that the Court may not follow the plea agreement and that, if the Court does not follow the plea agreement, I will be allowed to withdraw my plea. I further know and fully understand that, if the punishment pronounced by the Court does not exceed the punishment set forth in the plea agreement, I will not be allowed to appeal the sentence without the permission of the Court, except for matters raised by written motion filed and ruled upon prior to the entry of my plea.

Comes now the STATE OF TEXAS and states the following:

Upon the acceptance and approval by the Court of the defendant's waivers and plea herein, the State approves and consents to the waiver of a trial by jury and does hereby waive its right to trial by jury. *[For multiple offenses, the cause number (CN) of the case to which the recommended sentence applies should be noted on the bracketed line provided.]*

If the defendant pleads guilty, the State recommends the following sentence:

_____ days confinement in the county jail
[CN _____]

\$_____ fine, plus court costs
[CN _____]

standard probation for _____ months
[CN _____]

deferred probation for _____ months
[CN _____]

restitution in the amount of \$_____ as a condition of probation
[CN _____]

_____ days in the county jail as a condition of probation
[CN _____]

Other [Specify]: _____
[CN _____]

Defendant

Attorney for Defendant

Attorney for State

DEFENDANT'S STIPULATION TO EVIDENCE
 (INTOXICATION OFFENSES ONLY)

I am the defendant in this criminal cause and, having waived my constitutional right against self-incrimination and having been duly sworn, upon oath, do judicially confess to the intoxication offense charged against me in the charging document filed in this case and stipulate that the allegations included in the filed charging document are true and correct. I understand that any untrue statement contained herein may be grounds for denial or revocation of probation in this cause.

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

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

Further, I do hereby state under oath that ---

- (1) The analysis of the specimen of my breath or blood showed an alcohol concentration of _____.
- (2) The analysis of the specimen of my blood showed the presence of a controlled substance, namely, _____, in my blood.
- (3) I have _____ previous convictions for intoxication offenses.
- (4) My most recent conviction for an intoxication offense is as follows: *[Identify the offense, date of conviction, and county and state of conviction]* _____

 Defendant's Signature

SUBSCRIBED AND SWORN TO BEFORE ME on _____, 20____.

 Deputy County Clerk