

CAUSE NO. _____

THE STATE OF TEXAS § IN THE COUNTY COURT AT LAW
VS. § IN AND FOR
_____ § SMITH COUNTY, TEXAS

WRITTEN PLEA ADMONISHMENTS

Pursuant to Article 26.13 C.C.P., you are hereby admonished in writing:

- 1. You are charged with the misdemeanor offense of _____.
- 2. If convicted, you face the following range of punishment:
 - _____ **1st DWI:** a fine not to exceed \$2,000; and confinement in jail for a term of not less than 72 hours or more than 180 days;
 - _____ **2nd DWI:** a fine not to exceed \$4,000; and confinement in jail for a term of not less than 15 days or more than one year;
 - _____ **CLASS A:** a fine not to exceed \$4,000; confinement in jail for a term not to exceed one year; or both such fines and imprisonment.
 - _____ **CLASS B:** a fine not to exceed \$2,000; confinement in jail for a term not to exceed 180 days; or both such fine and imprisonment.
 - _____ **CLASS C:** a fine not to exceed \$500.
 - _____ **D.W.L.S.:** a fine of not less than \$100 or more than \$500; and confinement in jail not less than 72 hours or more than six (6) months.
- 3. **PLEA BARGAINS:** If no plea bargain exists, the recommendation of the prosecuting attorney is not binding on the Court. If a plea bargain does exist, the Court will inform you whether it will follow the agreement in open court. Should the Court reject the agreement, you will be permitted to withdraw your plea if you desire.
- 4. **PERMISSION TO APPEAL:** If the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by you and your attorney, the Court must give it's permission to you before you can prosecute an appeal on any matter in the case except for matters raised by written motion filed prior to trial.
- 5. **CITIZENSHIP:** If you are not a citizen of the United States of America, a plea of guilty or nolo contendere for this offense may result in deportation, the exclusion from admission to the country, or the denial of naturalization under federal law.
- 6. **DEFERRED ADJUDICATION:** If the Court defers adjudicating you guilty and places you on probation, on violation of any imposed condition, you may be arrested and detained as provided by the law. You will then be entitled to a hearing limited to the determination by the Court of whether to proceed with an adjudication of guilt on the original charge. No appeal may be taken from this adjudication. After adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation and your right to appeal continue as if adjudication of guilt had not been deferred.

Comes now the Defendant **WITH** attorney and state that I understand the foregoing admonishments from the Court and am aware of the consequences of my plea. I further state that I am mentally competent and that my plea is freely and voluntarily entered. (If counsel is appointed) I give up and waive any right I may have to wait to prepare for trial. I am totally satisfied with representation given to me by my attorney that he/she provided to me by law, whether of form, substance or procedure. Joined by my attorney under Article 1.051 C.C.P., I waive and give up my right to a jury in this case under Article 1.13 C.C.P.. Also joined by my attorney under Article 1.051 C.C.P., I waive and give up the right to appearance, confrontation and cross-examination of the witnesses and I consent to oral and written stipulations of evidence. I further state that I have read the information filed in this case and that I wish to enter my plea of **GUILTY/NO CONTEST**. I swear and or affirm to all of the foregoing and I further swear and or affirm that all testimony I give in the case will be the truth, the whole truth and noting but the truth.

I have read this document in its entirety and understand it fully. The State and Defense counsel further join in all waivers, including jury trial pursuant to Article 1.13 C.C.P.

DEFENDANT

DATE

PROSECUTOR

COUNSEL FOR DEFENDANT

DEPUTY/COURT COORDINATOR/COURT CLERK

DATE

RECOMMENDATION:

_____ Day(s) Year(s) **CONFINEMENT**

_____ Day(s) Year(s) Confinement **PROBATED FOR** _____ Day(s) | Month(s) | Year(s)

_____ Day(s) Month(s) Year(s) **DEFERRED ADJUDICATION**

_____ **B.A.C.** (Blood Alcohol Concentration), if applicable [DWI offenses committed on or after September 1, 2005]

\$ _____ Fine (\$ _____ Probated)

\$ _____ Court Costs

\$ _____ Restitution (if any)

\$ _____ Restitution as a Condition of Probation

_____ Other: _____

**TRIAL COURT'S CERTIFICATION OF THE
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.
- is a plea-bargain case, the 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.
- is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal.
- is a plea-bargain case, and the defendant has NO right of appeal.
- the defendant has waived the right of appeal.

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's 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 of discretionary review.

I approve the Waiver of Right to Counsel, Waiver of Right to Appeal and/or the waiver of jury trial pursuant to Art. 1.13 C.C.P. In addition, the Court finds as a fact that the Defendant is fully competent and that his/her plea is freely and voluntarily entered.

SIGNED this the _____ day of _____, 20_____.

THOMAS A. DUNN, JUDGE
County Court At Law
Smith County, Texas