CAUSE NO _____

STATE OF TEXAS	§	**IN THE COUNTY COURT**
	§	
V.	§	**AT LAW**
	§	
_____	§	**BOSQUE COUNTY, TEXAS**

WAIVER OF JURY TRIAL AND OTHER RIGHTS, ACKNOWLEDGMENTS, AND PLEA

I, the Defendant, in person, and in open court, freely and voluntarily enter my plea and make the waivers, requests, acknowledgments, and stipulations contained in this document and the Disclosure of Plea Agreement and other waivers filed herewith.

I am the person charged in this Information, I am mentally competent, I understand the charge against me. and my true name is correctly alleged in the Information, unless I have submitted a written name correction. I understand I can plead guilty, not guilty or nolo contendere (no contest). I understand the minimum and maximum punishment possible in this case.

Waivers and Plea: I request the Court to receive my plea of _☐_ **GUILTY** _☐_ **NOLO CONTENDERE** herein, and to assess my punishment without a jury. I understand and WAIVE the right to 1) remain silent; 2) confront and cross-examine the State's witnesses; 3) present my own evidence; 4) a recording of this proceeding; 5) a jury trial on any plea I enter; 6) a pre-sentence investigation or risk and needs assessment; and 7) the right to 10 days' preparation if counsel has been appointed. I consent to and persist in any other stipulations and waivers I have approved in writing and filed with the Court.

Plea Agreements: I understand that no plea agreement is binding on the Court, and that if the punishment assessed by the Court does not exceed the punishment recommended by the prosecutor and agreed to by me, I cannot appeal without the Court's permission, except on matters raised by written motion filed and ruled on prior to trial.

Citizenship: _☐_ **I AM** or _☐_ **I AM NOT** a United States citizen.

Military Service: _☐_ **I AM** or _☐_ **I AM NOT** a member of any state military force or serving in the armed forces of the United States in an active-duty status.

Deferred Adjudication: I understand that if the Court defers an adjudication of guilt and places me on community supervision, on violation of any condition I may be arrested and my hearing will be limited to a decision by the Court on whether to proceed with an adjudication of guilt on the original charge. If the Court proceeds to an adjudication of guilt, all proceedings, including assessment of punishment, sentencing, granting of community supervision, and appeal, will continue as if adjudication of guilt had not been deferred. I acknowledge that, upon adjudication of guilt, I can be sentenced to the maximum punishment provided by law for this offense.

Judicial Clemency: If I am requesting community supervision following a conviction in this case, I acknowledge receipt of the written Notice of Judicial Clemency, the original of which I have completed and filed herewith.

I have read this document, it has been explained to me, and I understand the consequences of my plea. I still insist upon my plea indicated above.

Date: _____ _____
Defendant

SUBSCRIBED AND SWORN to by the Defendant before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

_____ _____
Tabatha Ferguson, Bosque County Clerk Deputy Clerk

I have consulted with and advised my client concerning the charges and my client's rights, including the plea entered and its consequences. I believe my client is competent and fully understands the admonishments and the consequences of his/her plea. I approve all waivers, acknowledgments, requests and stipulations made herein.

Date: _____ _____
Attorney for Defendant

APPROVED: _____
Prosecutor

The Court finds that the Defendant 1) is mentally competent, 2) understands the nature of the charge(s), 3) has been duly admonished regarding and understands the consequences of the waivers, requests, and acknowledgments herein, and 4) persists in his/her waivers, requests, and plea. The Court, therefore, approves and accepts the Defendant's written waivers, requests, acknowledgments, and plea made herein.

Date: _____ _____
Presiding Judge

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DISCLOSURE OF PLEA AGREEMENT

_☐_ OPEN plea (no agreement) - Waivers herein will be applicable; **OR**

The State of Texas and the Defendant have entered into the following plea agreement, and acknowledge that this is the entire agreement. This agreement is not binding on the Court. In return for the waiver of the Defendant's rights and the Defendant's plea of GUILTY, NOLO CONTENDERE or TRUE in this cause, the State makes the following recommendations and waivers. Court costs, fees, and any additional mandatory fines will be assessed by the Court in addition to these recommendations.

_☐_ JAIL/FINE

Sentence: _____ Fine: $_____

_____ PROBATION

Sentence: _____ Fine: $_____
Probation Period: _____ Fine to be Paid: $_____

Special Terms:

_____ DEFERRED ADJUDICATION

Supervision Period: _____ Fee: $_____

Special Terms:

WAIVERS

_☐_ Counts/Allegations Waived – No(s): _____

_☐_ Family/Dating Violence Waiver (The State hereby waives the family or dating violence allegation in this cause.)

_☐_ Appeal Waiver (The Defendant will waive the right to appeal, except for matters preserved in that document.)

Additionally, by signing below, the Defendant voluntarily waives the following: 1) objection to the State's summary of evidence and any exhibits offered; 2) the right to confront and cross-examine the State's witnesses; 3) the right to ten days to prepare for trial if defense counsel is appointed; 4) the right to remain silent; and 5) a record of the proceedings.

Date: _____

_____
Defendant

_____
Prosecutor

_____
Attorney for Defendant

_____ Approved _____ Rejected

_____
Presiding Judge

CAUSE NO _____

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ACKNOWLEDGMENT OF RECEIPT OR DISCLOSURE OF DOCUMENTS, ITEMS, AND INFORMATION PROVIDED PURSUANT TO ART. 39.14, TEXAS CODE OF CRIMINAL PROCEDURE

The State of Texas, by and through the Bosque County Attorney, hereby declares to this Court that the documents, items, and information listed in Exhibit A have been provided to Defendant's attorney of record (or to the Defendant if pro se) in the manner required by Art. 39.14, Texas Code of Criminal Procedure

The State of Texas moves this Court to take judicial notice of any notices, disclosures, or lists filed in this cause with the Clerk of the Court and to incorporate those documents into this acknowledgment by reference.

Date: _____ _____

Natalie Koehler
Bosque County Attorney

I, _____, the attorney of record for the Defendant in this cause, acknowledge that I have received and/or viewed the materials listed in Exhibit A. I have also provided the Defendant with all of the information contained in those materials to the extent allowed and required by law.

Date: _____ _____

Attorney for Defendant
SBOT #: _____

I am the Defendant in this cause.

If I am represented by an attorney, I acknowledge that my attorney has provided me with the information contained in the Exhibit A to the extent allowed and required by law.

If I am pro se (representing myself in this matter), I acknowledge that I have received and/or viewed the materials specified above to the extent allowed and required by law. By signing this document, I hereby waive the right to complain about any of the information listed above which I have not reviewed.

Date: _____ _____

Defendant

CAUSE NO _____

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	§	
_____	§	**BOSQUE COUNTY, TEXAS**
SID: _____		

JUDGMENT AND SENTENCE
TRN: _____

The Defendant, charged with the offense of _____, as alleged in the Information herein, appeared this date in person and with counsel (or voluntarily waived counsel) and the State appeared by the Bosque County Attorney. All parties announced ready for trial. A jury and a record were waived by all parties. Defendant waived the appearance of the State's witnesses and all rights to confrontation and cross-examination of the same. Defendant consented to the State's introduction of testimony by summary and other documentary evidence. The Defendant was arraigned of the charges and pleaded _☐_ **GUILTY** or _☐_ **NOLO CONTENDERE**. Trial proceeded before the Court.

Considering Defendant's plea and all evidence, the Court finds the Defendant **GUILTY** of the offense charged in the Information.

_____ The Court finds the Defendant committed family or dating violence in this case. **Notice to Defendant: It is unlawful for you to possess or transfer a firearm or ammunition.**

Having found the Defendant GUILTY of the above offense, the Court subsequently proceeded to sentencing. Defendant had nothing to say why sentence should not be pronounced and it is therefore **ORDERED**, **ADJUDGED**, and **DECREED** that the Court pronounce the sentence as follows: said Defendant shall be confined in the Bosque County Jail for a period of _____, pay a Penal Code fine of $_____, pay Additional Fines totaling $_____ (as outlined in Exhibit A), pay Reimbursement Fees totaling $_____ (as outlined in Exhibit A), and pay State and Local Consolidated Court Costs totaling **$270**. The State of Texas shall have and recover of the said Defendant all fines, fees, and costs assessed in this cause, for which let execution issue. It is **ORDERED** that the Defendant be committed to the Sheriff of Bosque County, Texas, to be confined in jail until said term of imprisonment has expired and all such costs and fines are satisfied, in accordance with the provisions of this order and in the manner prescribed by the laws of the State of Texas. Defendant shall receive credit for time already served in jail in this cause. The Court further **ORDERS** Defendant's driver's license be SUSPENDED for _____ days, effective immediately. □ If checked, this suspension is made in the interest of public safety. Defendant is **ORDERED** to pay _____ in restitution, in accordance with the Restitution Order filed herewith.

[To be completed by Court] Any obligation to pay the fines, fees, and costs will be satisfied as follows; the Court finds:

_____ Defendant is unable to pay and is ORDERED to be confined in the Bosque County Jail at the rate of $100 per day until said fines, fees, costs are discharged. This confinement shall be credited concurrently with the jail sentence and Defendant shall be given credit for any time served in connection with this case;

_____ Defendant is capable of paying, and is ORDERED to pay all costs, fines, and fees immediately; or

_____ Defendant is capable of paying and is ORDERED to pay all costs, fines, and fees in accordance with the Extension for Payment Agreement filed herewith.

_____ Unless a specimen has previously been submitted, the Defendant is ordered to provide a DNA specimen to the Bosque County Sheriff pursuant to Subchapter G, Chapter 411, Government Code.

SIGNED and ENTERED on: _____

_____
Presiding Judge

Right Thumbprint:

EXHIBIT A

ADDITIONAL FINES

❑	Drug and Controlled Substances Act Conviction Fine - Tex. Code Crim. Proc. art 102.0179	$100
❑	EMS, Trauma Facilities, and Trauma Care Fine - Tex. Code Crim. Proc. art 102.0185	$100
❑	State DWI Traffic Fine – Tex. Transp. Code § 709.001(b)(1)	$3,000
❑	State DWI Traffic Fine – Tex. Transp. Code § 709.001(b)(2)	$4,500
❑	State DWI Traffic Fine – Tex. Transp. Code § 709.001(b)(3)	$6,000
❑	Juvenile Delinquency Prevention Fine - Tex. Code Crim. Proc. art 102.0171(a)	$50
	TOTAL	**$_____**

REIMBURSEMENT FEES

❑	Attorney Reimbursement Fee - Tex. Code Crim. Proc. art 26.05	$_____
❑	Notice to Appear Reimbursement Fee – Tex. Code Crim. Proc. art102.011(a)(1)	$5
❑	Warrant Reimbursement Fee - Tex. Code Crim. Proc. art 102.011(a)(2), (e)	$_____
❑	Summon Witness Reimbursement Fee - Tex. Code Crim. Proc. art 102.011(a)(3)	$5
❑	Take and Approve Bond Reimbursement Fee - Tex. Code Crim. Proc. art 102.011(a)(5)	$10
❑	Commitment/Release Fee - Tex. Code Crim. Proc. art 102.011(a)(6)	$5
❑	Peace Officer Mileage Reimbursement Fee ($0.29/mi.) - Tex. Code Crim. Proc. art 102.011(b)	$_____
❑	Overtime Pay for Officer Testimony Reimbursement Fee - Tex. Code Crim. Proc. art 102.011(i)	$_____
❑	Visual Recording Reimbursement Fee - Tex. Code Crim. Proc. art 102.018(a)	$15
❑	Time Payment Reimbursement Fee - Tex. Code Crim. Proc. art 102.030	$15
❑	OTHER	
	_____	$_____
	TOTAL	**$_____**

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WAIVER OF APPEAL

I, the Defendant in the above styled and numbered cause, after consultation with my attorney (if applicable), in open Court, being fully aware of the sentence pronounced against me by the Court, state as follows:

1. I understand I have the right to file a motion for new trial and an amended motion for new trial within thirty (30) days of the entry of a Judgment and Sentence, Order Granting Probation, Order Revoking Probation or other appealable order of this Court;
2. I understand I have the right to request the Court's permission to appeal if the punishment assessed against me did not exceed the recommendation of the State contained in the Disclosure of Plea Agreement, if any, and I have the right to appeal matters raised by written motion and presented to and ruled upon by the Court prior to my trial;
3. I understand I have the right to give notice of appeal and to appeal from the Judgment, Sentence or other appealable order of this Court, unless prohibited by law from doing so;
4. I understand that, if I appeal and if I am indigent, I have the right to a free record and transcript, and I have the further right to court-appointed counsel to prosecute my appeal.

Knowing these rights, I expressly **WAIVE ALL RIGHTS TO APPEAL**, and I further **WAIVE** the following:

1. The right to file a motion for new trial or an amended motion for new trial;
2. The right to request permission from the trial Court to appeal;
3. The right to appeal matters raised by written motion and ruled upon prior to trial (unless reserved below);
4. The right to give notice of appeal or the right to appeal any Judgment, Sentence or other appealable order of this Court, (unless reserved below); and
5. The right on appeal to a free record, a free transcript and a court-appointed attorney, if I am indigent.

_____ I hereby reserve and **DO NOT WAIVE** all my rights to appeal the following matter(s) raised by written motion and ruled upon by the trial Court prior to trial: _____

Date: _____

_____
Defendant

I have consulted with my client and have advised him of all his/her rights on appeal. I believe my client fully understands the admonishments and is aware of the consequences of this waiver. I approve this waiver of appeal.

Date: _____

_____
Attorney for Defendant

It appears to the Court that the Defendant has been duly admonished regarding and understands the consequences of this waiver of appeal, and the Court, therefore, approves and accepts the Defendant's written waiver of appeal.

Date: _____

_____
Presiding Judge

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TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT TO APPEAL

I, Judge of the Bosque County Court at Law, certify this criminal case:

_____ is not a plea-bargain case, and the Defendant has the right of appeal;

_____ 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;

_____ 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; (or)

_____ the Defendant has waived the right of appeal.

Date: _____

_____
Presiding Judge

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 appeal'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 Criminal 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
Printed name: _____
State Bar Number: _____

Texas Rule of Appellate Procedure 25.2 (a) (2) states: "A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case – that is, a case in which a defendant's plea was guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the Defendant – a defendant may appeal only: (a) those matters that were raised by written motion filed and ruled on before trial, or (b) after getting the trial court's permission to appeal."