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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_____	**§**	**BOSQUE COUNTY, TEXAS**

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 _____

STATE OF TEXAS	§	**IN THE COUNTY COURT**
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	§	
_____	§	**BOSQUE COUNTY, TEXAS**

APPLICATION FOR COMMUNITY SUPERVISION

The Defendant hereby requests community supervision and states the following in support thereof:

PRIOR CONVICTIONS (including probation)
Before this date, _☐_ I have been OR _☐_ I have never been convicted of a felony or a misdemeanor with a punishment range which includes imprisonment, in the State of Texas, or in any other State, or in a Court of the United States of America;

PRIOR ADULT PROBATION (including deferred adjudication and pre-trial diversion)
Before this date, _☐_ I have been OR _☐_ I have never been granted community supervision (probation), deferred adjudication community supervision, or supervised or formal pretrial diversion in the State of Texas, or in any other State, or in a Court of the United States of America.

ADULT CRIMINAL HISTORY

Date	Offense	Punishment	Probation Information	
			Regular/Deferred	Successful?

I further acknowledge and understand that, if I am placed on deferred adjudication community supervision in this case, upon my discharge from community supervision and dismissal under Article 42A.111, Texas Code of Criminal Procedure, I may have the right to receive or to petition the Court for an Order of Non-Disclosure of criminal history information under subsection (e) thereof.

Date: _____ _____
Defendant

Approved: _____
Attorney for Defendant

THE STATE OF TEXAS §
COUNTY OF BOSQUE §

On this date the Defendant personally appeared and stated on his/her oath that this Application for Community Supervision is complete, true, and correct. The Defendant understands and acknowledges that, if any statement herein is not true, he/she may be subject to additional criminal charges and the Court may deny this Application.

Date: _____ _____
Presiding Judge

CAUSE NO _____

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

ORDER DEFERRING ADJUDICATION

TRN: _____

The Defendant, charged with the misdemeanor offense of _____, as alleged in the Information herein, appeared in person and with counsel (if applicable) and the State appeared by the Bosque County Attorney. All parties announced ready for trial. The Defendant made an application for community supervision, was arraigned in open court on the charges contained in the Information, and pleaded _____ **GUILTY** or _____ **NOLO CONTENDERE**. A jury and a record were waived by all parties, and trial proceeded before the Court. Considering Defendant's plea and all evidence submitted, the Court finds that such evidence substantiates the Defendant's guilt, and that the best interest of society and the Defendant will be served by deferring further proceedings without entering an adjudication of guilt, and placing the Defendant on community supervision.

IT IS THEREFORE ORDERED by the Court that the proceedings be and are hereby deferred without an adjudication of guilt and the Defendant is released on his/her own recognizance under supervision of the Court through the Bosque County Community Supervision Department ("the Department") for a period of _____. Said release is subject to the following terms and conditions of community supervision, beginning on the date of the signing of this Order and ending upon Defendant's discharge from community supervision or on the date this order is amended or revoked by the Court. **The filing of a motion to adjudicate guilt does not terminate or suspend the requirements of this order!** Defendant is ORDERED to comply with sections 1 through 19 as follows.

The Defendant shall:

1. Commit no offense against the laws of the State of Texas, any other state, or the United States;
2. Obey all orders of this Court and all rules and directions of the Department;
3. Avoid injurious or vicious habits;
4. Avoid the unlawful use of drugs, narcotics or any other controlled substance;
5. Avoid persons and places of disreputable or harmful character;
6. Support his/her dependents;
7. Report to the Department immediately to schedule an initial intake interview;
8. Report to the Department on a monthly basis, no later than the 15th day of each month, during the period of community supervision, unless otherwise directed by the Department;
9. Permit the Department to visit him/her at home, work, or elsewhere;
10. Work faithfully at suitable employment and notify the Department as soon as possible, but not later than 72 hours, after any unexpected change in employment status;
11. Remain within the limits of _____ County, Texas and do not leave that County without permission from the Department;
12. Keep the Department advised of all contact information, including address and telephone number;
13. Complete _____ hours of community service at the direction of the Department;
14. Pay State and Local Consolidated Court Costs totaling $270 within 30 days from the date of this order:
15. Pay a Deferred Adjudication Fee of $_____ in monthly installments, as directed by the Department;
16. Pay the following Additional Fines in monthly installments, as directed by the Department:
    - _____ a. Juvenile Delinquency Prevention Fine of $50 (Tex. Code Crim. Proc. art 102.0171(a));
    - _____ b. EMS, Trauma Facilities, and Trauma Care Fine of $100 (Tex. Code Crim. Proc. art 102.0185);
17. Pay the following Reimbursement Fees, as directed by the Department:
    - _____ a. Community Supervision Reimbursement Fee totaling $_____, at the rate of $60 per month for the period of community supervision (Tex. Code Crim. Proc. art 42A.652(a));
    - _____ b. Attorney Reimbursement Fee of $_____ (Tex. Code Crim. Proc. art 42A.301(b)(11));

_____ c. Notice to Appear Reimbursement Fee of $5 (Tex. Code Crim. Proc. art 102.011(a)(1));
_____ d. Warrant Reimbursement Fee totaling $_____ (Tex. Code Crim. Proc. art 102.011(a)(2), (e));
_____ e. Take and Approve Bond Fee of $10 (Tex. Code Crim. Proc. art 102.011(a)(5));
_____ f. Commitment/Release Reimbursement Fee of $5 (Tex. Code Crim. Proc. art 102.011(a)(6));
_____ g. Peace Officer Mileage Reimbursement Fee totaling $_____ (Tex. Code Crim. Proc. art 102.011(b));
_____ h. Visual Recording Reimbursement Fee of $15 (Tex. Code Crim. Proc. art 102.018(a));
_____ i. Time Payment Reimbursement Fee of $15 (Tex. Code Crim. Proc. art 102.030);
_____ j. OTHER: _____;

18. Submit to Urinalysis at any date and time set by the Department and pay a $20.00 fee each month for the cost of this testing; and
19. Comply with all of the following conditions that are selected:

_____ a. Pay _____ in accordance with the Restitution Order signed in this case;
_____ b. Avoid any association or contact with the following person(s) and/or remain away from the following premises: _____;
_____ c. Successfully complete and pay the fee for Batterers Intervention and Protection Program (BIPP), under the direction and supervision of the Department;
_____ d. Participate in the Taking Action & Responsibility for Success (TARS) Program as directed by the Court or Department.
_____ e. Completely avoid the consumption of alcohol;
_____ f. Attend _____ **Alcoholics Anonymous**/_____ **Narcotics Anonymous** meetings at least _____ times per month for the duration of community supervision and provide verification of attendance to the Department;
_____ g. Enroll in, pay the fee for, and attend the following program(s) approved by the Department, and provide proof of attendance to the Department within 180 days:
_____ 1. DWI education program;
_____ 2. DWI repeat offender education program;
_____ 3. DWI Victim Impact Panel program;
_____ 4. Drug offender education program;
_____ h. Install a camera ready ignition interlock device on Defendant's primary vehicle, and not operate a motor vehicle in a public place which is not so equipped for the full probation term;
_____ i. Unless a specimen has previously been submitted, provide a DNA specimen to the Bosque County Sheriff pursuant to Subchapter G, Chapter 411, Government Code;
_____ j. Additional Terms:

_____

_____

Date: _____

_____
Presiding Judge

I am the Defendant in the above-numbered cause. I hereby acknowledge that I understand the conditions of community supervision and further understand that the Court may, at any time during the period of community supervision, alter or modify these conditions. I also understand that the Court has authority to revoke my community supervision for violation of any of the conditions listed above. A copy of this Order was provided to me today.

Date: _____

_____
Defendant

Thumbprint:

Mailing Address:

_____

_____

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SID: _____		

ORDER DEFERRING ADJUDICATION

TRN: _____

The Defendant, charged with the misdemeanor offense of _____, as alleged in the Information herein, appeared in person and with counsel (if applicable) and the State appeared by the Bosque County Attorney. All parties announced ready for trial. The Defendant made an application for community supervision, was arraigned in open court on the charges contained in the Information, and pleaded _____ **GUILTY** or _____ **NOLO CONTENDERE**. A jury and a record were waived by all parties, and trial proceeded before the Court. Considering Defendant's plea and all evidence submitted, the Court finds that such evidence substantiates the Defendant's guilt, and that the best interest of society and the Defendant will be served by deferring further proceedings without entering an adjudication of guilt, and placing the Defendant on community supervision.

IT IS THEREFORE ORDERED by the Court that the proceedings be and are hereby deferred without an adjudication of guilt and the Defendant is released on his/her own recognizance under supervision of the Court for a period of 90 days. Said release is subject to the following terms and conditions of community supervision, beginning on the date of the signing of this Order and ending upon Defendant's discharge from community supervision or on the date this order is amended or revoked by the Court. **The filing of a motion to adjudicate guilt does not terminate or suspend the requirements of this order!** Defendant is ORDERED to comply with sections 1 through 5 as follows.

The Defendant shall:

1. Commit no offense against the laws of the State of Texas, any other state, or the United States;
2. Obey all orders of this Court;
3. Pay a Deferred Adjudication Fee of $_____;
4. Pay State and Local Consolidated Court Costs in the amount of $270:
5. Pay the following Reimbursement Fees:
   - _____ a. Attorney Reimbursement Fee of $_____ (Tex. Code Crim. Proc. art 42A.301(b)(11));
   - _____ b. Notice to Appear Reimbursement Fee of $5 (Tex. Code Crim. Proc. art 102.011(a)(1));
   - _____ c. Take and Approve Bond Fee of $10 (Tex. Code Crim. Proc. art 102.011(a)(5));
   - _____ d. Commitment/Release Reimbursement Fee of $5 (Tex. Code Crim. Proc. art 102.011(a)(6));
   - _____ e. OTHER: _____;
6. Pay _____ in accordance with the Restitution Order signed in this case.

Date: _____

_____
Presiding Judge

I am the Defendant in the above-numbered cause. I hereby acknowledge that I understand the conditions of community supervision and further understand that the Court may, at any time during the period of community supervision, alter or modify these conditions. I also understand that the Court has authority to revoke my community supervision for violation of any of the conditions listed above. A copy of this Order was provided to me today.

Date: _____

_____
Defendant

Thumbprint:

Mailing Address:

_____

_____

(Revised 12-22)

CAUSE NO _____

STATE OF TEXAS	**§**	**IN THE COUNTY COURT**
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	§	
_____	**§**	**BOSQUE COUNTY, TEXAS**

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

CAUSE NO _____

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_____	**§**	**BOSQUE COUNTY, TEXAS**

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."