INSTRUCTIONS FOR AUXILIARY PLEA FORMS

These forms should be used in conjunction with the misdemeanor plea packets that are approved by the Bosque County Court at Law. The following table is a quick guide to show the situations when these forms need to be submitted. If the situation applies to your client, please have the form prepared and ready to submit with your plea paperwork.

FORM	SITUATION
Acknowledgment of Non-U.S. Citizen Defendant	Defendant is not a U.S. citizen
Admonishment on Ineligibility to Possess Firearm or Ammunition	The Court has made a finding that Defendant committed family/household/dating violence
Certificate of Defendant's Military Service	Defendant is pleading to an offense in Chapter 20, 21, or 22 of Texas Penal Code
Motion and Order for Restitution	The State is seeking restitution
Motion to Release Funds Deposited for Cash Bail Bond	Defendant was released from custody on a cash bond AND the case has been resolved
Notice of Incorrect Name	Defendant's name is wrong on the charging instrument
Order Waiving State DWI Traffic Fine	Defendant is requesting a waiver of the fine in § 709.001 of the Transportation Code
Waiver of Counsel	This will be provided by the Court, if needed

CAUSE NO _____

STATE OF TEXAS	**§**	**IN THE COUNTY COURT**
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ACKNOWLEDGMENT OF NON-U.S. CITIZEN DEFENDANT

(Plea of Guilty or Nolo Contendere)

DEFENDANT

I, the Defendant, in person, and in open court, understand that**, if I am not a citizen of the United States, my plea of guilty or nolo contendere ("no contest") may result in my deportation, exclusion of admission to this country, or denial of naturalization under federal law, and I may be denied other benefits and privileges which may have been available to me otherwise, and I have conferred with my attorney about all possible consequences of my plea. 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.**

Date: _____ _____

Defendant

ATTORNEY FOR DEFENDANT

I have consulted with and advised my client concerning the charge(s) and my client's rights and consequences under federal law relating to his/her immigration status. I have researched and investigated federal immigration standards as they pertain to the charge(s) in this cause and have explained them carefully to my client.

CHECK ONE:

_☐_ Mandatory: I have concluded that federal law and standards are clear and I have advised my client that deportation, exclusion of admission to this country, or denial of naturalization is mandatory.

_☐_ Possible: I have concluded that federal law and standards are unclear and I have advised my client that deportation, exclusion of admission to this country, or denial of naturalization is possible.

CHECK IF APPLICABLE:

_☐_ **Independent Immigration Counsel:** I am aware that my client is represented by other legal counsel regarding his/her immigration status, and I have consulted with that attorney prior to advising my client as indicated above.

Date: _____ _____

Attorney for Defendant

I certify that I have admonished the Defendant as required by Chapter 26.13(a)(4), Texas Code of Criminal Procedure, and I have confirmed that the attorney for Defendant has fully advised the Defendant of the immigration consequences of the plea entered in this cause. I find that the Defendant persists in his/her plea herein and that such plea is voluntary.

Date: _____ _____

Presiding Judge

CAUSE NO _____

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

ADMONISHMENT ON INELIGIBILITY TO POSSESS FIREARM OR AMMUNITION

In accordance with 1 Texas Administrative Code §176.1, the Court hereby admonishes you of the following:

You are, by entry of the judgment in this case, ineligible to possess a firearm or ammunition. Beginning now, if you possess a firearm or ammunition it could lead to criminal charges brought against you. If you have questions about how long you will be ineligible to possess a firearm or ammunition, you should consult an attorney.

Under Texas Penal Code §46.01(3), "firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. "Firearm" does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by Penal Code Chapter 46 and that is an antique or curio firearm manufactured before 1899 or a replica of an antique or curio firearm manufactured before 1899 but only if the replica does not use rim fire or center fire ammunition.

For more information about the laws that make you ineligible to possess a firearm or ammunition, or for more information on how long your ineligibility to possess a firearm or ammunition lasts, the Court recommends you contact an attorney.

I acknowledge that I have read and understand the statements contained above. Knowing this information, I still desire to proceed with my plea in this case.

Signed and acknowledged on _____,

_____ _____

Defendant Signature Defense Counsel Signature

_____ _____

Defendant Printed Name Defense Counsel Printed Name and SBN#

I certify that Defendant has been admonished regarding the information contained above.

Signed on _____.

_____

LUKE GIESECKE, JUDGE
BOSQUE COUNTY COURT AT LAW

CAUSE NO _____

STATE OF TEXAS	**§**	**IN THE COUNTY COURT**
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CERTIFICATE OF DEFENDANT'S MILITARY SERVICE

Submit in every case involving Chapters 20-22, Texas Penal Code

I, the Defendant in this case, certify to the Court that I:

_☐_ **AM**/_☐_ **AM NOT** a member of a state military force or serving in the armed forces of the United States in an active duty status.

Complete if applicable:

My branch of state military service or U.S. military service is _____

My rank is: _____

The last three digits of my 1) military ID #: _____; 2) DL # (include State): _____; 3) SSN: _____

I am stationed at or assigned to the following military installation: _____

My complete base mailing address is: _____

_____

The base Provost Marshall is: _____

The Staff Judge Advocate at Joint Force Headquarters is: _____

The Joint Force Headquarters complete address is: _____

_____

Date: _____

_____
Defendant

Approved:

_____
Attorney for Defendant

Received and Approved:

Date: _____

_____
Presiding Judge

CAUSE NO _____

STATE OF TEXAS	**§**	**IN THE COUNTY COURT**
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MOTION TO ORDER RESTITUTION

The State of Texas, through the Bosque County Attorney, respectfully moves the Court to order the Defendant to make restitution to the victim identified below. Movant further confirms that the amount of restitution requested has been verified and that the appropriate payee and address have been provided.

Restitution amount (total due): $_____

Victim (full name): _____

Full Address: _____

Telephone: _____

Date: _____ _____

County Attorney

ORDER FOR RESTITUTION

It is ORDERED that the Defendant shall make restitution in this cause to the above victim in the following manner:

_____ A lump-sum payment in the **FULL AMOUNT** to the Bosque County Clerk;

_____ As a condition of probation, monthly payments to the Bosque County Community Supervision Department ("Department") until paid in full (The Court directs that the Department shall give priority to restitution ordered herein over all fees, fines and costs the Defendant is ordered to pay, other than fees for specific programs the Defendant has been required to complete.); OR

_____ With the consent of the above victim, perform the following services in lieu of a monetary payment:
_____
_____

_____ **Code of Criminal Procedure, Article 42.22 § 3(b)**

The Court finds that the Defendant has legal ownership of the following "motor vehicle," as that term is defined by the Texas Transportation Code § 501.002(17): _____

The Court **ORDERS** that the Defendant submit proof of current legal ownership of said motor vehicle and the title, if applicable, to the Bosque County Clerk within ten (10) business days of the signing of this order.

Date: _____ _____

Presiding Judge

CAUSE NO _____

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

MOTION TO RELEASE FUNDS DEPOSITED FOR CASH BAIL BOND

COMES NOW _____, and makes the following statement and request:

1. On _____, (date of offense) _____ (name of defendant) was charged with the crime of _____ and bond was set at $_____.
2. I am:
   - ☐ the Defendant in the above and entitled cause. No other person can present a receipt for the posting of said cash bail bond; **OR**
   - ☐ the person who deposited the cash bail bond for the above-named Defendant as shown on the receipt records of the Bosque County Sheriff and/or County Clerk.
3. I am entitled to:
   a. Request the application of those cash funds to be paid towards the outstanding court costs, fines and fees in the amount of $_____, for the above-mentioned case,
   b. Receive the funds so deposited because on _____:
      - ☐ A Final Judgment was entered in the above entitled and numbered cause; **OR**
      - ☐ The County Attorney declared no prosecution of the above listed charge would be pursued.
4. No Motion for New Trial or Notice of Appeal has been filed and all matters have been concluded in this matter.

Therefore, I request this Court to order the Bosque County Clerk to release the funds previously deposited as a Cash Bail Bond in this case to _____, less any statutory registry fee (Loc. Gov't Code § 117.055) if applicable.

Respectfully submitted,

_____	_____
SIGNATURE	**PHONE**
_____	_____
ADDRESS	**DATE**

ORDER

On this day, the Court considered the above Motion to Release Funds Deposited for Cash Bail Bond and hereby finds said motion should be **GRANTED.** The County Clerk is hereby ordered to release said funds to _____, less any statutory registry fee.

Signed this _____ day of _____, 20____.

_____
JUDGE PRESIDING

CAUSE NO _____

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

NOTICE OF INCORRECT NAME

I am charged under the name of _____

My correct name is: _____ _____ _____
First Middle Last

My date of birth is: _____ _____ _____
Month Day Year

The last 3 digits of my driver's license number are: _____ Issuing State: _____

Date: _____ _____
Defendant

ORDER CORRECTING DEFENDANT'S NAME

The above styled and numbered cause came before the Court this date, and the Defendant, Defendant's attorney (unless counsel was waived), and the State's attorney, were all present. The Court proceeded to arraign the Defendant, and the Defendant suggested to the Court that he/she is not charged in this cause by his/her true name, but that his/her true name is as set out above. The Court finds that the Defendant's true name is as corrected above, and ORDERS that the Information in this cause be corrected by the clerk by inserting therein the true name of the Defendant, that the style of this case be amended to reflect the Defendant's correct name, and that this cause proceed as if the correct name of the Defendant had been first recited in said information.

Date: _____ _____
Presiding Judge

CAUSE NO _____

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

ORDER WAIVING STATE DWI TRAFFIC FINE

On _____, the Court convicted the above-named Defendant of an offense subject to a State DWI Traffic Fine under Tex. Transp. Code § 709.001. The Defendant has provided evidence to the Court establishing indigence as follows:

- ❑ a copy of Defendant's most recent federal income tax return reflecting personal or household income that does not exceed 125 percent of the applicable income level established by federal poverty guidelines;
- ❑ a copy of Defendant's most recent wage statement reflecting personal or household income that does not exceed 125 percent of the applicable income level established by federal poverty guidelines;
- ❑ federal agency, state agency, or school district documentation indicating that Defendant (or the taxpayer claiming Defendant as a "dependent," as defined by Section 152, Internal Revenue Code of 1986) receives assistance from:
  - ❑ the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;
  - ❑ the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. § 1786;
  - ❑ the medical assistance program under TEX. HUM. RES. CODE Ch. 32;
  - ❑ the child health plan program under TEX. HEALTH & SAFETY CODE Ch. 62; or
  - ❑ the national free or reduced-price lunch program established under 42 U.S.C. § 1751 et seq.

Therefore, the Court **FINDS** that Defendant is indigent pursuant to Tex. Transp. Code § 709.001(c). As such, the Court **ORDERS** that all State DWI Traffic Fines that would have otherwise been assessed under Tex. Transp. Code § 709.001 are hereby **WAIVED**.

DATE: _____

_____
PRESIDING JUDGE

CAUSE NO _____

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

WAIVER OF COUNSEL

NOW COMES the Defendant in the above styled and numbered cause and makes known to the Court that he/she wishes to waive the right to counsel and represent himself/herself in this cause in all respects, and states as follows:

1. I understand that I am charged with the misdemeanor offense of _____ in the County Court at Law of Bosque County, Texas;
2. I understand that I have a right to be represented by an attorney;
3. I understand that I also have a right to represent myself
4. I understand that if the Court finds me to be indigent (too poor to hire an attorney), the Court will appoint an attorney to represent me;
5. The Court has explained to me the dangers and disadvantages of representing myself;
6. I understand I may withdraw this waiver at any time during the proceedings but, if I do so, I do not have the right to a hearing on any matter which has been heard by the Court before withdrawal of this waiver;
7. I understand that I have the right to have these proceedings recorded by a court reporter.

Knowing this, **I EXPRESSLY WAIVE MY RIGHT TO COUNSEL AND MY RIGHT TO HAVE THIS PROCEEDING RECORDED BY A COURT REPORTER. I AM HEREBY INVOKING MY RIGHT TO SELF-REPRESENTATION**

Date: _____ _____

Defendant

On this date the Court heard the Defendant's Waiver of Counsel. The Court held a hearing to assure the Defendant understands the consequences of such a decision. The forgoing Waiver of Counsel was subscribed and sworn to in open Court by the Defendant.

The Court finds that the Defendant understands the offense with which he/she is charged and further understands his/her right to counsel, and that the Defendant wishes to waive the right to counsel.

It is, therefore ADJUDGED that the Defendant has voluntarily and knowingly waived the right to counsel.

Date: _____ _____

Presiding Judge