

THE STATE OF TEXAS
VS.

IN THE COUNTY COURT
AT LAW # _____
BEXAR COUNTY, TEXAS

DEFENDANT'S WAIVER OF CONSTITUTIONAL RIGHTS
AND COURT'S ADMONITIONS

I, _____, THE DEFENDANT, BEING PRESENT IN COURT IN PERSON, HEREBY WAIVE THE READING OF THE INFORMATION IN THE ABOVE NUMBERED AND STYLED CAUSE.

I UNDERSTAND THAT I AM CHARGED WITH THE OFFENSE OF: _____

I HEREBY ENTER A PLEA OF _____ TO THIS CHARGE.

I AM INFORMED BY THE COURT AS FOLLOWS:

1. I understand the range of punishment for this offense is (Check one):

- DWI 1st - \$0 to \$2000 fine and 72 hours to 180 days in jail
- DWI 1st (With B.A.C. of 0.15 or more) - \$0 to \$4000 fine and 0 days to one year jail
- DWI 2nd - \$0 to \$4000 fine and 30 days to one year in jail
- DWI Open Container- \$0 to \$2000 fine and 6 days to 180 days jail
- DWLI - \$100 to \$500 fine and 72 hours to 180 days in jail
- Class A - \$0 to \$4000 fine and 0 days to one year jail
- Class B - \$0 to \$2000 fine and 0 days to 180 days jail
- Class C - \$0 to \$500 fine
- Other _____

2. I understand I have a right to a jury trial, a right to cross-examination of witnesses, and a right to remain silent. I freely and voluntarily waive (give up) those rights;

3. I am now mentally competent. My plea is entered without any consideration of fear. I have not been threatened or coerced into making my plea; I am pleading freely and voluntarily;

4. If I am entering a plea of GUILTY to this charge it is because I am guilty and for no other reason;

5. If my plea is one of NOLO CONTENDERE, it is because I have considered all aspects of my legal situation, discussed them with my attorney, and determined that the entry of such plea is in my own best interest;

6. I understand the punishment recommendation of the prosecuting attorney is not binding on the Court. The Court may accept or reject any plea agreement made by me and the State. I understand if the Court rejects the plea agreement, I shall be permitted to withdraw my plea and no statement received during such plea hearing may be admitted against me on the issue of guilt or punishment in any subsequent criminal proceeding;

7. I understand if the punishment assessed by the Court does not exceed the plea bargain, the Court must give me permission in order to appeal any non-jurisdictional defect or error that occurred prior to entry of plea, unless the appeal relates to matters raised by written motions filed by me or my attorney prior to trial and ruled upon by the Court;

8. If I am not a citizen of the United States of America, I understand a plea of guilty or nolo contendere for the offense charged may result in deportation, exclusion from admission to this country, or denial of naturalization under federal law. I have discussed this with my attorney, been made aware of these potential consequences, and am knowingly entering into a plea to this type of offense;

(OVER)

9. If I am convicted of a misdemeanor offense involving violence where I am or was a spouse, intimate partner, parent, or guardian of the victim and am or was involved in another similar relationship with the victim, it may be unlawful for me 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) or section 46.04(b), Texas Penal Code. If I have any questions about whether those laws make it illegal for me to possess or purchase a firearm, I will consult with my attorney.
10. If an application for deferred adjudication is granted, upon motion for adjudication of guilt, if any, I may be arrested and detained. I will be entitled to a hearing limited to the determination by the court of whether it proceeds with an adjudication of guilt on the original charge. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of community supervision, and my appeal continue as if the adjudication of guilt had not been deferred;
11. If my application for deferred adjudication is granted, I understand that upon successful completion, I have the right to petition the court for an Order of nondisclosure under Subchapter E-1, Chapter 411, Texas Government Code, unless I am ineligible to pursue this right due to another statutory reason.
12. If I am convicted of an offense now or at a later time, I understand that I may have the right to petition the court for an Order of nondisclosure under Subchapter E-1, Chapter 411, Texas Government Code, unless I am ineligible to pursue this right due to another statutory reason.
13. If I am charged with an offense under Chapter 49 of the Texas Penal Code, any toxicological evidence collected pursuant to an investigation or a prosecution will be retained for the duration of my sentence or community supervision. Knowing of this retention period, I hereby waive the retention of any toxicological evidence collected pursuant to an investigation or a prosecution of this case for longer than six months.
14. I am waiving the right to have a risk and needs assessment performed prior to sentencing under Article 42A.301, Texas Code of Criminal Procedure and elect to have the Court proceed with sentencing at this time.

I HAVE READ, OR HAVE HAD READ TO ME, THE ADMONITIONS AND STATEMENTS CONTAINED IN THIS DOCUMENT AND AM AWARE OF THE CONSEQUENCES OF MY PLEA OF GUILTY/NOLO CONTENDERE;

DATE: _____ DEFENDANT'S SIGNATURE: _____

I certify that I am the attorney of record for above defendant. I waive the 10 days allowed by statute to prepare and elect to proceed today. I have counseled with the defendant and have concluded that the defendant has a rational and factual understanding of both the charge pending and this proceeding. Additionally, I have fully explained this waiver to my client and I am satisfied that in each instance the defendant has voluntarily relinquished a known right and is aware of the consequences of this plea. I join in the defendant's waiver of the right of trial by jury.

DATE: _____

ATTORNEY FOR THE DEFENDANT

The application to waive the jury is approved and my consent is hereby given and entered of record. The court, having considered the foregoing plea of the defendant, it appears to the court that the defendant is mentally competent. The court having duly admonished the defendant of the consequences of his plea, accepts the defendant's plea, jury waiver, and plea bargain filed and entered upon the minutes of this court.

SIGNED AND ENTERED THIS _____ DAY OF _____, 20 _____.

JUDGE PRESIDING