

CAUSE No. \_\_\_\_\_

STATE OF TEXAS

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§

COUNTY COURT AT LAW

V.

OF

SAN PATRICIO COUNTY, TEXAS

**CERTIFICATE OF DISCOVERY AND WAIVER OF DISCOVERY UNDER ARTICLE 39.14**

COMES NOW THE DEFENDANT in the above-captioned cause and hereby acknowledges the production of discovery in this matter being the documents, reports, and information listed in the attached \_\_\_\_\_ **pages(s)** were produced by the San Patricio County Attorney’s Office and received by the attorney for the defendant. The defendant hereby waives any additional production, disclosure, duplication, and documentation of evidence in the possession of the State under Article 39.14, Texas Code of Criminal Procedure.

The defendant desires to enter a plea of guilty at the earliest available opportunity. The defendant is aware of their statutory right to discovery and production of all evidence in the possession of the State, and knowingly and voluntarily gives up and waives that right. Because the defendant will stipulate their guilt of this offense, no further production and discovery of evidence in the possession of the State is necessary, and the defendant is satisfied with the discovery previously provided by the State.

The defendant therefore withdraws any prior request for discovery under Article 39.14(a) and waives the production, duplication, description, and itemization of any other information, document, or item which may be in the possession of or under the control of the State or any person under contract with the State *other than* any exculpatory, impeachment, or mitigating information, document, or item that would tend to negate the defendant’s guilt or reduce the punishment for the offense charged. The defendant further waives the recording and documentation of provided information under Article 39.14(i) and the formal acknowledgment of the disclosure, receipt, and listing of documents, items, and information provided to the defendant under Article 39.14(j).

SIGNED on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

x \_\_\_\_\_  
**DEFENSE COUNSEL:** \_\_\_\_\_

x \_\_\_\_\_  
**DEFENDANT’S SIGNATURE**

x \_\_\_\_\_  
**COUNTY ATTORNEY**

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**WAIVERS, STIPULATIONS, APPLICATIONS AND AGREEMENTS**

Defendant, named in the above numbered and styled cause, enters his plea and submits this document based upon the recommendation of punishment by the State and relying on the representation that if the court does not accept said recommendation and wishes to exceed the binding recommendations of the state, the Defendant may withdraw his plea and enter a plea of "Not Guilty."

**1. AGREED PUNISHMENT RECOMMENDATION.** The State and Defendant hereby present to the Court that it is mutually agreed that in return for a Plea of **GUILTY / NOLO CONTENDERE** to the charge of \_\_\_\_\_ by the Defendant, the State recommends punishment of:

**Days confinement in jail \_\_\_\_\_, suspended, \_\_\_\_\_ days Community Supervision, Fine of \$ \_\_\_\_\_, probated \$ \_\_\_\_\_, and Court Cost. Restitution \$ \_\_\_\_\_ and \_\_\_\_\_ hrs. jail as condition of community supervision.**

**2. WAIVER OF COUNSEL & JURY TRIAL.** I, the undersigned Defendant in this case, in open Court, tell the Court that I have no lawyer and, having been told that if I am too poor to employ one, a lawyer will be appointed to represent me. I do not want a lawyer and do not want a lawyer appointed to represent me. I understand by representing myself, I may be waiving possible defects in the State's pleading and that there may be defenses to the charges of which I am unaware and these defenses will be waived. I also understand the many disadvantages of proceeding without an attorney but I do not want a lawyer. I want an immediate trial before this Court without a jury, and desire to enter this plea. I do not want a jury to determine my guilt or innocence or to decide my punishment if found guilty. I want to have the Judge decide all matters. The Judge told me that I am entitled to a waiting period after I am arraigned before I am tried and I desire to give up this waiting period. The Judge told me that I have the right to have any witnesses I want to testify in this case summoned and ordered to come and testify, but I do not want and I give up this right. The Judge told me that I am entitled to confront the witnesses against me and to require they testify under oath at my trial and in my presence and hearing, and that I have the right to cross-examine the witnesses against me in person or by and through an attorney. I give up this right and agree that the prosecutor may tell the Judge of the facts of this case by telling him what the witnesses would say personally present in court. I do not want the Court Reporter to make a record of this hearing and give up my right to have one made. I ask the Court to immediately decide this case and I waive every provision of the law which would delay or arrest judgment of conviction or the Court sentencing me in this case. I have been told by the Judge that I have a right to a pre-sentence report but I request that it not be made.

**3. PLEA TO CHARGE.** I waive formal arraignment and plead **GUILTY / NOLO CONTENDERE** to this charge. I have never been treated for any kind of mental illness and I am sane now and was sane at the time of the commission of this offense,

no one has promised me anything or threatened me in order to cause me to enter my plea in this case. I understand that the Court does not have to follow this recommendation concerning my punishment. I expect the Court to ask about any plea bargaining agreement between me and the State and to tell me if it will follow this agreement before any findings on my plea; and should the agreement be rejected; I shall be allowed to change my plea to "Not Guilty." **I went through the \_\_\_\_ grade in school** and can read, write, and understand the English language. I understand that if I could be assessed punishment of a fine of up to \$4,000.00/\$2,000.00 or confinement in the San Patricio County jail for up to 365/180 days; or both for this offense.

**4. APPLICATION FOR COMMUNITY SUPERVISION.** I, Defendant, say under oath that: \_\_\_ I have never before been convicted of or placed on probation for any felony or misdemeanor (OR) \_\_\_ I have been convicted or placed on community supervision or both in the following cases:

*(LIST ALL CONVICTIONS REGARDLESS OF AGE)* (OR) \_\_\_ See attached criminal history exhibit:

- a. **OFFENSE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **PLACE:** \_\_\_\_\_
- b. **OFFENSE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **PLACE:** \_\_\_\_\_
- c. **OFFENSE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **PLACE:** \_\_\_\_\_

I ask the Court to grant me community supervision and place me on same subject to terms and conditions set by the Judge. I swear that the information in this Application for Community Supervision is true and correct and I understand that any untrue statement is grounds for denial of this application, revocation of any community supervision granted based on this application, and could cause charges filed against me for perjury.

**5. STIPULATION OF EVIDENCE.** In writing and in open court, I expressly waive the appearance, confrontation and cross-examination of witnesses. I further consent to the introduction of testimony by affidavits, written statements of witnesses and all other documentary evidence, as attached hereto. I give up my Federal and State constitutional right against self-incrimination and after having been sworn, upon oath, I agree and stipulate that these facts constitute the evidence in this case. (All facts and allegations are contained in the attached exhibits).

**6. ACKNOWLEDGMENTS.** I have read and understand this document or I have had it explained to me by my attorney. I ACKNOWLEDGE all statements in this document. I SWEAR, with knowledge of the penalty for perjury, that all the statements in this document attributed to me are correct. I WAIVE all rights as stated in this document, having been informed of those rights and understanding them.

**7. WAIVER OF APPEAL.** I understand that, whether I plead guilty (or nolo contendere) with or without a plea bargain agreement, I may have limited right to appeal. I hereby waive any right of appeal that I may have to the judgment of the Court.

**8. IF YOU ARE IN THIS COUNTRY ILLEGALLY A CONVICTION IN THIS CASE MAY RESULT IN DEPORTATION.**

SIGNED and ACKNOWLEDGED under oath on \_\_\_\_\_, 20\_\_.

X \_\_\_\_\_  
Defendant

SIGNED and ACKNOWLEDGED under oath before me by said Defendant on the above date.

X \_\_\_\_\_  
Deputy Clerk of San Patricio County

AGREED: \_\_\_\_\_ (State's Attorney)

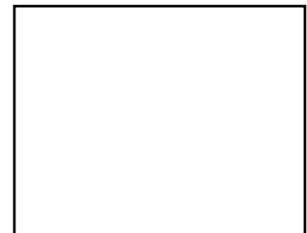
AGREED: \_\_\_\_\_ (Defendant's Attorney)

**ORDER OF APPROVAL.** On this day, the preceding waivers were presented to the Court and the Court considered the age, experience, education, occupation, and previous court experience of the defendant in open court. The Court finds the waivers were knowingly and voluntarily executed and are hereby approved and granted. The Court considered the preceding plea of the defendant; it appears, and the Court so finds, that the defendant is sane and is uninfluenced by any consideration of fear, or by any persuasion, or delusive hope of pardon prompting him to confess his guilt; and, having duly admonished the defendant of the consequences of the plea and the defendant having persisted in pleading guilty, the Court accepts the defendant's plea of guilty and orders that such plea shall be entered upon the minutes of the Court.

Signed and entered this the \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
*Judge Presiding, San Patricio County Court at Law*

**Defendant's Right Thumbprint**



CAUSE NO. \_\_\_\_\_

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OF

SAN PATRICIO COUNTY, TEXAS

**JUDGMENT AND SENTENCE – JAIL TIME/FINE ONLY**

On this day, the defendant, \_\_\_\_\_, charged with the misdemeanor offense of \_\_\_\_\_, committed on or about \_\_\_\_\_, as alleged in the Information filed in this cause and set this date for trial, appeared in person and by counsel and Defendant and the State announced ready. Then Defendant, waived arraignment and formal reading of the Information in open Court and pleaded **GUILTY/NOLO CONTENDRE**. The Court heard said plea and considered the evidence and argument of counsel and found the defendant **GUILTY** of the offense as charged and, further considering the evidence submitted on sentencing, assessed punishment as set forth below.

**IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED** by the Court that Defendant is **GUILTY** of \_\_\_\_\_, a misdemeanor, and shall be punished by confinement in the San Patricio County jail for a period of \_\_\_\_\_ **days**, with credit for \_\_\_\_\_ **days/hours** spent in jail prior to trial, and shall pay a fine in the amount of \$\_\_\_\_\_ plus cost of Court and, if applicable, attorney’s fee for a Court-appointed attorney. Also it is ordered that Defendant’s driver’s license shall be suspended for \_\_\_\_\_ **days**.

**IT IS ORDERED** that the defendant shall pay the fine, Court costs, and, if applicable, attorney fees for a Court-appointed attorney as follows: **Fine \$\_\_\_\_\_**, **probated \$\_\_\_\_\_**, **Court costs \$\_\_\_\_\_**, **with credit of \$\_\_\_\_\_ already paid, and appointed attorney fee \$\_\_\_\_\_**, to be paid \_\_\_\_\_ Instanter, or \_\_\_\_\_ through the San Patricio County Collections Department, or \_\_\_\_\_ by jail service. **IT IS FUTHER ORDERED** that the defendant shall be remanded immediately to the Sheriff of San Patricio County, Texas until the directions of this Order are satisfied in accordance with law, except as hereinafter provided: \_\_\_\_\_.

**IT IS FURTHER ORDERED** that the defendant’s failure to comply with the terms and conditions of this Order may be result in his arrest and confinement in the San Patricio County jail until the sentence, fines and costs assessed against him in this cause have been fully discharged as provided by law.

SIGNED and ORDERD \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Judge Presiding, San Patricio County Court at Law*

I RECEIVED A COPY OF THIS JUDGMENT AND SENTENCE.

x \_\_\_\_\_  
**Attorney for Defendant**

Defendant: x \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

x \_\_\_\_\_  
**Attorney for the State**

**Defendant’s Right Thumbprint**

GRACIE ALANIZ-GONZALES, County Clerk of San Patricio County:



By: \_\_\_\_\_  
Deputy

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**TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT TO 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, 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 a right of appeal.
- \_\_\_\_\_  is a plea-bargain case and the defendant has NO right of appeal.
- \_\_\_\_\_  the defendant has waived the right of appeal.

Signed and entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Judge Presiding, San Patricio County Court at Law*

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 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, 68.3 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 of address at which I am currently living. I understand that because of appellate deadlines if I fail to timely inform my appellate attorney of any change of address I may lose the opportunity to file a pro se petition for discretionary review.

x \_\_\_\_\_  
 Defendant's Signature  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Email Address (if any) \_\_\_\_\_

x \_\_\_\_\_  
 Defense Counsel: \_\_\_\_\_  
 State Bar No: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Facsimile: \_\_\_\_\_  
 Email Address \_\_\_\_\_

**Defendant's Right Thumbprint**

