

Cause No. M \_\_\_\_\_ - \_\_\_\_\_

THE STATE OF TEXAS  
vs.  
\_\_\_\_\_

\* IN THE COUNTY COURT AT LAW  
\*  
\* OF HILL COUNTY, TEXAS

**PLEA BARGAIN AGREEMENT MEMORANDUM**

Comes now the Defendant herein, in person and by and through his attorney (if any), and would show that the Court has made the admonishments required by Article 26.13 of the Texas Code of Criminal Procedure in writing as set forth herein, and that the Defendant understands the admonitions and is aware as follows:

- 1. RANGE OF PUNISHMENT:** I understand that if I am convicted of this offense, \_\_\_\_\_, the punishment must be assessed within the range provided by law, \_\_\_\_\_ to \_\_\_\_\_ days/months in the County Jail and a fine not to exceed \$\_\_\_\_\_.
- 2. BINDING PLEA AGREEMENT:** I understand that the Court must either accept or reject the agreement I have made with the State. If the Court ACCEPTS the agreement, the Court must give me permission before I can prosecute an appeal on any matter except those raised by written motion filed before trial. If the Court REJECTS the agreement, I will be permitted to withdraw my plea, and neither the fact that I entered a plea nor any statement made by me during the hearing may be used against me on the issue of guilt or punishment in any future criminal procedure. Knowing all of these things, I persist in my plea.
- 3. MENTAL COMPETENCY TO STAND TRIAL:** I know and understand the proceeding involved in this case and fully cooperated with my counsel, if any, and I certify that no issue of my mental competency to stand trial exists.
- 4. VOLUNTARINESS OF PLEA:** I am entering my plea freely and voluntarily, and only because I am guilty of the offense alleged against me, and have not been made any promise to induce me to plead guilty or no contest which is not revealed to the Court.
- 5. CITIZENSHIP:** I understand that if I am not a citizen of the United States of America, my plea of guilty or nolo contendere (no contest) may result in my deportation, the exclusion from admission to this country, or the denial of naturalization under Federal law.
- 6. APPROVAL OF COUNSEL:** I am totally satisfied with the representation given me by my attorney, if any, in this case, and was provided fully effective and competent representation.
- 7. CLOSED CIRCUIT VIDEO TELECONFERENCE:** If necessary, I hereby consent to the use of a closed circuit video teleconferencing system during the trial of the above cause(s).
- 8. WAIVER OF RIGHTS:** In accordance with Article 1.14 of the Code of Criminal Procedure, I hereby waive and give up all rights given me by law, whether of form, substance, or procedure. I further waive the reading of the indictment/information to me in open Court.
  - A) WAIVER OF JURY TRIAL:** In accordance with Article 1.13 Code of Criminal Procedure, in open Court, and joined by my attorney (if any) and counsel for the State, and with the consent and approval of the Court, I waive and give up any right to a jury trial in this case and submit this case to the Court on all issues of law and fact.

**B) STIPULATION OF EVIDENCE:** In accordance with Article 1.15 Code of Criminal Procedure, I consent in writing and in open Court to waive and give up the right to appearance, confrontation and cross examination of witnesses, and consent to oral and written stipulation of evidence, and this waiver and consent is approved in writing by the Court.

**C) WAIVER OF PRE-SENTENCE REPORT:** In accordance with Article 42.12 of the Code of Criminal Procedure and joined by my attorney (if any), and consent and approval of the Court, I knowingly and voluntarily waive my right to the preparation of a pre-sentence report and expressly request that such a report not be made.

**D) WAIVER OF SELF-INCRIMINATION:** I have been advised and know my rights against self-incrimination in the Constitution of the United States of America and the Constitution and Statutes of the State of Texas. I know that I have the right to remain silent, that I am not required to make any statement or testify, and that any statement I make that incriminates me in any way in the case may be used against me.

**E) JUDICIAL CONFESSION:** Under oath, in writing and in open Court, I swear that I have read the indictment/information in this case, that I understand everything that it contains, and that I am guilty or do not want to contest the allegations made in the indictment/information as well as any lesser included offenses.

Defendant agrees to enter a plea of guilty/no contendere (no contest). The Defendant and the State, through its attorney, respectfully request that the Court accept and approve this Plea Bargain Agreement and sentence the Defendant as follows:

1. \_\_\_\_ That Defendant enter his plea of guilty / nolo contendere / true today and be sentenced today.
2. \_\_\_\_ That Defendant enter his plea of guilty / nolo contendere / true today and that the case be reset for sentencing on \_\_\_\_\_, at \_\_\_\_:\_\_\_\_.m.
3. \_\_\_\_ That if the Defendant has \_\_\_\_\_ by the reset date, that the charge be reduced to \_\_\_\_\_.
4. \_\_\_\_ That the Defendant pay a fine of \$ \_\_\_\_\_ and court costs of approximately \$ \_\_\_\_\_.
5. \_\_\_\_ That a jail sentence of \_\_\_\_\_ days / months be imposed with credit for \_\_\_\_\_ days / months already served.
6. \_\_\_\_ That the jail sentence be suspended and Defendant be placed on **Community Supervision** for a period of \_\_\_\_\_ months.
7. \_\_\_\_ That the Court defer Adjudication of guilt and place Defendant on **Deferred Adjudication Community Supervision** for a period of \_\_\_\_\_ months.
8. \_\_\_\_ That Defendant pay Restitution in the sum of \$ \_\_\_\_\_ before the date of sentencing.
9. \_\_\_\_ That as a condition of Community Supervision the Defendant perform \_\_\_\_\_ hours of Community Service Restitution within \_\_\_\_\_ months.
10. \_\_\_\_ That Defendant pay as a condition of Community Supervision , Restitution to \_\_\_\_\_ in the sum of \$ \_\_\_\_\_ in \_\_\_\_\_ monthly installments.
11. \_\_\_\_ That Defendant's license to drive a motor vehicle be suspended for a period of \_\_\_\_\_ days / years. \_\_\_\_ I will receive credit for any ALR suspension.

12. \_\_\_\_\_ That if Defendant is unable to pay Fine and Court Costs on the date of sentencing that he satisfy the sentence by remaining in jail as long as is necessary to satisfy the Fine and Court Costs.
13. \_\_\_\_\_ That if Defendant is unable to pay Fine and Court Costs on the date of sentencing, then the plea will **revert to an open plea** before the Court.
14. \_\_\_\_\_ That if Defendant fails to \_\_\_\_\_ by the date of sentencing, then the alternative is that Defendant be found guilty of the charge, that a sentence of \_\_\_\_\_ days / months be imposed, the Defendant pay a Fine of \$\_\_\_\_\_ and Court Costs, that the jail sentence be suspended for a period of \_\_\_\_\_ months, that he perform \_\_\_\_\_ hours of Community Service Restitution within \_\_\_\_\_ months and that Defendant serve \_\_\_\_\_ days in jail as a condition of Community Supervision.
15. \_\_\_\_\_ That Defendant attend and complete the D.W.I. School within 180 days
16. \_\_\_\_\_ That the Defendant pay Fine and Court Costs instanter through the Hill County District Clerk's Office.
17. \_\_\_\_\_ That the Defendant's probation be transferred to \_\_\_\_\_ County, Texas.
18. \_\_\_\_\_ That the Defendant's probation fee be set at \$\_\_\_\_\_ per month.
19. \_\_\_\_\_ That Defendant pay delinquent probation fees of \$\_\_\_\_\_ ; delinquent UA fees of \$\_\_\_\_\_ ; outstanding restitution of \$\_\_\_\_\_ ; other \$\_\_\_\_\_.
20. \_\_\_\_\_ OTHER: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Defendant \_\_\_\_\_

\_\_\_\_\_  
 Counsel for State of Texas

\_\_\_\_\_  
 Counsel for Defendant (if any)  
 Printed Name: \_\_\_\_\_

SWORN TO AND SUBSCRIBED TO before me by the Defendant on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Judge Presiding