

CAUSE NO. CR _____

Incident/TRN No. _____

THE STATE OF TEXAS

§ IN THE COUNTY COURT

§

VS

§ AT LAW NO. 2 OF

§

§ HUNT COUNTY, TEXAS

MOTION TO ADJUDICATE PLEA AND WAIVER

I am the DEFENDANT in this case. In the event that I have an attorney, I have spoken with him/her in reference to my case. In open Court, I make the following voluntary statements:

1. I am the person charged and on community supervision in this case.
2. I am mentally competent and I understand the nature of the charges against me.
3. My plea has been entered without any consideration of fear, without any persuasion and I have been promised nothing for my entering such a plea.
4. I am aware that any plea bargaining agreement among the State, myself and/or my attorney, if one, is not binding on the Court.
5. I have the right to be confronted with the witnesses against me.
6. I agree that the Court may accept my plea by broadcast or by closed-circuit video teleconferencing and waive the right to have sentence pronounced in my presence if the plea is by video teleconference.

KNOWING ALL OF THE ABOVE, I GIVE UP THE FOLLOWING RIGHTS:

1. Reading of the MOTION TO ADJUDICATE PROBATION in open Court.
2. The right to be confronted with the witnesses against me and further consent to the introduction of affidavits, written statements and other documentary evidence.
3. The ten (10) day preparation period after appointment of counsel.
4. I plead (*select one*):

a. TRUE to ALL ALLEGATIONS and ADMIT and CONFESS to the acts alleged therein.
My plea is given freely and voluntarily.

OR

b. TRUE to ALLEGATIONS # _____ and NOT TRUE to ALLEGATIONS # _____. As to the Allegations to which I pled TRUE, I ADMIT and CONFESS to the acts alleged therein. My plea is given freely and voluntarily.

5. I feel that I have been adequately and competently represented by my attorney, if applicable, whose name and signature appears below. Additionally, I hereby acknowledge that prior to entering my plea that I have read and understand the above admonishments and that I am aware of the consequences of my plea.

THE STATE AND THE DEFENDANT AGREE TO THE FOLLOWING PLEA BARGAIN AGREEMENT:

1. **Open Plea:** NO AGREEMENT

2. **Plea Recommendation:**

___ Days Hunt County Jail (Probated for _____ months)

___ Months Deferred Community Supervision

___ Community Service Hours

___ Days in Hunt County Jail as condition of community

___ supervision Days Driver's License Suspension

New Fines Imposed Include: (check each fine and enter each amount as pronounced by the Court):

- 1. **General Fine** (§12.21 and 12.22 Penal Code, or any other Code) (not to exceed \$4,000) \$
- 2. **Additional Monthly Fine for Certain Sex Offenders** (CCP, art. 42A.653) \$
 \$5.00 per month of community supervision
- 3. **EMS, Trauma Fine** (For Intoxication Convictions) (CCP, Art. 102.0185) \$100.00
- 4. **Family Violence Fine to Women in Need** (CCP, art. 42A.504(b)) \$100.00
- 5. **Juvenile Delinquency Prevention Fine** (CCP, Art. 102.0171(a)) \$50.00
- 6. **Local Traffic Fine** (Transportation Code § 542.403) (All offenses listed in TC §541 thru 600) \$3.00
- 7. **State Traffic Fine** (Transportation Code § 542.4031) (All offenses listed in TC §541 thru 600) \$50.00
- 8. **Repayment of Reward Fine to Hunt County Crime Stoppers** (CCP, art. 42A.301(b)(20)) \$25.00
 (Not to exceed \$50.00)
- 9. **DWI 1st** (Transportation Code § 709.001) \$3,000.00
- 10. **DWI 2nd** (Transportation Code § 709.001) \$4,500.00
- 11. **DWI with BAC >.15** (Transportation Code § 709.001) \$6,000.00
- 12. **Judge finds Defendant indigent and waives all fines and costs imposed under Transportation Code § 709.001.**

TOTAL FINES (Outstanding Fine \$ _____ + New Fine \$ _____) = \$

COURT COSTS (Outstanding Court Costs \$ _____) = \$

REIMBURSEMENT FEES (New Reimbursement Fee & total shall be determined by Court)
 (Outstanding Reimbursement Fee \$ _____ + New Reimbursement Fee \$ _____) = \$

RESTITUTION (Outstanding Restitution \$ _____) = \$

3. The following cases will be rejected/dismissed: NA

4. Other:

DEFENDANT

DEFENDANT’S ATTORNEY

I hereby join, consent to, and approve of (1) the stipulations of evidence and (2) waiver of hearing conditioned on the Court accepting this plea agreement and sentencing the Defendant in accordance with this Plea Agreement.

PROSECUTOR

The Court finds that the Defendant is mentally competent, understands the nature of the charge and is aware of the consequences of this plea and made the waivers and statements freely and voluntarily.

SIGNED on the following date: _____.

PRESIDING JUDGE