

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

THE STATE OF TEXAS

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IN THE COUNTY COURT

VS.

AT LAW NO. 1 OF

\_\_\_\_\_  
(Defendant's Name)

CAMERON COUNTY, TEXAS

**MISDEMEANOR PLEA OF GUILTY/NOLO CONTENDERE**

Comes now the above named defendant in the above numbered and entitled cause, and prior to entering a plea herein represents to the Court the following:

I am mentally competent and I understand that I am charged with the misdemeanor offense of \_\_\_\_\_ for which the punishment is a fine not to exceed \$ \_\_\_\_\_ and/or confinement in jail not to exceed \_\_\_\_\_.

I understand that I have the right to a jury trial; the right to compel witnesses to testify on my behalf; the right to confront and cross-examine my accusers; the right to be arraigned and have the charge read to me in open court; the right to remain silent and that anything I say can be used against me; and the right to have ten days after the appointment of any attorney before entering a plea.

I understand that upon a plea of guilty or nolo contendere, with a jury waiver, punishment may be assessed by the Court either upon or without evidence at the discretion of the Court; that if I am not a citizen of the United States my plea of guilty or nolo contendere may result in my deportation, exclusion from admission to this country, or denial of naturalization under federal law; that if I am on probation or parole, my plea of guilty or nolo contendere may result in the revocation of my probation or parole resulting in my further confinement; that if I am found guilty, this case may be used to enhance my punishment; if I am convicted of another offense that my driver's license or privilege to obtain a driver's license may be subject to suspension or revocation as provided by law, and that if the Court does not exceed the agreed recommendation in assessing punishment, that my right to appeal my conviction will be limited to matters raised by written motion and ruled upon before trial unless the Court gives permission to raise other matters.

I am satisfied that the attorney representing me today in court has properly represented me and I have fully discussed the case with my attorney. With a full understanding of my rights, I hereby knowingly and voluntarily waive the arraignment and the reading of the information; the right of trial by jury; the right to remain silent; the right to confront and cross-examine my accusers; the ten-day waiting period for trial after the appointment of counsel; and any further time to prepare for trial to which I or my attorney may be entitled. I confess that I committed the offense as alleged in the State's information and that each element of the State's pleading is true. In open court I freely and voluntarily enter my plea of guilty/nolo contendere to the offense charged in the information and request the Court to make immediate disposition of this case based upon my plea.

I affirm that there has been no plea bargain agreement in this case except the following:

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

I understand that if my plea was not the result of a plea bargain agreement that I have the right to be represented on appeal by an attorney of my choice, or if I am indigent, the Court will appoint an attorney and provide a proper record for such appeal. However, I realize in such event I could only appeal jurisdiction defects. I have read the foregoing matters and have consulted fully with my attorney regarding each and every one of them and by signing below, I expressly waive my rights set out herein.

Date: \_\_\_\_\_ DEFENDANT: \_\_\_\_\_

I have consulted with the defendant whom I have found to be competent and to whom I have fully explained all of the matters in this instrument.

\_\_\_\_\_  
Name of Counsel (please print)

\_\_\_\_\_  
Counsel for Defendant (please sign)

The undersigned assistant district attorney, on behalf of the State of Texas, consents to and approves the defendant's waiver of trial by jury.

\_\_\_\_\_  
Assistant District Attorney

After consulting with the defendant and informing the defendant of the nature of the charges, all rights and the consequences of the plea of guilty/nolo contendere, the defendant waived arraignment and with the advice of counsel, decided not to contest the case. The Court finds that the defendant is competent and that the plea was entered only after the defendant knowingly, intelligently, and voluntarily waived the right to a trial by jury; and all other rights set out above. The Court hereby accepts this plea which is (is not) the result of a plea bargain agreement with the prosecuting attorney.

**CHECK APPROPRIATE SELECTIONS:**

- \_\_\_\_\_ The Court finds that there is sufficient information in the record to permit the meaningful exercise of sentencing discretion.
- \_\_\_\_\_ The Defendant requests that a pre-sentence investigation report not be made and the Court agrees to the request.
- \_\_\_\_\_ The Defendant requests that a pre-sentence investigation report not be made and the Court agrees to the request and further finds that there is sufficient information in the record to permit the meaningful exercise of sentencing discretion.
- \_\_\_\_\_ The Court finds that there is a need for additional information and orders that a \_\_\_\_\_ partial / \_\_\_\_\_ full pre-sentence investigation report be prepared by the Cameron County Community Supervision and Corrections Department.

Date: \_\_\_\_\_ JUDGE: \_\_\_\_\_

This document was translated verbatim from English to \_\_\_\_\_ by:

\_\_\_\_\_  
(Signature of Translator)

\_\_\_\_\_  
(Printed name of Translator)

Cause No \_\_\_\_\_

THE STATE OF TEXAS  
VS.

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IN THE COUNTY COURT

AT LAW NO. 1

I.D. # \_\_\_\_\_

OF CAMERON COUNTY, TEXAS

**TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL\***

I, the Judge of the trial Court, certify this criminal case:

[ ] is not a plea bargain case, and the Defendant has the right of appeal. [or]

[ ] 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. [or]

[ ] is a plea bargain case, but the Court has given permission to appeal, and the Defendant has the right of appeal. [or]

[ ] is a plea bargain case, and the Defendant has NO right of appeal. [or]

[ ] the Defendant has waived the right of appeal,

\_\_\_\_\_  
Arturo A. McDonald Jr., Judge Presiding

\_\_\_\_\_  
Date Signed

I, the Defendant, 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. 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 in the address at which I am currently living or any change in my current county jail unit. I understand that, because of appellate timetables, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

\_\_\_\_\_  
Defendant

Mailing address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax number (if any): \_\_\_\_\_

\_\_\_\_\_  
Defendant's Counsel, SBN : \_\_\_\_\_

Mail address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax number (if any): \_\_\_\_\_

\* "A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgement of guilt or other appealable order. In a plea bargain case – that is, a case in which a defendant's plea was guilty or *nolo contendere* and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant – a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal." Texas Rule of Appellate Procedure 25.2(a)(2).

