

Revised 9/1/2011

CAUSE NO.

THE STATE OF TEXAS § IN THE DISTRICT COURT
vs. § 24TH/377TH JUDICIAL DISTRICT

DEFENDANT § VICTORIA COUNTY, TEXAS

MOTION TO ADJUDICATE GUILT/
MOTION TO REVOKE COMMUNITY SUPERVISION
PLEA MEMORANDUM

On this day the Defendant named above appeared before me, the undersigned clerk, and after being duly sworn stated under oath:

"I announce ready for trial. My attorney and I waive: the right to 10 days to prepare for a proceeding and file written pleadings; the right to read any presentence report at least 48 hours before sentencing; and the preparation of any required presentence report.

I consent in writing, in open Court, to waive the appearance, confrontation, and cross-examination of witnesses. I consent to an oral stipulation of the evidence and testimony, to the introduction of testimony by affidavits, written statements of witnesses, and any other documentary evidence in support of the court's judgment.

I know that I have the right to remain silent, that I am not required to make a statement, and that any statement I make that incriminates me in any way in this cause may be used against me.

I plead TRUE. I agree and stipulate that I am the identical person named in the pending motion filed in this cause and that all acts and allegations remaining in said motion are true and correct. I enter my plea freely and voluntarily. I have not been promised anything not revealed in Court to induce me to plead TRUE.

WITHDRAWING FUNDS FROM INMATE TRUST ACCOUNT. I understand and have been notified that if I am sentenced to the Texas Department of Criminal Justice or State Jail, the law permits the Court to order that funds be withdrawn from my Texas Department of Criminal Justice inmate trust account to pay any court costs (including court-appointed attorney fees), restitution, fine, and other fees that I have not paid. **I waive my right to dispute any amount owed not raised in Court at the time sentence is imposed.**

NEW TRIAL/NOTICE OF APPEAL. I understand that in a plea bargain case, if the punishment does not exceed the punishment recommended by the prosecutor and agreed to by the defendant, a defendant may appeal only those matters raised by written motion filed and ruled on before trial or after getting the trial court's permission to appeal. I may also waive the right of appeal.

Otherwise, a defendant has the right to appeal and/or ask for a new trial, to have an attorney appointed to represent him/her if he/she does not have an attorney and is not financially able to employ counsel. A motion for new trial may be filed before, but no later than 30 days after, the date the trial court imposes or suspends sentence in open court. An appeal is perfected by timely filing a notice of appeal in writing with the trial court clerk within 30 days after the day sentence is imposed or suspended in open court or after the day the trial court signs an appealable order or within 90 days after the day sentence is imposed or suspended in open court if the defendant timely files a motion for new trial.

If there is an appeal, the defendant has the right to petition the Court of Criminal Appeals to review a court of appeals decision in a criminal case by filing a pro se petition (the defendant is not entitled to a court-appointed attorney for this further appeal) with the clerk of the court of appeals within 30 days after the day the court of appeals' judgment was rendered or the last day the timely motion for rehearing was overruled by the court of appeals.

If the Court follows any agreed disposition in this case, I waive any right of appeal."

Defendant

SUBSCRIBED AND SWORN TO before me by the Defendant in this cause on

KIM PLUMMER
Victoria County District Clerk

APPROVED:

By _____

Defendant's Attorney

APPROVED by the Court on _____.

JUDGE PRESIDING