

CAUSE NO. _____

THE STATE OF TEXAS * IN THE COUNTY COURT
VS. * AT LAW NO. 2 OF
* ORANGE COUNTY, TEXAS

(hereinafter called "Defendant" or "the defendant")
Defendant's Social Security No. (last four numbers): _____
Defendant's Date of Birth: _____

WRITTEN PLEA ADMONISHMENTS FOR ASSAULT OR FAMILY VIOLENCE CASES

1. The range of punishment attached to this misdemeanor offense is (check one):

- Class A:** Confinement in the county jail for not more than one year and/or a maximum fine of \$4000. For an offense committed before 9/1/94, the maximum fine is \$3000.
- Class B:** Confinement in the county jail for not more than 180 days and/or a maximum fine of \$2000. For an offense committed before 9/1/94, the maximum fine is \$1500.

2. **PLEA BARGAINS:** The trial court is not bound by a plea agreement, if any exists, between the defendant and the state. **If the trial court assesses a punishment different from that recommended by the State or defendant, the defendant has no right to withdraw the plea after sentencing.**

3. **FIREARM BAN:** If you are convicted of an offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, **it may be unlawful for you to possess or purchase a firearm, including a handgun, shotgun, rifle, other long gun, or ammunition**, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b) of the Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult your attorney.

4. **CITIZENSHIP:** If you are not a U.S. citizen, a plea of guilty or nolo contendere may result in deportation, exclusion from admission to the country, or denial of naturalization under federal law.

5. **DEFERRED ADJUDICATION:** If the court defers adjudicating your guilt and places you on probation, on violation of any condition you may be arrested and detained as provided by law. You are then entitled to a hearing limited to a determination by the court of whether to proceed with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After adjudication of guilt, all proceedings including assessment of punishment, pronouncement of sentence, and your rights to appeal continue as if adjudication of guilt had not been deferred.

6. **DEFERRED ADJUDICATION AND NONDISCLOSURE:** You have the right to petition the Court for an order of nondisclosure under section 411.081 of the Texas Government Code. You are eligible for an order of nondisclosure only if you have not been convicted or placed on deferred adjudication for any offenses other than "fine only" traffic offenses during the period of deferred adjudication for which nondisclosure is sought and for 2 years thereafter for misdemeanors and 5 years thereafter for felonies. **You will not be eligible for an order of nondisclosure if you are placed on deferred adjudication for: (1) the offense of Violation of a Protective Order; (2) any offense involving family violence as defined in section 71.004 of the Texas Family Code; and (3) any offense for which the defendant must register as a sex offender.**

"Family Violence" means: (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse, as that term is defined by sections 261.001(1)(C), (E), and (G) of the Texas Family Code, by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by section 71.0021 of the Texas Family Code.

JUDGE PRESIDING
COUNTY COURT AT LAW NO. 2
ORANGE COUNTY, TEXAS

DEFENDANT'S WAIVERS AND CONFESSION

Comes now, the Defendant, joined by counsel, and I state that I understand the admonishments listed on the front side of this document and I state that I am mentally competent and my plea is freely and voluntarily entered. Furthermore I state that if I had counsel appointed to represent me, or if I retained my own attorney, I also give up and waive any right I might have to wait ten days, or any other amount of days to prepare for trial. I want to state for the record that I am totally satisfied with the representation of my attorney who provided effective and competent representation.

I, joined by counsel, also waive and give up under Art. 1.14 CCP and under the Constitutions of the United States and of The State of Texas, all rights given to me by law, whether of form, substance or procedure, including but not limited to my right to call and/or subpoena witnesses on my behalf, my right to be faced and confronted by the witnesses against me, and I hereby demand an immediate trial to the Court and at the same time I waive and give up my right to have a jury trial and I request and desire for the Court to set my punishment in this case.

I, with counsel, consent to the oral and/or written stipulations of the evidence. I state that I read and write the English language and that I have not used or consumed an alcoholic beverage or narcotics within the preceding twelve (12) hour period.

After being advised by my counsel, I state that I am aware of the nature of the charge filed against me in this case and the penalty range for the offense charged in this case. I, along with my counsel, hereby waive the arraignment and reading of the information and am now entering a plea of:

circle one: [GUILTY] [NO CONTEST]

to the offense charged within the information in this cause or as a lesser included offense of the offense charged in the information.

I swear to all of the foregoing and I further swear that all testimony that I give in this cause will be the truth, the whole truth and nothing but the truth, **so help me God.**

DEFENDANT

Sworn to and subscribed before me by the defendant on this the _____ day of _____, 20_____.

ORANGE COUNTY DEPUTY SHERIFF

ORANGE COUNTY DEPUTY CLERK

We join in and approve the waivers and stipulations made above by this defendant under Arts. 1.13, 1.14, 1.15, and 42.12 (9)(j), C.C.P. We also agree upon inquiry and evidence that the defendant is legally competent to stand trial and that all statements of the defendant were freely, voluntarily and intelligently made and that the defendant's plea was freely, voluntarily and intelligently entered.

Attorney for the Defendant

Attorney for the State

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