



CAUSE NO.: _____

STATE OF TEXAS
VS.

IN THE COUNTY COURT-AT-LAW #2
OF
COMAL COUNTY, TEXAS

**DEFENDANT'S WAIVER OF CONSTITUTIONAL RIGHTS, STIPULATION
OF EVIDENCE, JUDICIAL ADMISSION, AND TERMS OF PRETRIAL
INTERVENTION PROGRAM**

Prior to entering my plea, I knowingly and voluntarily waive the following rights: 1.) The right to remain silent; 2.) The right to ten (10) day preparation after appointment of counsel; 3.) The right to a trial by jury; 4.) The right to confront the witnesses against me in the guilt/innocence phase and the punishment phase; and, 5.) The Constitutional and statutory right to a speedy trial. I further represent that I am mentally competent and understand the nature of the charges against me.

The charges against me allege that in Comal County, Texas, I, _____, date of birth ____/____/____ and Texas Driver's License/I.D. Number _____, hereafter the Defendant, on or about ____/____/____ did commit the offense of _____, a Class ____ misdemeanor, as charged in the information filed in this cause. I judicially admit my guilt to this allegation.

Further, I stipulate that if the witnesses were to testify in this case, they would testify as set forth in the police reports, witness statements or other documents admitted in connection with my plea as the State's Exhibits. The Defendant expressly agrees to this stipulation of evidence, and agrees that each and every fact asserted therein may be taken and considered as true by the finder of the fact in this cause, expressly waiving the appearance, confrontation and cross examination of witnesses for the State.

I ADMIT that I committed the acts alleged in the information in this cause, I plead GUILTY to the offense of _____. My plea is given freely and voluntarily. I have not previously been granted probation or deferred adjudication for an offense above the level of a Class "C" misdemeanor and request that this be considered an application for probation. I am satisfied that my attorney has properly represented me and I have fully discussed this case, this agreement, and the consequences thereof (including the range of punishment) with my attorney.

I further accept the following terms of Pretrial Intervention and understand that the failure to fully and timely complete ALL conditions of this program shall cause this matter to be set for a hearing on the entry of the plea I am hereby making and a sentencing on that plea. I further understand that at that time, the only issues before the Court relate to my punishment and I will be subject to the FULL range of punishment.

TERMS OF PRETRIAL INTERVENTION

This agreement goes into effect and runs for a period of 12 months (hereinafter the Intervention Period) beginning when the Court, the Defendant, the Defendant’s Attorney and the Attorney for the State have signed it.

The Defendant’s plea shall be taken under advisement during the Intervention Period, however the plea is subject to being accepted by the Court and the Defendant sentenced thereon upon the violation of, or failure to timely and fully complete, any term listed below.

This agreement and this order are not a finding of guilt nor do they place a defendant on either regular community supervision or deferred adjudication under Art. 42.12, Texas Code of Criminal Procedure.

This matter is further set for a compliance review hearing on _____, 20_____, at 8:30 a.m. where Defendant’s appearance is required. If Defendant has completed all the Terms herein, the Intervention Period will continue until completion; and, Defendant will be placed on unsupervised status.

Upon successful and timely completion of all conditions, the plea will be rejected, and the case acquitted.

However, at any compliance review hearing, or at such other hearing as the Court shall determine, upon notice to Defendant, should it be determined that Defendant has violated or failed to fulfill one or more conditions as required, the Court may, on its own motion or upon the motion of the State, terminate the Intervention Period, accept the Defendant’s previously entered plea, enter a finding of guilt on the basis of such plea and the State’s Exhibits previously entered into evidence, and proceed to sentence the Defendant. In such an event, the Court has the authority to utilize the full range of punishment, including a term of community supervision and any conditions thereof or a term of jail up to the maximum allowed by law.

Upon successful completion and dismissal of this charge, the Defendant will be allowed to file a petition for expungement under Art. 55, Texas Code of Criminal Procedure, and shall be allowed to expunge all records, files and reference to the arrest from which this charge arises from all entities, except from the Comal County District Attorney’s Office and the Comal County Community Supervision Office.

Timely compliance of the terms and conditions of this agreement includes the Defendant’s timely providing proof of completion of all terms and conditions, by hand-delivery or U.S. postage-prepaid mail or hand delivery to:

Comal County Community Supervision
160 East Bridge St., Suite 307
New Braunfels, Texas 78130

Please reference the cause number and style on any correspondence.

The Defendant further agrees to: **(please initial each condition that applies OR mark N/A).**

_____ MANDATORY - Commit no offenses other than a Class “C” traffic violation.

_____ MANDATORY - Pay a Pretrial Intervention fee of \$500.00 by cashier’s check or money order to the Community Supervision office in payments of not less than \$100.00 per month. The first payment shall be due on the date this agreement is accepted by the Court and a like payment shall be due on the 10th day of each month thereafter until the entire fee has been paid. The entire balance must be paid before the first compliance review hearing date.

_____ MANDATORY - Defendant shall not possess, use or consume, in any amount, any controlled substance, narcotic, or habit forming drugs, or any alcoholic beverage, unless prescribed in writing by a physician.

_____ MANDATORY - Report to the Community Supervision Office today, and then as directed for a period of _____ months, after which time you shall be on unsupervised Pretrial Intervention for the remainder of the term. During the term of supervised probation, you must comply with any and all requests of the Supervising Officer, including, but not limited to providing a urine sample for testing. Defendant shall be responsible for all costs of random drug/alcohol testing. All such fees are due within 30 days of being tested. Failure to pay these fees shall be grounds to terminate this agreement.

_____ MANDATORY - Perform 60 hours of community service work at a non-profit agency or organization of the Defendant's choosing from the attached list or as approved by the Court. This community service shall be completed within five months of the date this agreement is approved by the Court. As proof of completion, the Defendant agrees to submit a letter from his or her supervisor on agency/organization letterhead (or other sufficient proof) to the Comal County Community Supervision and Corrections Office 160 East Bridge, New Braunfels, Texas 78130. The letter shall state the dates and hours community service was performed, and include a contact number of the person writing the letter so that they can be contacted and the community service verified if needed.

_____ Provide proof of the successful completion, including the full payment of any and all required program fees to Comal County Community Supervision of the following program(s).

- | | |
|---------------------------|---|
| _____ DOEP | _____ Anger Management |
| _____ Alcohol Education | _____ Life Management Series/Theft Intervention |
| _____ Nature of Marijuana | _____ Other: _____ |

_____ Provide proof of valid Texas Driver's license and proof of insurance coverage from the date the Trial Court signs the this agreement through the term of the Pretrial Intervention period.

_____ Provide proof of completing a certified Texas Alcohol & Beverage Commission Seller/Server training course. TABC's number is (512) 451-0231 for a list of certified agents.

_____ Forfeit weapon to the arresting agency.

_____ Have no contact through any means with _____ and do not go within 200 yards of the following location _____.

Attorney for Defendant

Defendant

Assistant Criminal District Attorney

The Court finds that the Defendant is mentally competent, understands the nature of this charge, is aware of the consequences of his/her plea and has made waivers and statements freely and voluntarily. The Defendant's plea is hereby taken under advisement. Upon successful completion of the terms of Pretrial Intervention set forth below, this case will be dismissed. Upon violation of the terms of Pretrial Intervention set forth below, this case will be set for entry of this plea and sentencing.

This Agreement is hereby approved by the Court on the _____ day of _____, 20_____.

Charles A. Stephens, II
Judge Presiding