



CAUSE NO.: _____

STATE OF TEXAS

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IN THE COUNTY COURT

VS.

AT LAW # ____

COMAL COUNTY, TEXAS

**DEFENDANT’S AGREEMENT TO PARTICIPATE IN
VETERANS TREATMENT COURT – TRACK ONE
PRE-TRIAL INTERVENTION**

Waiver of Constitutional Rights

Prior to entering into this agreement to participate in Track One of the Comal County Veterans Treatment Court – Pretrial Intervention, I knowingly and voluntarily waive the following rights: 1.) The right to remain silent; 2.) The right to a trial by jury; 3.) The right to confront the witnesses against me; 4.) The Constitutional and statutory right to a speedy trial; and, 5.) The right to ten (10) days preparation after appointment of counsel. I further represent that I am mentally competent and understand the nature of the charges against me.

Judicial Admission

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 confess that I am guilty of committing this offense as alleged in the Information in this cause, and I hereby plead guilty to this offense. My plea is freely and voluntarily given.

Stipulation of Evidence

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. I am specifically waiving my 6th Amendment right to confront the witnesses in both the guilt/innocence phase and the punishment phase in this matter, if such were to become necessary. I agree to this stipulation of evidence, and agree that each and every fact asserted therein may be taken and considered as true by the finder of the fact in this cause.

Other Representations

I am satisfied that my attorney has properly represented me. I have fully discussed the facts of the case with my attorney as well as the requirements and expectations of the Veterans Treatment Court and he

consequences of failing to complete the program. I understand that should I be terminated from the program, the range of punishment available for sentencing in this case is up to 180 / 365 days in jail and up to a \$2,000 / \$4,000 fine.

I further accept the terms and conditions of the Comal County Veterans Treatment Court. I understand that the failure to fully and timely complete all conditions of the program will result in sanctions outlined in the VTC Participant Handbook or in termination from the program. I understand that should I be terminated from the program I will not have the right to a trial, and this case will be set for a sentencing hearing at which I will be subject to the full range of punishment. I further understand that if I successfully complete this program, my case will be dismissed.

TERMS OF PRE-TRIAL INTERVENTION

This agreement goes into effect and runs for a period of 18 months from the date the Defendant signs this document and agrees to participate in the Veterans Treatment Court.

The Defendant's plea shall be taken under advisement during the period in which the defendant is in the VTC program. However, upon a violation of the terms of the program or a failure to timely and fully complete the terms of the program, the Court reserves the right to accept the plea of guilty and sentence the defendant accordingly.

This agreement does not constitute a finding of guilt nor does it place the defendant on either regular community supervision or deferred adjudication supervision under Art. 42.12, Texas Code of Criminal Procedure.

Upon successful and timely completion of all conditions of the VTC program, the plea will be rejected, and the case acquitted. At that time, the defendant will be allowed to petition for expungement under Art. 55 of the Texas Code of Criminal Procedure of all records, files, and references to the arrest from which this charge arises, except those records kept by the Comal County Criminal District Attorney's Office and the Comal County Community Supervision and Corrections Department.

The Defendant further acknowledges the following (*please initial each line*):

1. _____ I understand that if I fail to complete VTC, I may be barred from future participation and this may result in my being sentenced in accordance with the law. I understand that upon withdrawal or termination from the program, I will not have the right to a trial.
2. _____ I agree to pay a VTC program fee of \$750.00.
3. _____ I understand the VTC is designed to last a minimum of eighteen (18) months and that my success is contingent upon my completion of all of the requirements of the program.
4. _____ I agree to be bound by and follow the conditions and requirements of VTC as detailed in the VTC Handbook, which has been provided to me prior to my plea.
5. _____ I understand that should it become necessary to extend my probation period in order to successfully complete the requirements of the VTC program that the presiding Judge may extend my

probationary period up to an additional six (6) months, not to exceed a total probationary period of twenty four (24) months from the date of signing this plea.

6. _____ I agree to the following additional conditions: _____

Defendant

Attorney for 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_____.

Judge Presiding