

Subsequent to my admission to the Challenge Court, I understand that any failure to timely abide by any provision of these covenants, conditions or requirements may result in any sanctions deemed appropriate by the Challenge Court Team or any Judge/Magistrate presiding over my case, including but not limited to loss of any Challenge Court privileges, days in jail, or termination. I understand that the offense for which I am charged is either a:

_____ (*initial*) **STATE JAIL** felony with a punishment range of not less than 180 days in county jail nor more than two (2) years in the Texas Department of Criminal Justice, State Jail Division and a fine not to exceed \$10,000: or

_____ (*initial*) **THIRD DEGREE** felony with a punishment range of not less than two (2) years nor more than ten (10) years in the Texas Department of Criminal Justice, Institutional Division and a fine not to exceed \$10,000.

Any violation of this contract/agreement may be established with proof of **LESS** than a preponderance of the evidence which is a standard **lower** than that degree of proof required in the revocation of regular community supervision or probation cases.

If accepted into the Challenge Court program, I understand and agree that I will be required to execute documents that will subsequently be filed with the Comal County District Clerk if, and only if, I am terminated from the program. Those documents include, but may not be limited to, this "Application," a "Waiver of Indictment and Information," a "Judicial Confession of Guilt and Stipulation of Evidence," and a "Guilty Plea Admonishments."

I understand and agree that if I am terminated from the Challenge Court and the aforementioned documents are filed with the District Clerk, I will be given at least 30 days advance notice of a hearing with an opportunity to secure the presence of retained or appointed counsel. The notice will accompany reasons why the Court has terminated me from the program thereby giving me an adequate opportunity to respond even though I understand that, by my choice to enter into the Challenge Court program, I will **NOT** have a legal right to do so based upon my knowing and voluntary execution of this document intentionally **WAIVING** any such right. I understand that Judge Waldrip will not preside over subsequent hearings related to my case if I am terminated from the program.

I understand that this is a court "diversion" program providing me the opportunity to succeed and avoid a felony conviction. Successful completion of this diversion program for the offense charged will result in a dismissal of my case without prosecution by the Comal County District Attorney. To the extent I may be or may become entitled to an expunction of the arrest underlying the offense charged under Article 55.01 of the Texas Code of Criminal Procedure, in accordance with Article 1.14 of the Texas Code of Criminal Procedure, I hereby agree to knowingly, intelligently and voluntarily waive any and all current and future rights to an expunction as a condition of my participation in the Challenge Court program. Furthermore, to the extent I may be or may become entitled to an order of nondisclosure under any statutory provision **other than** Section 123.001 of the Texas Government Code, in accordance with Article 1.14 of the Texas Code of Criminal Procedure, I hereby agree to knowingly, intelligently and voluntarily waive any and all current and future rights to an order of nondisclosure under any statutory provision **other than** Section 123.001 of the Texas Government Code as a condition of my participation in the Challenge Court program. I understand that I may not attempt to obtain an order of nondisclosure with respect to the records and files

related to the arrest for the offense for which I entered this program until two years after my successful completion of this program, and even then I may only obtain such an order if I meet the requirements of Section 123.001 of the Texas Government Code. Furthermore, I understand that the Challenge Court Judge must hold a hearing after notice to the State to determine (1) whether I am entitled to file the petition, and (2) whether such an order is in the best interest of justice; unless the Challenge Court Judge answers both questions affirmatively, I will not be able to obtain an order of nondisclosure. I understand that to be entitled to petition for an order of nondisclosure under Section 123.001, at the time the hearing on the petition is held I must meet both of the following requirements: (1) I must never have been convicted of an offense listed in Section 3g, Article 42A.054, Code of Criminal Procedure, or a sexually violent offense, as defined by Article 62.011, Code of Criminal Procedure **and** (2) I must not have been convicted for any felony offense between the date on which I successfully completed this diversion program and the second anniversary of that date. I further understand that if my entry into the program arose as a result of a conviction for an offense involving the operation of a motor vehicle while intoxicated I will not be able to obtain an order of nondisclosure.

By my signature at the end of this **APPLICATION**, I acknowledge the State's satisfactory completion of any and all requirements necessary to bind me to this contract. I further acknowledge and agree that the Challenge Court reserves the right to either expand or constrict the following conditions, covenants or requirements to individually tailor the program and any substance abuse treatment I need in order for me to succeed.

1. Only after consultation with my attorney, I may be allowed to enter the Challenge Court if and only if I **JUDICIALLY CONFESS my GUILT** to the precise charge for which I was arrested.

2. I understand there are only two ways to get out of the Challenge Court: (1) successful completion; or (2) termination. I acknowledge that **SUCCESS** is solely up to me. I further acknowledge and understand that termination will likely result in my incarceration up to and including the maximum allowed by law for the offense that I committed and confessed my guilt. I understand withdrawal from the Challenge Court is **NOT** an option.

3. I hereby knowingly and voluntarily **CONSENT** to and will fully and honestly cooperate with all interviews, assessments and tests that I may be asked to perform for my admission into and continuation in the Challenge Court, including but not limited to criminal background checks, substance abuse evaluations, urinalysis, hair follicle tests, credit checks, and polygraph examinations. Further, I agree and **CONSENT** to the search of my person, my home, my work place or station and my vehicle at the discretion of any member of the Challenge Court Team. I agree to complete and execute all documents necessary to foster any such purposes, including but not limited to waivers, authorizations, informations, plea packets, etc.

4. Upon acceptance into the Challenge Court, I agree to provide and update a written itemized and in-depth **GOAL ACHIEVEMENT PLAN (GAP)** within two (2) weeks. My **GAP** will contain one (1) short-term goal, three (3) mid-term goals and two (2) long-term goals that I desire to attain along with my step-by-step plan to achieve each of those goals.

5. I represent that I have **NEVER** been found guilty nor convicted of any violent offense—misdemeanor or felony.

6. I will appear, attend and participate at all functions of the Challenge Court as requested or instructed by any member of the Challenge Court Team. In the event of any scheduling conflict, I must

notify my community supervision officer in writing at least 72 hours in advance. The Challenge Court Team may be comprised of representatives from the District Attorney's Office, a defense attorney, the Challenge Court Coordinator, the Clerk of the Court, substance abuse treatment providers, the Comal County Adult Community Supervision and Corrections Department, one or more members of law enforcement personnel, one or more members of the community at large, one or more members of the local bar association, a Challenge Court Graduate, and any Judge or Magistrate presiding over matters before this Court.

7. I understand that the Judge of the 433rd Judicial District Court, Dib Waldrip, was the Comal County District Attorney from January 1997 through April 2007, and that he was an Assistant District Attorney beginning in January 1993. I hereby **WAIVE** any actual or potential conflict if Judge Waldrip ever participated in any prior investigation or prosecution of any and all cases previously filed against me.

8. I understand that the help I need will include treatment for my substance abuse problem. I agree to sign and abide by an individualized substance abuse treatment plan and to subsequently participate, in good faith, in the accomplishment of its goals and objectives. I understand that my substance abuse problem may affect my thought process, and thus, I also agree to strictly abide by all lawful requests of any substance abuse treatment provider. I agree to timely report to any treatment provider as a part of my plan understanding that the treatment will continue for approximately two (2) years and may include placement in outpatient or inpatient residential facilities. The term of treatment may be extended as deemed necessary by the Challenge Court Team. I understand that I may be responsible to pay for certain unspecified expenses related to my treatment.

9. I agree to faithfully attend and fully participate in Challenge Court Team meetings, performance reviews, peer review assessments or panels and all other required functions of the Challenge Court.

10. I understand that I will **NOT** be charged or prosecuted with a separate offense pertaining to any statements made by me to any Challenge Court Team member or persons affiliated with the Team regarding substance abuse or drug use.

11. I understand that the Challenge Court's substance abuse treatment will consists of four (4) phases with a fifth reintegration phase, and I agree to fully participate in each phase with a positive attitude seeking the goal of my rehabilitation. I understand that each of the phases may contain components such as those examples generally outlined below. I understand that advancement is conditioned upon the Challenge Court Team's recommendation to be approved by the Presiding Judge of the Court.

Challenge Court Phases Phase I

A. Phase 1: Orientation—Assessment—Stabilization

- 1) Orientation to the Challenge Court
- 2) Treatment in an Inpatient or Outpatient as required
- 3) Weekly Planner & Schedule
- 4) Goal Achievement Plan (GAP)
- 5) Court Appearance (once per week)

- 6) Community Supervision Office Visits
- 7) Community Supervision Field Visits

8) Random Urinalysis

Advancement Criteria for Phase II:

- a) Completion of Treatment (Inpatient or Outpatient)
- b) Fulfillment of short-term goal
- c) No violations for 90 consecutive days (includes but not limited to failure to report, positive urinalysis, or missed court)
- d) At least four weeks of aftercare completed
- e) Down payment of \$300.00 towards the \$1,000.00 Challenge Court Fee
- f) Payment of \$140 restitution to the Department of Public Safety, if applicable
- g) Be at Step 3 of Mutual Support Group (AA/NA)¹

Advancement from Phase I to Phase II is contingent upon the approval of the Drug Court Team and Judge.

B. Phase II: Intensive Treatment

- 1) Review and Revise Treatment Plan
- 2) Review and Revise Weekly Planner & Schedule
- 3) GAP Progress Reports
- 4) Court Appearance
- 5) Community Supervision Office Visit
- 6) Community Supervision Field Visit
- 7) Individual Counseling
- 8) Group Counseling
- 8) Random Urinalysis
- 9) Mutual Support Group (AA/NA) 12-step program
- 10) Community Service (150 hours)
- 11) Vocational Counseling and Referral
- 12) Recreational Fellowship (once every other week)

Advancement Criteria for Phase III:

- a) Demonstrated positive adjustment to treatment
- b) Completion of all Aftercare
- c) Completion of MHMR evaluation and following recommendations of such
- d) Fulfillment of one mid-term goal
- e) Attainment of G.E.D., if applicable
- f) Complete at least Step 9 of Mutual Support Group (AA/NA)
- g) No violations for 120 consecutive days
- h) Demonstration of Employment for three months or be enrolled as a fulltime student in an approved educational pursuit
- i) Complete 150 Community Service Hours
- j) Payment of an additional \$300.00 towards \$1,000.00 Challenge Court Fee
- k) Deposit \$300 towards savings account and provide documentation of such
- l) Provide successful hair follicle test
- m) If Driver's License is suspended, provide documentation of progress to clear suspension.

¹ Participants are not required to attend AA/NA or religiously based Mutual Support Groups. Upon request to the Drug Court Team, participant may attend a non-religiously based Mutual Support Group such as Celebrate Recovery.

Advancement from Phase II to Phase III is contingent upon the approval of the Drug Court Team and Judge.

C. Phase III—Transition

- 1) Review and Revise Treatment Plan
- 2) Review and Revise Weekly Planner & Schedule
- 3) GAP Progress Reports
- 4) Court Appearance
- 5) Community Supervision Office Visit
- 6) Community Supervision Field Visit
- 7) Individual Counseling
- 8) Group Counseling
- 9) Mutual Support Group (AA/NA) 12-Step program
- 10) Random Urinalysis

Advancement Criteria for Phase IV:

- a) Demonstrated positive adjustment to treatment
- b) Provide documentation of progress towards one long-term goal
- c) No violations for 150 consecutive days
- d) Complete all 12 steps of Mutual Support Group (AA/NA)
- e) Maintain employment/enrolled in approved educational pursuit
- f) Payment of additional \$300.00 towards \$1,000.00 Drug Court Program Fee
- g) Deposit an additional \$300 towards savings account and provide documentation of such

D. Phase IV—Aftercare

- 1) Review and Revise Treatment Plan
- 2) Review and Revise Weekly Planner & Schedule
- 3) GAP Progress Reports
- 4) Court Appearance
- 5) Community Supervision Office Visit
- 6) Community Supervision Field Visit
- 7) Individual Counseling
- 8) Group Counseling
- 9) Random Urinalysis

Graduation Criteria:

- a) Demonstrated positive adjustment to treatment
- b) Fulfillment of one long-term goal
- c) No violations for entire phase
- d) Maintain employment/enrolled in approved educational pursuit
- e) Write and provide to the Team a 2-3 page paper on what you have learned in the Challenge Court and what your plan is upon graduation.

- f) Payment of additional \$100.00 towards \$1,000.00 Drug Court Program Fee

- g) Deposit an additional \$400 towards savings account and provide documentation of such

E. Phase V- Graduation and Aftercare

- 1) Mentor the participants of the Challenge Court Program
- 2) Criminal Background Check show no new arrest or criminal charges
- 3) Attend four consecutive quarterly graduations

Release from Probation:

- a) Reporting and appearances timely made, and
- b) No new arrests or criminal charges

12. I understand that I am solely responsible for **ANY** and **ALL** substances that go into my body. I further understand that I will be held personally responsible for the presence of any substance detected in my body, blood, hair or urine regardless of the source or method of ingestion. I understand that with a positive test, I will be required to reveal the source from which I obtained the drug. I also understand and agree that the Challenge Court Team may make decisions regarding my participation in and/or termination from the Challenge Court based upon preliminary or “desk-top” urinalysis results without confirmation of any kind. I understand that if I wish to contest any such preliminary finding that I shall bear all costs to obtain a confirmation of the results from the Challenge Court Team’s approved laboratory. I also understand that with a positive test, I can be immediately incarcerated in the Comal County Jail.

13. I understand that I am **NOT** allowed to use or consume and I agree **NOT** to use or consume alcohol, illegal drugs or a controlled substance unless it is lawfully prescribed to me by a physician. I agree to consume any such prescribed medication only in strict compliance with the prescription. I agree to notify my physician that I am a Challenge Court participant striving for abstinence, and I agree to provide the Challenge Court Team written disclosure of **ANY** and **ALL** prescribed medications within one work day of the date the medications are first consumed.

14. I agree to provide the Challenge Court Team written disclosure **PRIOR** to consuming **ANY** over-the-counter medications, and I agree to consume all such medications only in strict compliance with the manufacturer’s specifications and directions.

15. I will neither enter nor remain in an establishment whose primary purpose is to sell or otherwise provide alcoholic beverages to its customers or patrons.

16. I understand that Community Supervision (Probation) Officers employed by the State of Texas and/or Comal County will conduct field visits that may occur at my home, my work, or anywhere else deemed necessary in conformity with Challenge Court requirements. I further understand that Community Supervision (Probation) Officers employed by the State of Texas and/or Comal County will direct me to report for office visits, and I agree to promptly report as directed.

17. I understand that I may receive positive reinforcement incentives when I demonstrate progress in the Challenge Court and that I will likely be swiftly sanctioned for **ANY** negative set-back or violation of Challenge Court requirements. I agree to and do hereby **WAIVE** my right to force the District Attorney to

prove **ANY** set-back or violation of the Challenge Court requirements. I understand and accept that the Presiding Judge of the Court has and may exercise his or her sole discretion to determine the extent of any set-back or violation and the sanction applicable thereto. Knowing that I may be sentenced up to the maximum sentence allowed by law for the offense I committed and confessed, I understand and do hereby accept that I have **NO** right to appeal the Court's decision.

18. I understand that sanctions may include but are not limited to loss of "clean days," community service hours, written assignments, increased supervision, extended time within the phases, incarceration, or termination. I understand that if I am terminated from the program, I will **NOT** receive credit for any time I serve in county jail or attend a treatment provider as a function of the Challenge Court program. I further understand that termination from the Challenge Court **WILL** result in a finding of guilt and a final felony conviction on my record. I understand that deferred adjudication will **NOT** be an option upon termination, and termination may very well result in my incarceration in the Texas Department of Criminal Justice for up to the maximum time allowed by law. I also understand that any such conviction with incarceration at T.D.C.J. may later be used to enhance the potential punishment for future felony offenses.

19. I agree to follow all directions of any Challenge Court Team member, and I agree to complete all Challenge Court requirements or tasks, without exception, as directed by the Challenge Court Team or Presiding Judge/Magistrate, including but not limited to employment, counseling, therapy, rehabilitation, education, payments, referrals, or community service.

20. I agree to live within 40 miles of the Comal County Courthouse, and I will not change my residence (the place where I lay my head down for more than two consecutive nights) without the prior written approval of the Challenge Court Team. I agree not to go beyond 50 miles of my residence without the prior approval of the Challenge Court Team.

21. I understand that dependent upon my individual treatment needs my ability to obtain or maintain employment may be diminished substantially. If available from my employer, I agree to use any and all accrued vacation, sick or other leave time to which I may be entitled.

22. At all other times, I understand and agree to actively seek gainful employment unless enrolled in an educational endeavor or job training approved by the Challenge Court Team. I agree not to voluntarily change my educational or employment status without prior approval of the Challenge Court Team, and I will notify the Challenge Court Team within one working day of any involuntary change of my educational or employment status.

23. I agree not to violate the law or to associate with any person engaged in criminal activity. If I am arrested or otherwise charged with any offense, I agree to tell any arresting officer that I am a Challenge Court participant as well as to notify my probation officer of the arrest or charge within 72 hours. I agree not to possess any illegal weapon of any form at any time, and I will disclose to the Challenge Court Team the presence of any weapons possessed by any persons in my home or household.

24. I agree to pay Comal County a \$1,000.00 Felony Drug Court Program Fee as well as restitution, attorney's fees and court costs associated with the charge to which I have judicially confessed. Further, I agree to pay a portion, if not all, of the costs associated with my substance abuse evaluation, treatment and counseling understanding that the amount will be determined by the Presiding Judge according

to my ability to pay and available credit.

25. I understand that the Challenge Court involves a substantial commitment of me, my time and my resources beginning now and extending for a minimum of two (2) years—if not three (3).

26. I will not pierce or tattoo my body during my participation in the Felony Drug Court Program.

I hereby **WAIVE, RELEASE**, forever **DISCHARGE**, and **HOLD HARMLESS** the State of Texas, Comal County, Texas, any and all complaining witnesses, participating or affiliated Challenge Court agencies, offices or departments and their respective agents, employees, officers or representatives as well as each of their respective heirs, successors, executors, administrators, and assigns from any and all claims of any kind or nature whatsoever, **CIVIL or CRIMINAL**, whether in law or in equity as a result of either **NEGLIGENCE or RECKLESSNESS**, arising out of my arrest, participation in, or termination from the Challenge Court program.

I have read and understood the entirety of this ten-page form for my APPLICATION and DISCLOSURES For VOLUNTARY PARTICIPATION in FELONY DRUG/DWI COURT PROGRAM. I have **NO** questions about the contents of this **CONTRACT** that might affect the voluntariness of my execution of the agreement. This document encompasses the entirety of the covenants, conditions and requirements necessary to legally bind me to both this **CONTRACT** and the effects of application of this **CONTRACT**. No promise or assurance affecting my decision to execute this **CONTRACT** has been made to me by anyone other than those contained within this document. Lastly, I hereby accept and agree to be bound by each and every portion of this **CONTRACT**—either singularly or comprehensively.

Executed on this the ____ day of _____, 20__.

DEFENDANT

COUNSEL FOR DEFENDANT

PRINTED NAME OF COUNSEL

CONTACT # FOR COUNSEL

DEFENDANT'S RESIDENTIAL ADDRESS

DEFENDANT'S CONTACT ##

COMMUNITY SUPERVISION

DISTRICT ATTORNEY'S OFFICE

Application and Approval GRANTED for DEFENDANT to participate in the COMAL COUNTY FELONY DRUG COURT PROGRAM on the ____ day of _____, 20__.

PRESIDING JUDGE

CHALLENGE COURT # _____

CAUSE NO. _____

STATE OF TEXAS

§ IN THE DISTRICT COURT

§ 433RD JUDICIAL DISTRICT

§ COMAL COUNTY, TEXAS

DEFENDANT

CHALLENGE COURT PROGRAM
JUDICIAL CONFESSION OF GUILT
&
STIPULATION OF EVIDENCE

I, the above-named Defendant, was arrested on the _____ day of _____, 20____ for the felony offense of _____.

I acknowledge that I have adequately and sufficiently consulted with my attorney prior to completing this document. Furthermore, I am completing this document intentionally, knowingly and voluntarily without coercion, duress or promise of leniency. Notwithstanding article 38.22 of the Texas Code of Criminal Procedure, I understand that this document—a Judicial Confession of my GUILT may be used against me in any subsequent criminal trial or proceeding unless I successfully complete the entire CHALLENGE COURT PROGRAM. I further stipulate to the admission of and waive any objections to the documents attached hereto as evidence sufficient to prove my GUILT.

On or about the _____ day of _____, 20____, in Comal County, Texas, I committed the following acts which I understand is a felony offense against the peace and dignity of the State of Texas and its laws:

_____.

Signed on this the _____ day of _____, 20____.

Defendant

Attorney for Defendant

CHALLENGE COURT # _____

CAUSE NO. _____

STATE OF TEXAS

§ IN THE DISTRICT COURT

§ 433RD JUDICIAL DISTRICT

§ COMAL COUNTY, TEXAS

DEFENDANT

CHALLENGE COURT PROGRAM
CONSENT TO SEARCH

I, the above-named Defendant, was arrested on the _____ day of _____, 20____ for the felony offense of _____.

I acknowledge that I have adequately and sufficiently consulted with my attorney prior to completing this document. Furthermore, I am completing this document intentionally, knowingly and voluntarily without coercion, duress or promise of leniency.

I understand that successful completion of the CHALLENGE COURT PROGRAM requires personal responsibility and accountability on my behalf. I acknowledge that successful development of personal responsibility and accountability to overcome my substance abuse problem requires that my life be transparent to the CHALLENGE COURT PROGRAM Team.

Such as the case may be, I hereby freely, knowingly and voluntarily **CONSENT** to the search of my outer person (including pockets, packages or purses), any vehicle I may possess or control, my home, and my work place at the discretion of any member of the Challenge Court Team for the duration of my participation in the CHALLENGE COURT PROGRAM. Upon written approval of a Presiding Judge or Magistrate based upon a specified reasonable need or suspicion, I hereby freely, knowingly and voluntarily **CONSENT** to a more invasive search of my person, including removal of hair and blood samples for drug screening or testing.

I understand that the results of any search and/or subsequent testing may be used against me in any criminal proceeding or trial.

Signed on this the _____ day of _____, 20____.

Defendant

Attorney for Defendant

CHALLENGE COURT # _____

CAUSE NO. _____

STATE OF TEXAS § IN THE DISTRICT COURT
§ 433RD JUDICIAL DISTRICT
§ COMAL COUNTY, TEXAS
_____ DEFENDANT

CHALLENGE COURT PROGRAM
GUILTY PLEA ADMONISHMENTS

I, the above-named Defendant in this cause, was arrested on the _____ day of _____, 20____ for the felony offense of _____.

I acknowledge that I have adequately and sufficiently consulted with my attorney prior to executing this document. Furthermore, I am executing this document intentionally, knowingly and voluntarily without coercion, duress or promise of leniency.

By my signature below, I stipulate that the following admonishments were given me in full compliance with the law.

1. I am accused of committing: _____;
2. That offense is either a STATE JAIL felony or a THIRD DEGREE felony;
3. The punishment range for a STATE JAIL felony is not less than 180 days in county jail nor more than 2 years in the T.D.C.J., S.J.D. and a fine not to exceed \$10,000.00 and for a THIRD DEGREE felony is not less than 2 years nor more than 10 years in the T.D.C.J., I.D. and a fine not to exceed \$10,000;
4. Should my participation in the CHALLENGE COURT PROGRAM be terminated, I understand that any punishment recommendation by the District Attorney’s Office will not be binding on the Court, and I will **NOT** be allowed to withdraw my **GUILTY** plea even if the Court’s sentence exceeds the State’s recommendation;
5. Should my participation in the CHALLENGE COURT PROGRAM be terminated, I understand that deferred adjudication is **NOT** an option, and I freely, knowingly and voluntarily **WAIVE** any and all rights to appeal any conviction and sentence even if the Judge presiding over my case sentences me to the maximum sentence allowed by law;
6. I have been properly admonished regarding the detrimental effects of my **GUILTY** plea on my rights as a citizen of the United States of America;
7. If I am not a citizen of the United States of America, I have been properly admonished regarding the detrimental effects of my **GUILTY** plea on my ability to remain in this country, to re-enter this country and to become a citizen of this country;
8. The Court properly and adequately inquired into my mental competency to stand trial, and I am competent to stand trial and to enter a **GUILTY** plea;
9. I understand the effect of my stipulation to the evidence, my judicial confession, and my plea of **GUILT**, and I understand that such evidence is sufficient to prove the charges against me in this cause;

10. I understand the effect of my **WAIVER** of my right to be indicted by a Grand Jury and the Statute of Limitations, and if necessary, I **CONSENT** to be formally prosecuted by an Information;
11. I understand the effect of my **WAIVER** of my rights to a jury trial, and to confront and cross-examine the witnesses who may testify against me;
12. The Information was read in open court, and I was properly arraigned on the allegations contained therein;
13. I speak the English language and do not need an interpreter;
14. I have been properly sworn as a witness in this cause knowing that I will be **WAIVING** my right to remain silent and will give evidence against myself;
15. I **WAIVE** any legal rights I may have regarding service of the formal charges against me and preparation time for trial;
16. My attorney and I have had adequate time to review the formal charges against me and to prepare for trial, and we do **NOT** need additional time;
17. My attorney has fully explained to me each of the forms to be presented in the **CHALLENGE COURT PROGRAM** proceedings; the contents of those documents and their effects;
18. I am fully satisfied with the legal representation provided to me by my attorney;
19. I am pleading **GUILTY** to the allegations against me in this cause only because I am **GUILTY** and for no other reason;
20. My **GUILTY** plea to the charges against me is given freely and voluntarily;
21. I do not object to any of the evidence introduced by the State in this cause;
22. I verify that the signatures on the documents introduced into this cause are mine;
23. I have introduced any and all evidence necessary to protect my rights and best interests;
24. I understand that the **CHALLENGE COURT PROGRAM** is more rigorous and demanding than any of the standard probationary programs, and I accept each and every one of the covenants, conditions and requirements of this **FELONY DRUG COURT PROGRAM**, a.k.a. "Challenge Court;" and
25. There is no reason why the Court should not proceed to accept me into the **CHALLENGE COURT PROGRAM**.

SIGNED on this the ____ day of _____, 20____.

Defendant

Attorney for the Defendant

★ 433RD JUDICIAL DISTRICT COURT ★

COMAL COUNTY, TEXAS

FELONY DRUG COURT PROGRAM

a.k.a.

“Challenge Court”

CONFIDENTIALITY STATEMENT AND AGREEMENT:

I, _____, as a participant, a Team member or guest of the Challenge Court, duly recognize my responsibility to the confidentiality of all of the information, data and findings derived as a function of or on behalf of the Challenge Court and its activities. Accordingly, I hereby agree that:

1. Any information discussed at a team meeting shall remain confidential and will not be revealed or disseminated to anyone that is not a participating member of the Challenge Court Team;
2. Names, addresses, contact information and/or other identifying information of program participants shall remain confidential and will not be revealed or disseminated to anyone that is not a participating member of the Challenge Court Team;
3. Unless the information reasonably relates to the commission of a new or different offense, any information garnered, obtained or derived as a function of or on behalf of the Challenge Court and its activities shall remain confidential and will not be revealed or disseminated to anyone that is not a participating member of the Challenge Court Team;
4. All information, data, and findings contained in Challenge Court files shall remain confidential and will not be revealed or disseminated to anyone that is not a participating member of the Challenge Court Team without approval of a district court judge; and
5. It is understood that arrest warrants, supporting affidavits, and other information required by law to be public information or to be maintained for statistical purposes is not confidential.

Signed: _____ Date: _____

*** This form is intended to comply with requirements of Title 42 of the Code of Federal Regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records.

★ 433RD JUDICIAL DISTRICT COURT ★

COMAL COUNTY, TEXAS

FELONY DRUG COURT PROGRAM

a.k.a.

“Challenge Court”

CONSENT FOR DISCLOSURE OF CONFIDENTIAL CHALLENGE COURT
SUBSTANCE ABUSE INFORMATION:

Participant’s Name: _____ Date: _____

Date of Birth: _____ Challenge Court Case # _____

Notice to Patients pursuant to 42 C.F.R. § 2.22

The confidentiality of alcohol and drug abuse patient records maintained by this program is protected by federal law and regulations. Generally, the program may not say to a person outside the program that a patient attends the program, or disclose any information identifying a patient as an alcohol or drug abuser unless:

- (1) The patient consents in writing;
- (2) The disclosure is allowed by a court order; or
- (3) The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit or program evaluation.

Violation of federal law and regulations by a program is a crime. Suspected violations may be reported to appropriate authorities in accordance with federal regulations. Federal law and regulations do not protect any information about a crime committed by a patient either at the program or against any person who works for the program or about any threat to commit such crime. Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.

After consulting with my attorney, I, _____, have read and/or understood the legal requirements regarding Notice to Patients pursuant to 42 C.F.R. § 2.22 regarding the disclosure of my substance abuse treatment information and hereby consent to the release of necessary and approved substance abuse treatment information between any and all substance abuse treatment providers/counselors, etc. and the Challenge Court, including its member agencies, offices or department and their assigned or authorized representatives.

The purpose of and need for this disclosure is to inform the Challenge Court and all other parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance and progress in accordance with the Challenge Court program’s monitoring criteria. This information may be released through verbal, written or electronic communication.

I understand that this consent will remain effective and cannot be revoked by me as long as I remain in the Challenge Court program.

I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of substance abuse patient records and that recipients of the information may re-disclose it only in connection with their official duties.

Defendant's Signature

Attorney for Defendant

★ 433RD JUDICIAL DISTRICT COURT ★

COMAL COUNTY, TEXAS

FELONY DRUG COURT PROGRAM

a.k.a. "Challenge Court"

GOAL ACHIEVEMENT PLAN—G.A.P. GUIDELINE:

One short-term goal—to be completed within first month

Three mid-term goals—one completed within first year

—other two generally to be completed within one and a half years

Two long term goals—to be completed generally within two to two and a half years

What goals might the Defendant want to achieve physically, emotionally, spiritually, etc?

—education

—health

—job attainment or promotion

—family

—sport

—trade or occupation change

—hobby, *i.e., music, recreation, fitness, etc.*

Prioritize the goals.

What amount of time will realistically be required to attain the goals?

Segregate the goals into short-, mid-, or long-term categories.

Identify at least three (3) planning and execution steps necessary to achieve each goal.

Establish a time-line or target dates for each of the planning and execution steps.

Devise a method to work toward those steps.

Identify individuals who can and should assist, *i.e., a mentor, a teacher, a coach, etc.*

Identify sources of information to assist.

Identify resources necessary to achieve your goals.

Write an outline of methods to timely achieve steps or sub-goals and the ultimate goals.

Set it aside for at least two days, and revise it at least once before finalizing the G.A.P.

Re-write your G.A.P. ***with proper spelling and grammar.***

Commit yourself to the success of the G.A.P.

Sign and date it. Execute!!!

Notices

The Comal County Challenge Court does not discriminate on the basis of race, color, national origin, religion, sex, disability, or age in the delivery of services.

The Comal County Challenge Court is in compliance with the Equal Treatment for Faith-Based Organizations guidelines as noted in 28 CFR 38. This program does not discriminate against participants on the basis of religion or religious belief.

If you feel that you have been discriminated against, you may file a complaint with the Federal Office for Civil Rights. Complaints may be filed online, by mail, fax, or email.

<http://www.hhs.gov/ocr/civilrights/complaints/index.html>

Region VI - Dallas (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

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