



CAUSE NO.: _____

THE STATE OF TEXAS

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§

IN THE COUNTY COURT

vs.

AT LAW NO. _____

COMAL COUNTY, TEXAS

**PLEA 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.

Guilty Plea Admonishments, Waivers, and Voluntary Statements

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

I am accused of committing: _____.

1. That offense is either a CLASS A OR CLASS B misdemeanor (circle one);
2. The punishment range for a CLASS A misdemeanor is confinement in jail for a term not to exceed one year, a fine not to exceed \$4,000.00, or both fine and confinement. The punishment range for a CLASS B misdemeanor is confinement in jail for a term not to exceed 180 days, a fine not to exceed \$2,000.00, or both fine and confinement;
3. Should my participation in VETERANS TREATMENT COURT – TRACK ONE 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 and I will be subject to the full range of punishment applicable to this offense;
4. Should my participation in the VETERANS TREATMENT COURT – TRACK ONE be terminated, I understand that deferred adjudication is **NOT** an option, and I freely, knowingly

- and voluntarily **WAIVE** any and all rights to file a motion for new trial, appeal any conviction and sentence, or file a post-conviction writ of habeas corpus, even if the Judge presiding over my case sentences me to the maximum sentence allowed by law;
5. 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;
 6. 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;
 7. I understand that if I am found guilty of the charge(s) against me, the offense(s) may be used to enhance a subsequent offense;
 8. I was sane at the time of the offense; 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 charge(s) against me in this cause;
 10. I understand the effect of my **WAIVER** of the applicable statute of limitations;
 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 and I **CONSENT** to the introduction of evidence in the form of police reports, witness statements or any other documentary evidence sufficient to establish my guilty and/or punishment;
 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 VETERANS TREATMENT COURT – TRACK ONE proceedings; the contents of those documents and their effects;
 18. I understand that statements and/or disclosures I make in the Statement of Offense in my application to participate in VETERANS TREATMENT COURT – TRACK ONE **MAY** be used against me for the purposes of impeachment if I am accepted into TRACK ONE of the program and am subsequently terminated from TRACK ONE of the program;
 19. I am fully satisfied with the legal representation provided to me by my attorney;
 20. I am pleading **GUILTY** to the allegations against me in this cause only because I am **GUILTY** and for no other reason;
 21. My **GUILTY** plea to the charge(s) against me is given freely, voluntarily, intelligently, and knowingly;
 22. I do not object to any of the evidence introduced by the State in this cause;
 23. I verify that the signatures on the documents introduced into this cause are mine;
 24. I have introduced any and all evidence necessary to protect my rights and best interests;
 25. I understand that VETERANS TREATMENT COURT – TRACK ONE 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 program; and

26. There is no reason why the Court should not proceed to accept me into the VETERANS TREATMENT COURT – TRACK ONE.

Judicial Admission

The charges against me allege that in Comal County, Texas, I, _____, date of birth ___/___/___ and Texas Driver’s License/I.D. Number _____, hereinafter “Veteran”, 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, voluntarily, intelligently, and knowingly 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 the 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 for a Class A misdemeanor is up to 365 days in jail and up to a \$4,000 fine, or for a Class B misdemeanor up to 180 days in jail and up to a \$2,000 fine.

TERMS OF PRE-TRIAL INTERVENTION

I further acknowledge I have reviewed and accept the terms and conditions of the Comal County Veterans Treatment Court. The Veteran’s plea shall be taken under advisement during the period in which the Veteran is in the VTC program. 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 as to guilt or innocence, and this case will be set for a sentencing hearing at which time I will be subject to the full range of punishment stated above. I further understand that if I successfully complete this program, my case will be dismissed.

This agreement goes into effect and runs for a period of 18 months (up to 24 months) from the date the Veteran first appears before Judge Stephens in Veterans Treatment Court.

This agreement does not constitute a finding of guilt nor does it place the Veteran on either regular

community supervision or deferred adjudication supervision under Chapter 42A, 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 dismissed. After dismissal, pursuant to Articles 55.01-55.03 of the Texas Code of Criminal Procedure and Chapter 124 of the Texas Government Code, the Veteran may seek expunction of the charge from his/her criminal record one year after completion of VETERANS TREATMENT COURT – TRACK ONE, however, the Comal County Criminal District Attorney’s Office will retain a copy of their records. Counsel for Veteran may seek, but are not entitled to, an expunction prior to the one year requirement by contacting the District Attorney’s office. The District Attorney’s Office may approve or deny said early request.

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

1. _____ I agree to be placed on Pretrial Intervention for a period of 18 months, subject to paragraph 6 below.
2. _____ I understand that if I fail to successfully complete or am terminated from VTC, this will result in my being sentenced in accordance with the law. I understand that I will not have the right to a trial as to guilt or innocence, but will have my case set for a sentencing hearing.
3. _____ I agree to pay a VTC program fee of \$750.00, unless directed otherwise by the Court.
4. _____ 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.
5. _____ 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.
6. _____ 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 my first appearance before the Court to begin the program.
7. _____ I agree to the following additional conditions:

Veteran

Attorney for Veteran

Assistant Criminal District Attorney

The Court finds that (1) the Veteran was sane when the alleged offense was committed, is mentally competent, is represented by competent counsel, understands the nature of the charge(s) against him/her and the consequences of a plea of guilty, including the minimum and maximum punishment provided by law; (2) the attorney for Veteran and the State consent and approve the waiver of trial by jury and agree to stipulate to the evidence in this case; and (3) the Veteran's plea of guilty, statements, waivers, stipulations and judicial confession were freely, voluntarily, knowingly, and intelligently made. The Veteran's plea is hereby taken under advisement. Upon successful completion of the terms of Pretrial Intervention, this case will be dismissed. Upon violation of the terms of Pretrial Intervention, this case will be set for entry of this Guilty plea and sentencing as detailed above.

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

Judge Presiding