



CAUSE NO.: _____

THE STATE OF TEXAS

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IN THE COUNTY COURT

vs.

AT LAW NO. _____

COMAL COUNTY, TEXAS

**DEFENDANT’S PLEA AGREEMENT TO PARTICIPATE IN VETERANS
TREATMENT COURT
TRACK TWO**

Waiver of Constitutional Rights

Prior to entering into this agreement to participate in Track Two of the Comal County Veterans Treatment Court, 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) I understand that the Criminal District Attorney’s punishment recommendation is not binding on the Court. The Court will inform me in open court before making a finding on my plea whether it will follow the plea bargain. Should the Court reject the plea bargain agreement, I may be permitted to withdraw my plea. If I enter a plea in absentia pursuant to a plea bargain agreement and the Court rejects the plea bargain agreement, I may be permitted to withdraw my plea. Should the Court reject a plea bargain agreement, the Criminal District Attorney shall be allowed to withdraw her consent to the plea bargain agreement, including her consent to waiver of jury trial.

- 4) I understand that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by myself and my attorney, I must receive the Court's permission before I may appeal any matter in the case, except those matters raised by written motions filed and ruled upon before trial.
- 5) I understand that after satisfactorily fulfilling the conditions of community supervision and on expiration of the period of community supervision, the Court is authorized to release a defendant from penalties and disabilities resulting from the offense as provided by Article 42A.701(f).
- 6) I understand that depending on the nature of the offense, there are various driver's license suspension laws that may apply to my case.
- 7) I understand that my plea to an intoxication-related offense described in Article 42A.408 of the Texas Code of Criminal Procedure will trigger Ignition Interlock Device requirements as provided by said article. I represent that I have been fully admonished about the Ignition Interlock Device requirements that apply to my case.
- 8) 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.
- 9) Should my participation in VETERANS TREATMENT COURT – TRACK TWO be terminated, I understand my case will be transferred from Judge Stephens' docket to another County Court at Law Judge and proceed in the same manner as any other case involving community supervision.
- 10) I **WAIVE** the right to file a motion for new trial.
- 11) I understand my right to appeal, but having entered into a plea agreement with the State and as part of that agreement before sentencing, I **WAIVE** my right to appeal from the judgment and sentence or probated sentence agreed upon.
- 12) I understand my rights to seek relief pursuant to a post-conviction writ of habeas corpus under Article 11.072 of the Texas Code of Criminal Procedure but, having entered into a plea agreement with the State and as part of that agreement before sentencing, I knowingly, intelligently, and voluntarily **WAIVE** my right to seek relief pursuant to a post-conviction writ of habeas corpus under Article 11.072 of the Texas Code of Criminal Procedure based on any claim that is known or reasonably should have been known to me at the time of my plea of guilty.
- 13) 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;
- 14) 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;
- 15) 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;
- 16) 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;
- 17) I understand the effect of my **WAIVER** of the applicable statute of limitations;
- 18) 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 guilt and/or punishment;
- 19) The Information was read in open court, and I was properly arraigned on the allegations contained therein;
- 20) I speak the English language and do not need an interpreter;

- 21) 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;
- 22) I **WAIVE** any legal rights I may have regarding service of the formal charges against me and preparation time for trial;
- 23) 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;
- 24) My attorney has fully explained to me each of the forms to be presented in the VETERANS TREATMENT COURT – TRACK TWO proceedings; the contents of those documents and their effects;
- 25) I understand that statements and/or disclosures I make in the Statement of Offense in my application to participate in VETERANS TREATMENT COURT – TRACK TWO MAY be used against me for the purposes of impeachment if I am accepted into TRACK TWO of the program and am subsequently terminated from TRACK TWO of the program;
- 26) I am fully satisfied with the legal representation provided to me by my attorney;
- 27) I am pleading **GUILTY** to the allegations against me in this cause only because I am **GUILTY** and for no other reason;
- 28) My **GUILTY** plea to the charge(s) against me is given freely, voluntarily, intelligently, and knowingly;
- 29) I do not object to any of the evidence introduced by the State in this cause;
- 30) I verify that the signatures on the documents introduced into this cause are mine;
- 31) I have introduced any and all evidence necessary to protect my rights and best interests;
- 32) I understand that VETERANS TREATMENT COURT – TRACK TWO 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
- 33) There is no reason why the Court should not proceed to accept me into the VETERANS TREATMENT COURT – TRACK TWO.

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, 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 VETERANS TREATMENT COURT AS A CONDITION OF COMMUNITY SUPERVISION

I further acknowledge I have reviewed and 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, my case will be transferred from Judge Stephens' docket to another County Court at Law Judge and will proceed as any other case involving community supervision. My case may be set for a hearing on a Motion to Show Cause, Motion to Adjudicate, or Motion to Revoke and I will be subject to the full range of punishment stated above.

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

TERMS OF SENTENCE AND DEFENDANT'S ACKNOWLEDGMENT

In consideration of the defendant's plea, it is mutually agreed and recommended by the Defendant and the Criminal District Attorney and the defendant that the defendant be admitted into the Comal County Veterans Treatment Court – Track Two with the following conditions in addition to the rules and requirements described in the VTC Handbook:

- a. _____ days confinement in the Comal County Jail, with the full sentence suspended per Veterans Treatment Court;
- b. ___18___ months of community supervision / deferred adjudication (circle one), subject to the Court's discretion to extend the probationary period as noted below;
- c. ___\$0.00___ Fine;
- d. ___\$750.00___ Veterans Treatment Court Program Fee to be paid in accordance with the VTC Handbook, unless directed otherwise by the Court;

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

1. _____ I agree to be placed on community supervision for a period of 18 months, subject to paragraph 6 below.
2. _____ I understand that if I fail to successfully complete or am from terminated from VTC, my case will be transferred to another County Court at Law Judge’s docket and my case will be treated as any other case involving community supervision.
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 my first appearance before the Court to begin the program.
6. _____ I agree to the following additional conditions: _____

ORDER OF NON-DISCLOSURE

A Veteran who successfully completes their period of community supervision and Track Two of the VTC program, may seek an Order of Non-Disclosure for the offense on their criminal record as delineated in Chapter 411 of the Texas Government Code. The eligibility requirements may differ depending on whether the defendant served a period of straight probation versus deferred adjudication probation. Please refer to the applicable provisions in Chapters 124 and/or 411 for further guidance. A veteran who completes Track Two of VTC as a condition of probation is not eligible for an expunction.

The above terms constitute our agreement, and there are no agreements not set forth above. The Defendant and Counsel request the Court to follow the plea bargain.

“I can read and write the English language and I have read this entire document or I understand the English language and this document has been read to me. Additionally, if I am unable to read, write, or understand the English language, an interpreter has aided me in reading this document and reviewing it with my attorney. I have discussed this document fully with my attorney and I understand this document completely. My attorney has discussed the law and facts applicable to this case with me, and I am satisfied that I have been effectively represented. Furthermore, I am mentally competent, I understand the admonishments in above, and I am aware of the consequences of my plea. With full understanding of the law and the facts and evidence involved in this case, I am freely, knowingly, intelligently, and voluntarily entering my plea of guilty; I am waiving my rights as specified above; I stipulate to the evidence; and I judicially confess as stated above.”

DEFENDANT

SWORN AND SUBSCRIBED TO before me by the Defendant, this the _____ day of _____, 20_____.

Honorable Bobbie Koepp
County Clerk
Comal County, Texas

By: _____
Deputy

I hereby join, consent to, and approve of the waiver of jury trial pursuant to Art. 1.13, C.C.P. and the stipulations of evidence In addition, I hereby advise the Court that I have fully consulted with the defendant and have carefully reviewed with him/her this entire document. I believe he/she is mentally competent, understands the admonishments, is aware of the consequences of the plea, and is freely, voluntarily, knowingly, and intelligently entering his/her plea of guilty, waiver, stipulation and judicial confession.

COUNSEL FOR DEFENDANT

I hereby join, consent to, and approve of (1) the stipulations of evidence, and (2) the waiver of jury trial pursuant to Article 1.13, C.C.P., conditioned on the Court accepting this plea agreement and sentencing the Defendant in accordance with this Plea Agreement.

ASSISTANT CRIMINAL DISTRICT ATTORNEY

The Court hereby finds that (1) the Defendant 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 the Defendant and the State consent and approve the waiver of trial by jury and agree to stipulate the evidence in this case; and (3) the Defendant's plea of guilty, statements, waiver, stipulations, and judicial confession were freely, voluntarily, knowingly and intelligently made.

All stipulations, waivers, and pleas are hereby approved and accepted along with all findings as set out above.

IT IS SO ORDERED on this the _____ day of _____, 20____.

JUDGE PRESIDING