

CAUSE NUMBER _____

THE STATE OF TEXAS

VS.

§

§

§

IN THE 7TH JUDICIAL

DISTRICT COURT OF

SMITH COUNTY, TEXAS

WRITTEN PLEA ADMONISHMENTS
AND
STIPULATION OF EVIDENCE

ORIGINAL CRIMINAL CHARGE: _____ DATE OF JUDGMENT _____ / _____ / _____

MAXIMUM SENTENCE POSSIBLE: _____

NOW COMES the Defendant in person and with his/her attorney, _____ and acknowledges to the Court his/her understanding of the following:

1. An Application has been filed in the above styled and numbered criminal cause to
 Revoke the Community Supervision originally granted in this matter
 Proceed to Final Adjudication of the original criminal charge as shown above
2. If the Court finds that the Defendant violated the terms and conditions of Community Supervision, the Defendant faces up to the maximum sentence possible as shown above.
3. In assessing punishment the Court may consider recommendations made by the State and by the Defendant's attorney, but the Court will consider the evidence and will assess the appropriate punishment regardless of those recommendations.
4. The Court is not bound by any promises, agreements or recommendations of anyone in regard to the punishment to be assessed in this matter. If the Court does not follow the recommendation made, the Defendant may not withdraw a plea of "True."
5. If the Court revokes the Defendant's Community Supervision, the Defendant has the right to appeal such revocation. If the Defendant is too poor to hire an attorney to represent him/her on appeal, the Court will appoint one for him/her upon his/her request and a proper showing of the Defendant's inability to pay for an attorney. Additionally, a record of the proceedings will be provided to the Defendant at no cost upon his/her showing of his/her inability to pay for the record.

ACKNOWLEDGING THE FOREGOING, the Defendant and his/her attorney state that the Defendant fully understands and has read or someone has read to him/her the foregoing admonishments as well as the allegations against him/her as set out in the State's Application. Understanding said admonishments and allegations, the Defendant makes the following free, knowing, intelligent and voluntary stipulations of evidence:

1. That the Defendant whose signature appears below and who appears in person before the Court is the same person as originally placed on Community Supervision in this cause.
2. That the allegations as set out in paragraphs _____ of the State's application are **TRUE** and the Defendant joined by his/her attorney, enters his/her plea(s) of **TRUE** to said paragraph(s) and pleads **NOT TRUE** to paragraphs _____, the remaining allegations, if any.

WHEREFORE the Defendant waives the reading of the allegations contained in the State's petition and requests the Court to proceed to hearing in this matter, considering the foregoing admonishments, waiver, and stipulations of evidence, as offered by the State of Texas.

DEFENDANT

ATTORNEY FOR DEFENDANT

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned authority, on the _____ day of _____, 20____ by the above-named Defendant in open court during the trial of the above numbered and entitled cause.

PENNY CLARKSTON, Clerk of the District Court
Smith County, Texas

BY: _____
DEPUTY CLERK

The foregoing document was presented to the Court and is considered approved and granted on the _____ day of _____, 20____.

HONORABLE KERRY L. RUSSELL, Judge Presiding