49th DISTRICT COURT OF WEBB COUNTY, TEXAS

CAUSE NO. _____ **DATE:** _____

STATE *vs*: _____

OFFENSE: _____ **FELONY:** _____

AGREED PUNISHMENT RECOMMENDATIONS

It is mutually agreed and recommended by the parties that:

( ) Prosecution proceed only on the following counts: _____

( ) Prosecution proceed only on Paragraphs: _____

( ) Prosecution proceed on the lesser included offense of:

_____

( ) Under §12.44 P.C., punishment by assessed as a Class A Misdemeanor

( ) Plea to lesser included offense: _____

( ) Under §12.45 P.C., the Court can consider the following unadjudicated offenses:

_____

( ) Punishment be assessed at

_____ years in the Institutional Division, State of Texas.
_____ years /months/ days in a State Jail.
_____ days /months/ years in the Webb County Jail.
$ _____ fine

( ) Probation of the confinement period be granted for a term of _____ years.

( ) Deferred Adjudication granted and the defendant placed under community supervision.

OTHER AGREED RECOMMENDATIONS:

( ) Pay $350.00 attorney's fees

( ) _____

( ) _____

( ) _____

( ) _____

STATE'S RECOMMENDATIONS

The State recommends that the Court take the following action:

_____

_____

_____

DEFENDANT'S RECOMMENDATIONS

The Defendant recommends that the Court take the following action:

_____

_____

_____ _____

DEFENDANT **COUNSEL OF STATE**

_____

COUNSEL FOR DEFENDANT

IN THE 49th DISTRICT COURT
OF WEBB COUNTY, TEXAS

CAUSE NO. _____

STATE *vs.*: _____

DATE OF OFFENSE: _____ **OFFENSE:** _____

PLEA MEMORANDUM

Comes now the Defendant, represented by counsel, and would show the Court under oath the following:

Se presenta ahora el acusado, representado por su abogado, y bajo juramento, muestra a la Corte lo siguente:

1. **RANGE OF PUNISHMENT:** I understand that if I am convicted of this offense that under the law punishment must be assessed within the following range:

ALCANCE DEL CASTIGO: *Entiendo que si soy condenado de esta ofensa, que de acuerdo con la ley, el castigo debe ser impuesto dentro del siguente alcance:*

( )**FIRST DEGREE FELONY:** a term of life, or any term of not more that 99 years or less than 5 years in the Institutional Division, State of Texas and in addition, a fine may be assessed not to exceed $10,000.

FELONIA DE PRIMER GRADO: *cadena perpetua, o un término de no más de 99 años o menos de 5 años en la División Institucional, Estado de Texas, y además, se podrá imponer una multa que no sobrepase $10,000.*

( )**SECOND DEGREE FELONY;** _____a term of not more than 20 years or less than 2 years in the Institutional Division, State of Texas and in addition, a fine may be assessed not to exceed $10,000.

FELONIA DE SEGUNDO GRADO: *un plazo de no más de 20 años o menos de 2 años en la División Institucional, Estado de Texas, y además, se podrá imponer una multa que no sobrepase $10,000.*

( )**THIRD DEGREE FELONY:** a term of not more than 10 years or less than 2 years in the Institutional Division, State of Texas and in addition, a fine may be assessed not to exceed $10,000.

FELONIA DE TERCER GRADO: *un plazo de no mas de 10 años y menos de 2 años en la División Institucional, Estado de Texas, y además, se podrá imponer una multa que no sobrepase $10,000.*

( )**STATE JAIL FELONY:** a term of not more than two years or less that 180 days in a state jail and in addition, a fine may be assessed not to exceed $10,000.

FELONIA DE CARCEL ESTATAL: *un plazo no menos de 180 días, ni más de 2 años, y además, se podrá imponer una multa que no sobrepase $10,000.*

( ) **STATE JAIL FELONY ENHANCEMENT** punishment for a THIRD DEGREE FELONY

FELONIA DE CARCEL ESTATAL. INCREMENTO *castigo de una FELONIA DE TERCER GRADO*

( )**THIRD DEGREE FELONY ENHANCEMENT** punishment for a SECOND DEGREE FELONY

FELONIA DE TERCER GRADO *castigo de un FELONIA DE SEGUNDO GRADO. INCREMENTO*

( )**SECOND DEGREE FELONY: ENHANCEMENT** punishment for a FIRST DEGREE FELONY.

FELONIA DE SEGUNDO *castigo de una FELONIA DE PRIMER GRADO*

GRADO INCREMENTO

( )FIRST DEGREE FELONY: ENHANCEMENT

a term of life, or any term of not more than 99 years or less than 15 years in the Institutional Division, State of Texas and in addition, a fine may be assessed not to exceed $10,000.

FELONIA DE PRIMER GRADO INCREMENTO

cadena perpetua, o un plazo de no más de 99 *años* o no menos de 15 *años* en la Division Institucional, Estado de Texas, y además, se podrá imponer una multa que no sobrepase $10,000.

( )HABITUAL OFFENDER

a term of life, or any term of not more than 99 years or less than 25 years in the Institutional Division, State of Texas.

DELINQUENTE HABITUAL

cadena perpetua, o algún plazo de no más de 99 *años* o menós de 25 *años* en la División Institucional, Estado de Texas.

( ) _____ _____

_____ _____

_____ _____

2. PUNISHMENT RECOMMENDATION:

I understand that:

RECOMENDACIONES PARA EL CASTIGO:

Entiendo que:

( ) BINDING AGREEMENT

the Court must either accept or reject the agreement I have made with the State. If the Court ACCEPTS or does not exceed the agreement I made with the State, the Court must give me permission before I can prosecute an appeal on any matter except those raised by written motion filed before trial. If the Court REJECTS the agreement, I will be permitted to withdraw my plea. Knowing all of these things, I desire to persist in my plea.

ACUERDO OBLIGATORIO

la Corte tendrá que aceptar o rechazar el arreglo que he hecho con la Fiscalía. Si la Corte ACEPTA el arreglo o no exceda el arreglo que he hecho con la Fiscalía, tendra que darme permiso antes que you pueda presenter una apelacion sobre cualquier asunto que no sea tratado en alguna mocion, por escrito antes de juicio. Si la Corte RECHAZA el arreglo, podre retirar mi declaración. Sabiendo todo esto, deseo seguir con el arreglo.

( ) NON-BINDING AGREEMENT

any punishment recommendation of the prosecutor is not binding on the Court, and that the Court can assess any punishment within the range allowed by law for this offense. Knowing all these things, I desire to persist in my plea.

ARREGLO NO OBLIGATORIO

cualquier recomendación para el castigo por parte del Estado no será obligatorio sobre la Corte, y la Corte podrá fijar el castigo que sea permitido por la ley para esta ofensa. Sabiendo todo esto, deseo seguir con el arreglo.

3. MENTAL COMPETENCY TO STAND TRIAL:

I know and understand the proceedings involved in this case and fully cooperated with my counsel, and I certify that no issue of my mental competency to stand trial exists.

COMPETENCIA MENTAL PARA SOMETERSE A JUICIO:

Reconozco y entiendo los procedimientos relacionados con esta causa, y he cooperado completamente con mi abogado, y certifico que no existe ningún hecho relacionado a mis facultades mentales para ser sometido a juicio.

4. VOLUNTARINESS OF PLEA:

I am entering my plea freely and voluntarily and only because I am guilty of the offense alleged against me.

VOLUNTAD DE LA DECLARACION: *Estoy delarándome libremente y voluntariamente solamente porque soy culpable del cargo que se alega en mi contra.*

5. **CITIZENSHIP:** I understand that if I am not a citizen of the United States of America my plea of guilty or nolo contendre may result in my deportation, the exclusion from admission to this country, or the denial of naturalization under Federal Law.

CIUDADANIA: *Entiendo que si no soy ciudadano de los Estados Unidos de Norteamérica, mi declaracion de culpablidad o no contesto podrá resultar en deportación, exclusión de admisión al país o de nagación a nacionalización bajo la ley federal.*

6. **ADVICE FROM COURT:** I understand that I can ask the Court to explain any matters of law to me, whether or not I have received advice on the matter from my lawyer. I further understand that my failure to seek the Court's advice may constitute waiver in the event my lawyer has given me incorrect advice.

CONSEJO DE LA CORTE: *Entiendo que puedo solicitar al Juez me explique cualquier materia de ley aunque haya recibido asesoramiento o no de mi abogado sobre este punto. Además entiendo que si por mi falta de no pedir asesoramiento al Juez, podrá determinarse como renuncia por de mi parte en caso que mi abogado me haya proporcionado algun consejo incorrecto.*

7. **WAIVER OF 10 DAYS PREPARATION:** If my attorney is appointed, I give up and waive the right provided pursuant Art. 26.04 C.C.P. to wait 10 days to prepare for trial.

RENUNCIA DE 10 DIAS PARA PREPARACION: *Si mi abogado es designado, renuncio y rechazo el derecho que provee de el Artículo 26.04, Cóndigo de Procedimientos Criminales, en que se requieren 10 días para prepararse para juicio.*

8. **APPROVAL OF COUNSEL:** I am totally satisfied with the representation given to me by my attorney in this case. He provided me fully effective and competent representation.

APROBACION DE ABOGADO: *Estoy completamente satisfecho con la representación que me ha brindado mi abogado en esta causa. El me ha prestado una representacion completamente eficaz y competente.*

9. **WAIVER OF RIGHTS:** In accordance with Art. 1.14 C.C.P., I hereby waive and give up all rights given me by law, whether in form, substance or procedure.

RENUNCIA DE DERECHOS: *Conforme al Artículo 1.14 del Código de Procedimientos Penales, rechazo y renuncio en ésta todos los derechos que la ley me otorga, ya sea en forma, substancia o procedimiento.*

10. **PAROLE AND GOOD CONDUCT CREDIT:** I understand that if I am sentenced to the Institutional Division of the State of Texas, it cannot be accurately predicted how the parole or good conduct laws may be applied to me, because the application of these laws will depend on decisions made by prison and parole authorities. I understand that becoming eligible for parole does legally require parole consideration:

( ) when my actual time served equals 5 years or the term of the sentence imposed, whichever comes first, without consideration of any good conduct time I may earn.

( ) when my actual time served equals 1/2 of the sentence imposed or 30 years, whichever comes first, without consideration of good conduct time I may earn.

( ) when my actual time served plus any earned good conduct time equals 1/4 of the sentence imposed or 15 years whichever is less.

LIBERTAD CONDICIONAL Y

CREDITO POR BUENA CONDUCTA:

Entiendo que si soy sentenciado al Departamento Correccional del Estado de Texas, no se puede predecir como se me aplicarán las leyes de libertad vigilada y de buena conducta porque la aplicación de estas leyes depende en las decisiones de las autoridades de la prisión y la libertad condicional. Entiendo que el tener derecho a la libertad vigilada no garantiza que legalmente sea considerado para la libertad vigilada:

( ) cuando el tiempo que he servido equivale 5 años o la sentencia impuesta, cual sea primero, sin considerar el tiempo de buena conducta que se me pueda aplicar.

( ) cuando el tiempo que he servido es equivale a mitad (1/2) de la sentencia impuesta o 30 años, cual sea primero, sin considerar el tiempo de buena conducta que se me pueda aplicar.

( ) cuando el tiempo que he servido junto con el tiempo ganado por buena conducta equivale a una cuarta (1/4) parte de la sentencia impuesta, o 15 años, lo que sea menos.

11. STATE JAIL FELONY & GOOD CONDUCT CREDIT

You are not entitled to earn good conduct credit on any state jail sentence. The Court may, but is not required to give you credit on a state jail sentence for any time served in jail either awaiting trial or as a condition of supervision. In the event of a revocation of community supervision, the Court must give you credit on your sentence for any time you were required to serve in a state jail facility as a condition of probation on any time you are required to serve after revocation.

FELONIA DE CARCEL ESTATAL Y CREDITO POR BUENA CONDUCTA

No tiene derecho a acumular crédito de Buena conducta en alguna sentencia con cárcel estatal. El Juez podrá, sin que sea exigido, otorgale crédito en una sentencia con cárcel estatal por cualquier tiempo de condena cumplido en la cárcel, ya sea esperando juicio o como condición de supervisión. En caso de revocación de la supervisión comunitaria, el Juez debera ororgalrle crédito sobre su sentencia por algún tiempo que se le requirió a usted server en una cárcel estatal como condición de libertad condicional sobre algun plazo que se le exija cumplir después de la revocación de la libertad condicional.

11. WAIVER OF JURY TRIAL:

In accordance with Art. 1.13 C.C.P., in open Court, and joined by my attorney and counsel for the State, and with the consent and approval of the Court, I waive and give up any right to a jury trial in this case.

RENUNCIA DE JUICIO CON JURADO:

Conforme al Artículo 1.13 del Código de Procedimientos Penales, y al estar presente en la Corte, y acompañado, por me abogado y por el procurado, y con el consentimiento y aprobación, rechazo y renuncio a cualquier derecho de tener un juicio con jurado en esta causa.

12. STIPULATION FOR EVIDENCE:

In accordance with Art. 1.15 C.C.P., I consent in writing and in open Court to waive and give up the right to appearance, confrontation and cross-examination of witnesses, and consent to oral and written stipulations of evidence, and this waiver and consent is approved in writing by the Court.

ESTIPULACION DE PRUEBAS:

Conforme al Artículo 1.13 del Código de Procedimientos Penales, doy mi consentimiento, por escrito en plena corte, a rechazar y renunciar al derecho de comparecencia, confrontación y contra-interrogación de testigos, y doy mi consentimiento a estipulaciones por escrito y oralmente, y este consentimiento es aprobada por escrito por la Juez.

13. JUDICIAL CONFESSION:

Under oath, in writing and in open-Court, I swear that I have read the indictment returned against me in this case; that I understand

everything that it contains; and that I committed each and every element alleged. I further swear that I am guilty of all allegations made in the indictment as well as any lesser included offenses. I further swear that all testimony I will give in this case will be the truth, so help me God.

CONFESION JUDICIAL:

Bajo juramento por escrito en plena Corte, juro que he leído la acusación formal en mi contra en esta causa; que entiendo todo su contenido, y que he cometido todos y cada uno de los elementos que se alegan. Declaro además, que soy culpable de todas las alegaciones hechas en la acusación formal, así como algunas ofensas menores. Juro además, que todo el testimonio que dare en esta causa sera la verdad, así Dios me ayude.

_____
DEFENDANT - *ACUSADO*

SWORN TO AND SUBSCRIBED TO BEFORE ME, by the Defendant on this the _____ day of _____, 20____.

_____
DEPUTY DISTRICT CLERK, WEBB
WEBB COUNTY, TEXAS

_____
Defendant - *Acusado*

_____
Presiding Judge - *Juez*

_____
Counsel for Defendant - *Abogado*

_____
Counsel for State - *Fiscal*

CAUSE NO. _____

THE STATE OF TEXAS	§	**THE 49TH DISTRICT COURT**
VS.	§	**OF WEBB COUNTY, TEXAS**
_____	§	_____ **TERM, 20____**

APPLICATION FOR COMMUNITY SUPERVISION

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the Defendant in the above styled and numbered cause, wherein the defendant is charged by indictment with the offense of_____, and shows to the Court that Article 42.12 entitled Community Supervision of the Texas Code of Criminal Procedure is applicable to the felony with which the defendant is charged, and further alleges that the defendant has never before been convicted of a felony in this or any other state.

WHEREFORE, the defendant prays the court to hear testimony in support of the above allegations, and that in the event of defendant's conviction in this case and the punishment is assessed at a period not exceeding ten years imprisonment in the institutional division, that the defendant be granted community supervision pursuant to Article 42.12 of the Texas Code of Criminal Procedure.

_____
Defendant

BEFORE ME, the undersigned authority, on this _____ day of _____, 20___, personally appeared _____, who having been by me first duly sworn, upon oath deposes and says that *he/she* is the defendant in the above and forgoing application for community supervision, and the facts therein stated are true and correct.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____.

_____
Deputy District Clerk
ESTHER DEGOLLADO
Clerk of the District Courts of Webb County, Texas

CAUSE NO. _____

THE STATE OF TEXAS	§	**THE 49TH DISTRICT COURT**
VS.	§	**OF WEBB COUNTY, TEXAS**
_____	§	_____ **TERM, 20____**

EXHIBIT "A"

I am the defendant in the above and described cause. My fingerprints are taken by the Bailiff and/or Sergeant at Arms in the presence of the Deputy District Clerk.

_____
Defendant

I hereby certify that in accordance with Article 42.01 of the Texas Code of Criminal Procedure that I caused the Defendant, _____, place his fingerprints in the space provided below.

_____
Bailiff and/or Sergeant at Arms

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20___, the defendant, _____, in this cause. I further certify that the fingerprints were taken by the Bailiff and/or Sergeant at Arms in my presence.

_____
Deputy District Clerk
ESTHER DEGOLLADO
Clerk of the District Courts of Webb County, Texas

Right Hand- ***Mano Derecha***

Thumb	**Index**	**Middle**	**Ring**	**Little**

Left Hand- ***Mano Izquierda***

Thumb	**Index**	**Middle**	**Ring**	**Little**

CERTIFICATION OF DEFENDANT'S RIGHT TO APPEAL

CAUSE NO. _____

THE STATE OF TEXAS	§	**IN THE DISTRICT COURT**
VS.	§	**49TH JUDICIAL DISTRICT**
_____	§	**WEBB COUNTY, TEXAS**

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT TO APPEAL*

I, Judge of the trial court, certify this criminal case:

- ☐ Is not a plea-bargain case, and the defendant has the right of appeal. (or) *No existe un arreglo-obligatorio, tendra así el acusado el derecho de apelar. (o bien)*
- ☐ Is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal. (or) *Existe un arreglo- obligatorio, pero en virtud de que se presente una promocíon por escrito obteniendo un fallo judicial con fecha anterior al juicio y no habiendose desistido o realizado la cessíon de los derechos correspondiente, el acusado tendra el derecho a la apelacíon.(o bien)*
- ☐ Is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal. (or) *Existe un arreglo- obligatorio, sin embargo la Corte ha autorizado a efecto de que pueda presentarse una apelacion, teniendo el acusado el dececho en apelar. (o bien)*
- ☐ Is a plea-bargain case, and the defendant has NO right of appeal. (or) *Es un caso en que existe un arreglo obligatorio y en el cual el acusado NO tiene derecho en presenter ninguna apelacion. (o bien)*
- ☐ The defendant has waived the right of appeal. *El acusado ha renunciado por esta via al derecho de presenter una apelacion.*

_____ _____

JUDGE Date Signed

I have received a copy of certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellant Procedure. I have been admonished that my attorney must mail a copy of the court of appeals' judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the court of appeals. TEX. R. APP. P. 68.2 I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellant attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellant deadlines, if I fail to timely inform my appellant attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review. *He recibido copia de ésta certificación. También he sido informado acerca de mis derechos en relación con cualquier apelación de éste caso criminal, incluyendo cualquier derecho a archivar una petición por mí cuenta (pro se) para una revisión discrecional de acuerdo con la Regla 68 de los Reglamentos de Procedimeintos de Apelación de Texas. He sido informado que mí abogado deberá enviar por correo una copia del fallo de la corte de apelaciones y una opinión a mí último domicilio conocido y que yo tengo solamente 30 dias para archivar una petición por mi cuenta (pro se) para una revisión discrecional en la corte de apelaciones. Tex. R. App. P. 68.2, Yo reconozco que, si yo deseo apelar éste caso y que si yo tengo derecho a hacerlo, es mí obligación informar a mí abogado de apelación, por comunicación escrita, de cualquier cambio en la dirección en la cual estoy residiendo al presente o cualquier cambio en mí presente unidad en prision. Yo entiendo que por causa de las fechas límites, si yo no informo a mí abogado de apelación en un tiempo oportuno de cualquier cambio en mí dirección, yo puedo perder la oportunidad de archivar una petición por mí cuenta (pro se) para una revisión discrecional.*

_____ _____

Defendant
Defendant ***(if not represented by counsel)***

Mailing Address:_____
City / State: _____
Telephone No.: _____
Fax No.(*if any*):_____

Attorney for Defendant
Bar No.:_____

Mailing Address:_____
City / State: _____
Telephone No.: _____
Fax No. (*if any*): _____

*"A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case -- that is, a case in which the defendant's plea was guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant -- a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal." TEXAS RULE OF APPELLATE PROCEDURE 25.2(a)(2). *En un caso penal el acusado tiene el derecho a presentar una apelacion bajo éstas reglas judiciales. La corte judicial deberá realizar una certificación por escrito del derecho que le asiste al acusado para presenter una apelación en cada caso penal en el cual se dicte una sentencia condenatoria o de culpabilidad o algun fallo judicial que amerite dicha apelación. En cualquier caso en el que exista algun arreglo judicial, esto es, un caso en que el acusado se haya declarado culpable o bien existe una declaración que no se oponga a los hechos y que el margen de castigo no haya excedido la penalidad que haya sido recomendada por el fiscal de distrito y que se haya dado en común acuerdo con el acusado – el acusado podrá presentar una apelación unicamente cuando: (A) aquellos asuntos señalados por virtud de una promoción por escrito y que hayan sido acordados o que haya obtenido un fallo judicial antes de la fecha del juicio penal o (B) despues de haber obtenido la autorización por parte de la corte para presentar dicha apelación. Reglamentación aplicable en el Procedimiento de Apelación en Texas Articulo 25.2 (a)(2).*

CAUSE NO. _____

THE STATE OF TEXAS	X	**IN THE 49th DISTRICT COURT**
vs.	X	**FOR**
_____	X	**WEBB COUNTY, TEXAS**

ARTICLE 422A.301 PLEA ADDENDUM

On this _____ day of _____, 20 _____, you are entering into a plea agreement in the above styled and numbered case. As part of that plea agreement you are requesting that you be placed on community supervisión. Accordingly, you acknowledge and agree to follow all terms and conditions of community supervision imposed by this Court.

You hereby acknowledge and agree that, pursuant to Article 42 a.301 of the Texas Code of Criminal Procedure, a risk and needs assessment being conducted.

Today you are agreeing to certain standard conditions of community supervisión which are hereby imposed prior to the risk and needs assessment being conducted.

Additionally, you agree that a risk and needs assessment will be conducted following the Court's acceptance.

You agree that based upon the results of the risk and needs assessment, the Court may order one or more of the following additional conditions of community supervisión:

-Electronic monitoring/GPS
-Curfew
-Parenting classes
-Random drug testing
-Comply with CPS conditions
-No Harmful or Injurious Contact with Injured Party
-Do Not go within _____ feet of said location
-Psychological/Sexual Evaluation
-Driver Safety Course
-Alternative Alcohol Monitoring device
-Education
-Cognitive classes
-No alcohol
-No contact with injured Party
-No contact with co-defendants
-Mental Health Evaluation
-No contact/no unsupervised contact with children under the age of 17
-Gun Safety Course
-Substance Abuse Evaluation which could result in recommendation for:
Outpatient treatment
AA/NA or specified support group
Education classes
Counseling
Residential treatment
-Specialized Caseload/Specialized Conditions of Probation (for example, economic crime amendment, prescription drug amendment, mental health conditions or high risk conditions)

I have fully reviewed, understand and agree to the above which is hereby incorporated as part of my plea agreement.

_____
DEFENDANT

I have fully reviewed and explained the above to the Defendant:

_____
ATTORNEY FOR DEFENDANT

State Bar ID # _____
Printed Name: _____

State's acknowledgment:

_____
ATTORNEY FOR STATE

State Bar ID # _____
Printed Name: _____

_____
Jose A. Lopez, Judge
49th District Court

CAUSE NO. _____

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	49TH JUDICIAL COURT
	§	
_____	§	WEBB COUNTY, TEXAS

NOTICE OF JUDICIAL CLEMENCY FOR DEFENDANTS PLACED ON COMMUNITY SUPERVISION (PROBATION)

You are hereby notified that if the Court determines that you have satisfactorily fulfilled the conditions of your community supervision (hereinafter "Probation"), upon expiration of your probation, if certain requirements are met, you may be able to receive judicial clemency from the Court.

Under Article 42A.701, Code of Criminal Procedure, the Court may use its discretion to exercise judicial clemency in terminating your probation **if**:

1. The Court determines that you have satisfactorily fulfilled the conditions of your probation;
2. The term of your probation has expired, including any amended or modified term of your probation;
3. The Court discharges you from probation; and,
4. The Court sets aside the verdict in your case or permits you to withdraw your plea.

If the above requirements are met, the Court is authorized to dismiss the accusation, complaint, information,

or indictment against you and to release you from all penalties and disabilities resulting from your conviction or plea. However, if the Court releases you from the consequences of your conviction or plea, if you are subsequently convicted of another offense, your conviction or plea will be made known to the Judge, and if you are an applicant for or holder of a license issued by the Department of Family and Protective Services (hereinafter "Department"), the Department may consider that you previously received probation as a factor in issuing, renewing, denying, or revoking a license.

Signed and **Dated** on: _____ day of _____, 20_____.

_____

JUDGE PRESIDING
49th JUDICIAL DISTRICT COURT
WEBB COUNTY, TEXAS

DEFENDANTS CONVICTED OF: CERTAIN OFFENSES INVOLVING THE USE OF ALCOHOL (SECTIONS 49.04-49.08,CCP), AN OFFENSE REQUIRING REGISTRATION AS A SEX OFFENDER, OR A FELONY DESCRIBED BY ARTICLE 42A.054,CCP, ARE NOT ENTITLED TO THIS ADMONISHMENT AND
ARE INELIGIBLE FOR JUDICIAL CLEMENCY FROM A JUDGE.

OCA STANDARIZED FORM FOR PROVIDING INFORMATION TO DEFENDANTS PLACED ON COMMUNITY SUPERVISION (PROBATION), AS REQUIRED BY ARTICLE 42A.058,CCP
NOVEMBER 2017