

CASE NO.

THE STATE OF TEXAS                    §                    IN THE COUNTY COURT  
   §  
   §                    OF  
   §  
   §  
   §                    NAVARRO COUNTY, TEXAS

WAIVER OF APPOINTED COUNSEL, WAIVER OF JURY TRIAL  
AND  
WRITTEN ADMONISHMENTS BY TRIAL COURT

ARTICLE 26.04 WAIVER OF RIGHT TO HAVE COUNSEL

The undersigned acknowledges that he has been informed by the Judge of the charges against him, of the nature of the proceedings before the Judge, of his right to be represented by counsel before the Judge throughout the case, and of his right to have counsel appointed to represent him if he is financially unable to obtain counsel, of the possibility of confinement in jail being imposed as evidenced by the charge pending against him, and of the advantages and disadvantages of representing himself in a criminal case.

The Trial Judge has advised me as follows:

- that there are vital procedural rights which Defendant owns, including but not limited to the fact that Defendant need not testify but that if he chooses to testify, Defendant's criminal record, if any, may and probably will be brought out on cross-examination;
- that Defendant has a right to examine prospective jurors on voir dire;
- that Defendant has the right to submit proposed instructions to the jury and to object to instructions to the jury before they are given;
- that these instructions and objections thereto are technical in nature and are best prepared by an attorney;
- that during a trial Defendant has the right to object to the admission or failure to admit certain evidence;
- that cross-examination of witnesses is best done by competent counsel;

- that certain defenses may or may not be available to Defendant, all of which competent counsel can advise Defendant about;
- that an uninformed or uneducated or illiterate defendant may and probably will risk an unfair trial without counsel;
- that Defendant's liberty and property are at stake and that competent counsel may, through experience, offer mitigating circumstances even if Defendant is guilty, and that without counsel and without defendant knowing he has the right to present evidence in mitigation, Defendant may receive an unduly harsh penalty;
- that in the penalty stage of the trial Defendant may present additional evidence to support his plea for probation;
- that competent counsel will preserve error on appeal;
- that Defendant may have a court reporter record all proceedings and that competent counsel would insist on same;
- that in all aspects of a trial, competent counsel is recommended for the above and other reasons.

#### ARTICLE 1.13 WAIVER OF TRIAL BY JURY

Defendant on this date in person and in open court with the consent and approval of the Court and of the district attorney representing the State, waive, in writing, the right to have a trial by jury.

#### ARTICLE 42.12 -WAIVER OF PRESENTENCE INVESTIGATION

Defendant on this date in person and in open court waives his right for the community supervision and corrections department to make a presentence investigative report prior to sentencing and hereby moves the court to agree to this request.

#### ADMONITIONS

I have been advised by the Judge of this Court, prior to entering a plea of guilty or a plea of nolo contendere of the following:

1. the range of punishment attached to the offense for which Defendant is charged;
2. the fact that the recommended action of the prosecuting attorney as to punishment is not binding on the Court;
3. the fact that the recommendation of the prosecuting attorney as to punishment is not binding on the Court, provided that the court shall inquire as to existence or any plea bargaining agreements between the State and the Defendant and, in the event that such agreement exists, the Court informed the Defendant prior to any finding on the plea that

the Court would either follow the agreement or reject it. Should the court reject any such agreement, the defendant shall be permitted to withdraw his plea of guilty or nolo contendere;

4. the fact that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by Defendant and his attorney, if any, the Trial Court must give its permission before Defendant may prosecute an appeal on any matter in the case except those matters raised by written motion filed prior to trial; and
5. that if Defendant is not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may result in Defendant's deportation, the exclusion from admission to this country or the denial of naturalization under federal law.

Defendant further acknowledges that no one promised him anything, forced, coerced, or frightened him into entering this plea of guilty or nolo contendere; that this plea is hereby entered upon his own free will and accord; that he is pleading guilty for no reason other than because he is guilty or nolo contendere because he does not wish to contest the charge; that he does not have any false or misleading hope of pardon or parole influencing him to plea; that he voluntarily and intelligently waives his right to cross-examine and confront witnesses; and that he is mentally competent at this time and was mentally competent at the time of the commission of the offense.

#### ARTICLE 1.14-WAIVER OF RIGHTS

Defendant now in writing and in open court, waives any and all rights secured him by law as herein indicated and states to the Court that he understands each and every one of the foregoing rights and admonitions and is aware of the consequences of his plea.

Defendant further states that he can read and write the English language or that this entire document has been translated and read to him in his native language before signing said document.

Defendant specifically waives the right to a court-appointed attorney and to have an attorney sign this written document admonishing him and waiving his rights as herein indicated.

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Defendant

SUBSCRIBED and SWORN TO BEFORE ME, on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Judge Presiding

STATE'S WRITTEN CONSENT AND WAIVER OF JURY TRIAL

The State of Texas, acting by and through her District Attorney, consents and approves of the Defendant's Waiver of Trial By Jury and hereby waives a trial by jury.

Criminal District Attorney  
Navarro County, Texas

By \_\_\_\_\_  
Assistant Criminal District Attorney

COURT'S CERTIFICATION AND APPROVAL

I hereby certify that the above-named Defendant has been fully informed of the charges against him and of all the rights set forth above; and that Defendant executed the foregoing document in my presence in open court after its meaning and effect were fully explained to him on the date of the execution of this document as indicated above.

The Court further consents and approves of the Defendant's waiver of a trial by jury and waiver of a presentence investigative report prior to sentencing, in accordance with Article 42.12 of the Code of Criminal Procedure, and accepts Defendant's plea of guilty or nolo contendere and will hereafter assess his punishment somewhere within the range provided for by law.

\_\_\_\_\_  
Judge Presiding