

NO. _____

THE STATE OF TEXAS

§

THE COUNTY COURT AT LAW

VS.

§

OF

§

McLENNAN COUNTY, TEXAS

WAIVER OF COUNSEL

NOW COMES the Defendant in the above styled and numbered cause and makes known to the Court that he/she wishes to waive the right to counsel and represent himself/herself in this cause in all respects, and states as follows:

1. I understand that I am charged with the misdemeanor offense of _____ in the County Court at Law of McLennan County, Texas;
2. I further understand that I am entitled and have a right to be represented by an attorney;
3. I further understand that if the Court finds me to be indigent (too poor to hire an attorney), the Court will appoint me an attorney;
4. The Court has explained to me the dangers and disadvantages of representing myself;
5. I understand I may withdraw this waiver at any time during the proceedings but, if I do so, I do not have the right to a hearing on any matter which has been heard by the Court before withdrawal of this waiver;
6. I understand that I have the right to have these proceedings recorded by a court reporter, but I wish to waive that right.

Knowing these rights, I expressly **WAIVE** the above rights and **EXPRESSLY WAIVE MY RIGHT TO COUNSEL**.

Date: _____

Defendant

For the Court

On this date the Court heard the Defendant's Waiver of Counsel. The Court held a hearing to assure the Defendant understands the consequences of such a decision. The forgoing Waiver of Counsel was subscribed and sworn to in open Court by the Defendant on this date. A record of the hearing was made by the official court reporter for this Court.

The Court finds that the Defendant understands the offense with which he/she is charged and further understands his/her right to counsel, and that the Defendant wishes to waive the right to counsel.

It is, therefore ADJUDGED that the Defendant has voluntarily and knowingly waived the right to counsel.

Date: _____

Judge Presiding

NO. _____

THE STATE OF TEXAS

§

THE COUNTY COURT AT LAW

VS.

§

OF

§

McLENNAN COUNTY, TEXAS

DISCLOSURE OF PLEA AGREEMENT AND WAIVERS

[Must be completed in ALL cases]

_____ **OPEN plea** (no agreement) - *Waivers herein will be applicable;* **OR**

The State of Texas and the Defendant have entered into the following plea agreement, and acknowledge that this is the entire agreement. This agreement is not binding on the Court. In return for the waiver of the Defendant's rights and the Defendant's plea of GUILTY, NOLO CONTENDERE or TRUE in this cause, the State makes the following recommendations and waivers.

JAIL	
Sentence: _____	Fine: \$ _____
<i>[For State's counsel: No objection to _____ weekends _____ work release _____ SPURS _____ E. Monitoring]</i>	

COMMUNITY SUPERVISION (PROBATION)	<i>[Community Supervision Notices is MANDATORY]</i>
Sentence: _____	Fine: \$ _____
Community supervision period _____	Fine to be paid: \$ _____
Special terms: _____	

DEFERRED ADJUDICATION	<i>[Community Supervision Notices is MANDATORY]</i>
Community supervision period _____	Fine (deferred adjudication payment) \$ _____
Special terms: _____	

ADDITIONAL CASES, COUNTS OR MTR/MTA ALLEGATIONS
Additional Counts pled – No(s): _____ Plea agreement: _____
Other charges disposed of: _____

WAIVERS/ACKNOWLEDGMENTS
_____ Counts waived – No(s): _____ OR MTR/MTA allegations waived – No(s): _____
_____ Family/Dating Violence Waiver The State hereby WAIVES the family or dating violence allegation.
_____ The State HAS notified the victim of the terms of any plea agreement <i>[mandatory in all family violence cases]</i>
_____ Appeal Waiver: The Defendant will waive the right to appeal, ___ except matters preserved in that document

Signed on: _____

Assistant Criminal District Attorney

Signed on: _____

Defendant

n/a

Attorney for Defendant

___ Approved ___ Rejected ___ Modified

All Counts waived by the State are hereby DISMISSED.

Judge Presiding

NO. _____

THE STATE OF TEXAS

§

THE COUNTY COURT AT LAW

VS.

§

OF

§

McLENNAN COUNTY, TEXAS

SENTENCE

(Community Supervision Revocation)

On this date the above cause was again called for the purpose of having the sentence of law pronounced in accordance with the judgment rendered herein. Defendant appeared in person with counsel, or voluntarily waived counsel, and the State appeared by her Assistant Criminal District Attorney. Defendant had nothing to say why sentence should not be pronounced, and the Court pronounced sentence as follows:

It is ORDERED that the Defendant, _____, who has been adjudged to be guilty of the offense of _____, and whose punishment has been assessed at confinement in the McLennan County Jail for a term of _____ and a fine of \$_____, together with all costs incurred, be committed to the Sheriff of McLennan County, Texas, to be confined in jail until said term of imprisonment has expired and all such costs and fines are satisfied, in accordance with the provisions of, and in the manner prescribed by the laws of the State of Texas. Defendant shall receive credit for time already served in jail in this cause, not including time served as a term and condition of community supervision, and credit for court costs as follows - the Court finds that: **[to be completed by Court]**

- _____ Defendant is unable to pay court costs and fines, which shall be credited concurrently with the Defendant's jail sentence; or,
- _____ Defendant is capable of paying, and is ORDERED to pay, all costs and fines _____ immediately, or _____ within _____ months, or _____ pursuant to any payout order filed herewith; or
- _____ Defendant has knowingly and voluntarily waived a hearing under 43.03(d) or 43.05, Tx CCrP, which waiver is approved; or
- _____ Defendant is ORDERED to pay court costs and fines as provided in the alternative sentencing program approved below.

The Court further ORDERS the following, as indicated by the Court:

- _____ **(Alternative Sentencing)** The Court has approved Defendant's application to serve the sentence by an alternative program, (SPURS, Weekends, Work Release, House Arrest and Electronic Monitoring), in a separate Order filed herein.
- _____ **(Delayed Report)** Defendant is ORDERED to report to the McLennan County Jail to begin serving the sentence no later than **5:00 p.m. today**, or as follows: no later than _____ .m. on _____;
- _____ **(Consecutive)** This sentence shall be served consecutively to the sentence in Cause No. _____;
- _____ **(Additional credit)** The Sheriff shall credit the following time to Defendant's sentence: _____;
- _____ **(DL Suspension)** Defendant's **driver's license and/or driving privileges are SUSPENDED** for _____ months, effective immediately **OR (if checked)** _____ effective on the following date: _____.

Family Violence: The Court finds the Defendant committed family or dating violence in this case: _____ [check if applicable]
Notice to Defendant: It is unlawful for you to possess or transfer a firearm or ammunition.

Date: _____

Judge Presiding

Defendant's
Left Thumb
(Use only if right
Thumb not available)



Defendant's
Right Thumb

EXHIBIT A

Note: do not submit this document if a jail sentence will be assessed

The following terms and conditions of probation are ORDERED to be included in any of the following: 1) an Order Continuing Community Supervision following a hearing on a Motion to Revoke Community Supervision, or 2) either an Order Granting Community Supervision or an Order Continuing an Order Deferring Adjudication following a hearing on a Motion to Adjudicate Guilt. All terms and conditions of community supervision which have been previously ordered in this cause, whether in the original Order or in a subsequent amendment or supplement to that Order, are hereby incorporated into this Order and shall continue to have full force and effect, without interruption, unless expressly deleted, canceled or superseded by the terms of this Order.

The Court authorizes the transfer of supervision to _____ County, Texas, (*subject to Department approval*) or to the State of _____, (*subject to Department and Interstate Compact approval*).

Defendant is ORDERED to comply with all provisions set out in the General Terms and Conditions of Community Supervision attached hereto as Exhibit 1 and incorporated herein in its entirety. Defendant is further ORDERED to comply with the following sections 1 through 3 as follows, and with section 4 as designated herein by the Court. **The filing of a motion to revoke community supervision or a motion to adjudicate guilt does not terminate or suspend the requirements of this order!**

Defendant shall:

1. Pay \$ _____ of the fine or deferred adjudication fee at the rate of \$ _____ per month, which includes any fine or deferred adjudication fee previously ordered, until paid in full, beginning within 30 days of this Order;
2. Pay all costs of Court, in addition to costs previously ordered paid by Defendant in this cause, at the rate of \$ _____ per month until paid in full;
3. Pay a fee of **\$60.00** per month to the Department during the community supervision period. **WAIVED (only if initialed)** _____

(Unless otherwise stated, any ordered payment is due beginning within 30 days from this date as determined by the Department)

4. Defendant is subject to and/or shall complete the following requirements of community supervision, as indicated:
 - _____ a. Complete _____ hours of **community service**, in a Department approved community based program, within _____ months, at a minimum rate of _____ hours per month, _____ concurrent (*if checked*) with _____; *Exceptions: _____ 1. Defendant is incapable; _____ 2.. Hardship _____ 3. Defendant in a substance abuse facility.*
 - _____ b. Pay the sum of \$ _____ to the Department for compensation paid to **court-appointed counsel**, at the rate of \$ _____ per month until paid in full;
 - _____ c. **Abstain** from consumption of any alcoholic beverage;
 - _____ d. Pay one payment of **\$50.00** to Waco Crimestoppers, Inc. within _____ days [*Gov Code 414.001*];
 - _____ e. Obtain and provide proof to the Department of a valid, clear drivers license within _____ months;
 - _____ f. Submit to an **alcohol/drug screening and/or evaluation** administered by the Department within 30 days, pay for the screening and/or evaluation within 180 days, and complete any recommended treatment program(s);
 - _____ g. Pay **restitution** of \$ _____ as provided in the Restitution Order filed in this case;
 - _____ h. Obtain and maintain at least the minimum limits of liability insurance for any motor vehicle operated by the Defendant as required by Texas law, and provide the Department with written proof;
 - _____ i. Successfully complete the following program(s) under the direction and supervision of the Department, as indicated, and pay the fee for such program(s), within _____ months:

_____ Batterers Intervention and Protection Program (BIPP)	_____ Cognitive Education
_____ Non-Intimate Partner Violence Program (NIPVP)	_____ MHMR Counseling
_____ Money Management/Theft Prevention program	
 - _____ j. Pay **\$100.00** to the Waco Family Abuse Center within _____ days [*family violence*];
 - _____ k. Begin, pay the fee for, and successfully complete the first available _____ **DWI**, _____ **DWI repeat offender**, or _____ **Drug** education program, as directed by the Department, within 180 days;
 - _____ l. Attend a peer support group, such as Alcoholics Anonymous, Narcotics Anonymous or other community based group at least _____ times per _____ week _____ month, and provide verification of attendance to the Department;

- _____ m. Enroll in, pay the fee for, and attend a **DWI/Drug Victim Impact Panel** program approved by the Department, and provide proof of attendance to the Department, within sixty (60) days;
- _____ n. Defendant reports to be alcohol and controlled substance-free. Defendant shall submit to and pay the fee for drug or controlled substance testing by the Department within 24 hours.
- _____ o. Defendant reports last use of illegal substances was _____. Schedule testing accordingly;
- _____ p. Defendant's **driver's license** is **suspended** for _____ months, effective immediately **OR** (if checked) _____ effective on the following date: _____;
- _____ q. Defendant shall install a camera ready ignition interlock device on Defendant's primary vehicle, and shall not operate a motor vehicle in a public place which is not so equipped for either -- _____ the full probation term OR _____ (specify the period) _____ beginning ____;
- _____ r. Defendant shall utilize and comply with the Department's requirements regarding the following device(s): _____ SCRAM (or its equivalent); _____ remote breath testing; _____ drug abuse patch; _____ GPS monitor; _____ other: _____ (specify) for the full term of community supervision **OR** (if checked) _____, _____ months, beginning _____. Defendant shall pay all related fees, including any damage to an issued device, as directed by the Department.
- _____ s. Successfully complete all requirements of the McLennan County Veterans Treatment Court as set out in the attached terms and conditions thereof;
- _____ t. Submit to and pay any fees assessed for the **Mental Health Initiative** caseload and participate in all recommended services, as directed by the Department;
- _____ u. Remain in the Defendant's residence every day between the hours of _____ p.m. and _____ a.m.;
- _____ v. **Serve _____ days OR _____ hours** in the McLennan County Jail immediately, or (if checked) _____ within _____ days of this order, as directed by the Department, in accordance with the provisions indicated below:
Consecutive days and nights; details: _____
Weekends; details: _____;
- _____ w. Avoid any association or contact with the following person(s) and/or remain away from the following locations: _____;
- _____ x. Additional terms: _____

Family Violence: See previous order granting community supervision or judgment entered in this case.

The Clerk is directed to issue a bill of costs and provide the same to the supervising officer. The supervising officer is directed to deliver the bill of costs to the Defendant.

Date: _____

 Judge Presiding

This order has been read and explained to me, I understand the terms of this order, and I have received a copy of this order and a current Bill of Costs.

 Defendant Date Supervising Officer

Defendant's
 Left Thumb
 (Use only if right
 thumb not available) →

←
 Defendant's
 Right Thumb

Exhibit 1

GENERAL TERMS AND CONDITIONS OF COMMUNITY SUPERVISION

Defendant shall:

1. Remain within McLennan County, Texas, at all times, unless permitted to leave McLennan County, Texas, by the Court or by the Department, or unless supervision is transferred. If transfer of the Defendant's supervision is approved, Defendant shall remain within such County and/or State unless permitted to leave that County and/or State by this Court or by the supervision officer;
2. Commit no offense against the laws of this State or of any other State, or of the United States;
3. Report immediately to the Department and thereafter, as directed by the Court or the supervision officer, at least once each month, and obey all rules and regulations of the Department;
4. Obtain the Department's permission prior to changing Defendant's residence, and report any change of employment, employment status or residence to the Department within 72 hours of the change;
5. Obtain and/or produce to the Department a valid, current Texas Department of Public Safety driver's license or photo identification within thirty (30) days from this date, and maintain the same throughout the community supervision term;
6. Permit the Department's officers to visit the Defendant at home, at work, or elsewhere, at any time;
7. Work faithfully at employment suitable to the Court and the Department, as far as possible, and attend and complete any probationer employment program as directed by the Department;
8. Avoid injurious or vicious habits, avoid the excessive use of alcoholic beverages;
9. Provide the Department with a high school diploma or its equivalent or prove skill level of students who have completed 6th grade in public schools in this state;
10. Attend the first available community supervision orientation seminar and complete the seminar within 30 days after it begins;
11. Submit to and pay the fee for **drug, controlled substance and alcohol testing** as directed either by the Court today or by the Department at any time;
12. Support Defendant's dependents.
13. Consume no controlled substances, dangerous drugs, or substances containing THC, including low-THC cannabis. Defendant may consume low-THC cannabis only after providing the Department with acceptable documentary proof of the following: a) the Texas Compassionate Use Registry report indicating the prescription; b) the qualifications allowing the prescribing physician to issue the prescription; c) confirmation from a licensed low-THC dispensing organization that the prescription has been filled.

NO. _____

THE STATE OF TEXAS

§

THE COUNTY COURT AT LAW

VS.

§

OF

§

McLENNAN COUNTY, TEXAS

ACKNOWLEDGMENT OF RECEIPT OR DISCLOSURE OF DOCUMENTS, ITEMS AND INFORMATION PROVIDED PURSUANT TO ART. 39.14, TEXAS CODE OF CRIMINAL PROCEDURE

The State of Texas, by and through her Criminal District Attorney, Josh Tetens, hereby declares to this Honorable Court that the following documents, items and information have been provided to the Defendant or to Defendant's attorney of record, _____, as required by Art. 39.14, Texas Code of Criminal Procedure:

- 1. The documents, items and information identified in Attachment 1, attached to this document and incorporated herein, were provided on the dates and in the manner specified therein.
- 2. Duplicates of the following additional materials: *[List]*

The State of Texas moves this Court to take judicial notice of the Notices, Disclosures and Lists filed in this cause with the Clerk of the Court and to incorporate those documents into this acknowledgment by reference.

Josh Tetens
Criminal District Attorney
McLennan County, Texas

Date: _____

By: _____
Assistant Criminal District Attorney
SBOT #: _____

I am the attorney of record for the Defendant in this cause. I acknowledge that I have received and/or viewed the materials specified above and that I have provided the Defendant with all of the information contained in those materials as required by law.

Date: _____

SBOT #: _____

I am the Defendant in this cause. My attorney has provided me with the information contained in the materials specified above. **If I am *pro se* (representing myself) in this matter, I acknowledge that I received and/or viewed the materials specified above to the extent allowed and required by law.**

Date: _____

Defendant

NO. _____

THE STATE OF TEXAS

IN THE COUNTY COURT

VS.

AT LAW

MCLENNAN COUNTY

DISCOVERY FORM

No Discovery Requested

OR

Attorneys and *pro se* Defendants must initial in the appropriate box for each item received, and specify where necessary

Item	State	Defense	Item	State	Defense
Offense Report(s)			Expert Report(s)		
Supplement 1-			Medical Records		
Witness Statements			Warrantless Arrest Affidavit		
Defendant Statements			Warrant Affidavit		
Photographs			Warrant		
Diagrams			Search Warrant/Affidavit		
Lab Report			Affidavit of Non-Prosecution		
Video			Audio		
Video			Plea Offer Form & Information		
Other (specify below)			DWI Forms		
			Missing Items (Defense specify below)		

I acknowledge that discovery on the above Defendant was completed on _____, 20____.

State's Attorney
SBOT# _____

Defense Attorney
SBOT# _____

Defendant (if *pro se*)

*This disclosure does not include criminal histories, attorney work product or otherwise privileged information if applicable.

NO. _____

THE STATE OF TEXAS

§

THE COUNTY COURT AT LAW

VS.

§

OF

§

McLENNAN COUNTY, TEXAS

WAIVER OF APPEAL

I, the Defendant in the above styled and numbered cause, after consultation with my attorney, in open Court, being fully aware of the sentence pronounced against me by the Court, hereby acknowledge and understand that I have the following rights:

- 1) to file a motion for new trial and an amended motion for new trial within thirty (30) days of the entry of a Judgment and Sentence, Order Granting Probation, Order Revoking Probation or other appealable order of this Court;
- 2) the right to request the Court's permission to appeal if the punishment assessed against me did not exceed the recommendation of the State contained in the Disclosure of Plea Agreement, if any;
- 3) the right to appeal matters raised by written motion and presented to and ruled upon by the Court prior to my trial;
- 4) the right to give notice of appeal and to appeal from the Judgment, Sentence or other appealable order of this Court, unless prohibited by law from doing so; and,
- 5) if I appeal and if I am indigent, the right to a free record and transcript, and the further right to court-appointed counsel to prosecute my appeal.

By my signature below, I hereby voluntarily **WAIVE** all rights to appeal, except I hereby reserve and do not waive my rights to appeal the following matter(s) raised by written motion and ruled upon by the trial Court before trial: _____

Date: _____

Defendant (only as to waiver of appeal)

APPROVED

n/a

Defendant's Counsel

CERTIFICATION OF DEFENDANT'S RIGHT TO APPEAL

Texas Rule of Appellate Procedure 25.2 (a) (2) states: "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 a 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."

I have received a copy of this 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 Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeal's 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 Criminal Appeals. TRAP 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 appellate 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 appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

Date: _____

Defendant (Only as to certification of appellate rights)

APPROVED

n/a

Defendant's Counsel

I, Judge of the trial Court, hereby **APPROVE** all waivers herein, and I further **CERTIFY** that this criminal case:

- _____ is not a plea-bargain case, and the Defendant has the right of appeal; (or)
- _____ 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)
- _____ is a plea-bargain case, but the trial Court has given permission to appeal, and the Defendant has the right of appeal; (or)
- _____ is a plea-bargain case, and the Defendant has NO right of appeal; (or)
- _____ the Defendant has waived the right of appeal.

Date: _____

Judge Presiding

NO. _____

THE STATE OF TEXAS

§

THE COUNTY COURT AT LAW

VS.

§

OF

§

McLENNAN COUNTY, TEXAS

WAIVER OF APPEAL

I, the Defendant in the above styled and numbered cause, after consultation with my attorney, in open Court, being fully aware of the sentence pronounced against me by the Court, hereby acknowledge and understand that I have the following rights:

- 1) to file a motion for new trial and an amended motion for new trial within thirty (30) days of the entry of a Judgment and Sentence, Order Granting Probation, Order Revoking Probation or other appealable order of this Court;
- 2) the right to request the Court's permission to appeal if the punishment assessed against me did not exceed the recommendation of the State contained in the Disclosure of Plea Agreement, if any;
- 3) the right to appeal matters raised by written motion and presented to and ruled upon by the Court prior to my trial;
- 4) the right to give notice of appeal and to appeal from the Judgment, Sentence or other appealable order of this Court, unless prohibited by law from doing so; and,
- 5) if I appeal and if I am indigent, the right to a free record and transcript, and the further right to court-appointed counsel to prosecute my appeal.

By my signature below, I hereby voluntarily **WAIVE** all rights to appeal, except I hereby reserve and do not waive my rights to appeal the following matter(s) raised by written motion and ruled upon by the trial Court before trial: _____

Date: _____

Defendant (only as to waiver of appeal)

APPROVED

n/a

Defendant's Counsel

CERTIFICATION OF DEFENDANT'S RIGHT TO APPEAL

Texas Rule of Appellate Procedure 25.2 (a) (2) states: "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 a 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."

I have received a copy of this 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 Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeal's 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 Criminal Appeals. TRAP 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 appellate 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 appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

Date: _____

Defendant (Only as to certification of appellate rights)

APPROVED

n/a

Defendant's Counsel

I, Judge of the trial Court, hereby **APPROVE** all waivers herein, and I further **CERTIFY** that this criminal case:

- _____ is not a plea-bargain case, and the Defendant has the right of appeal; (or)
- _____ 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)
- _____ is a plea-bargain case, but the trial Court has given permission to appeal, and the Defendant has the right of appeal; (or)
- _____ is a plea-bargain case, and the Defendant has NO right of appeal; (or)
- _____ the Defendant has waived the right of appeal.

Date: _____

Judge Presiding