

NO. C1-CR _____

STATE OF TEXAS) IN THE COUNTY COURT
VS.) AT LAW NUMBER ____
_____) OF TRAVIS COUNTY TEXAS

**WAIVER OF PERSONAL APPEARANCE TO ENTER PLEA
AND WAIVER OF APPEARANCE FOR SENTENCING**

NOW COMES, _____, the Defendant in the above styled and numbered cause and states the following:

1. I am the person charged with the offense of _____ in the above styled and numbered cause;

2. I am represented by my attorney, _____, in this case and have fully consulted with my attorney concerning this charge;

3. I understand that I have the right under the Texas and U.S. Constitutions and Texas statutory law to appear personally before this Court in all proceedings in this cause;

4. My attorney has conducted full investigation including discovery of the prosecution's evidence against me and described this evidence to me;

5. I have been informed of a plea bargain offer made by the State in this case and fully discussed it with my attorney;

6. The terms of the plea bargain are, in return for a plea of guilty or no contest to the charge, the State will recommend the Court impose a punishment as follows:

7. I understand that I do not have to accept this or any plea bargain and have the full right to confront the witnesses against me and have the State prove my guilt beyond a reasonable doubt at a trial by jury or trial before the Court;

8. After consulting fully with my attorney, I waive my right to a jury trial and wish to enter a plea of guilty / no contendere to this cause and respectfully request the Court impose the punishment recommended by the State as described above;

9. By entering this plea, I fully understand that I am stipulating that the State could present evidence that would substantiate my guilt to the charge alleged in this cause and that the Court will make a finding that the evidence does show my guilt beyond a reasonable doubt;

10. I also specifically waive my right to personally appear to enter this plea and respectfully request the Court to accept this written waiver as the entry of my plea as described above;

11. I have also executed a standardized plea form bearing the above cause number entitled "Defendant's Plea of Guilty, Nolo Contendere, Waiver and Stipulation" and adopt this instrument by reference as if set out in full in this document;

12. After consulting with my attorney, I also specifically waive any right to assert the waiver of personal appearance at the plea hearing or sentencing in any appeal or post conviction proceeding including a writ of habeas corpus;

13. I have executed a sworn verification of this waiver and attached it to this document.

Signed this _____ day of _____, 20_____.

Defendant

STATEMENT BY DEFENDANT'S ATTORNEY

I have fully explained to the Defendant the right to personally appear before this Court for plea and sentencing and the consequences of entering a plea of guilty or nolo contendere and join in this waiver of personal appearance.

Signed this _____ day of _____, 20_____.

Attorney for Defendant

APPROVAL BY STATE'S ATTORNEY

I approve of the waiver of personal appearance in this cause and request the Court to proceed upon the Defendant's written plea of guilty or nolo contendere

Signed this _____ day of _____, 20_____.

Attorney for State

STATE OF _____)

COUNTY OF _____)

**AFFIDAVIT VERIFYING WAIVER OF
PERSONAL APPEARANCE**

BEFORE ME, the undersigned authority, personally appeared _____
_____, who, being by me duly sworn, deposed as follows:

“I have read the attached Waiver of Personal Appearance to Enter Plea
and Waiver of Appearance for Sentencing and find the facts stated in
that document are true and correct.”

Affiant

SWORN AND SUBSCRIBED before me on the _____ day of _____, 20_____.

Notary Public

Notary's Printed Name

My Commission expires: _____.

STATE OF _____)

COUNTY OF _____)

**AFFIDAVIT VERIFYING WAIVER OF
PERSONAL APPEARANCE
MADE IN LIEU OF NOTARY PURSUANT
SEC. 132.001, TEX. CIV. PRAC. REMEDIES CODE**

I, _____, with identifying number _____,
(from TDCJ-ID or County Jail), being presently incarcerated in _____
(name of penal institution) in _____ County, Texas declare under the penalty of
perjury that I have read the attached “Waiver of Personal Appearance to Enter Plea and Waiver
of Appearance for Sentencing” and find the facts stated in that document are true and correct.

EXECUTED on the _____ day of _____, 20_____.

Affiant