

CAUSE NO. C-1-CR- _____

THE STATE OF TEXAS § IN THE COUNTY
v. § COURT-AT-LAW #6
_____ § TRAVIS COUNTY, TEXAS

**DEFENDANT’S WAIVER OF CONSTITUTIONAL RIGHTS,
STIPULATION OF EVIDENCE, JUDICIAL ADMISSION, AND
TERMS OF PROJECT ENGAGE PRE-TRIAL INTERVENTION PROGRAM**

The parties to this agreement are the State of Texas, represented by the Travis County Attorney’s Office and _____ the Defendant in the above styled and numbered cause of action.

After consulting with my attorney and prior to entering my plea, I knowingly and voluntarily waive the following rights:

- _____ The right to remain silent;
- _____ The right to a trial by jury;
- _____ The right to confront the witnesses against me; in the guilt/innocence phase and the punishment phase;
- _____ The constitutional and statutory right to a speedy trial;
- _____ The right to secure the appearance at trial of witnesses in my favor

(A separate Waiver of Jury form must be executed and filed with this Court.)

I represent that I am mentally competent and understand the nature of the charges against me.

I further represent that I have discussed each of the rights, which I have waived, with my attorney and that they have explained each of these rights individually, including the collateral effect of the waiver of each right. It is my desire to waive these rights and I do so knowingly and voluntarily.

Defendant

I, _____ am the attorney of record representing _____, the Defendant in the above styled and numbered cause of action. I have advised the Defendant of his/her constitutional and statutory rights in this case, as well as the collateral effects of waiving these rights. I am confident that he/she waives these rights as set out above, knowingly and voluntarily.

Attorney for Defendant
State Bar Number _____

NON-CITIZENS

I understand that if I am not a citizen of the United States of America, my plea of nolo contendere to these charges and participation in this Project Engage Pre-Trial Intervention Program may result in my deportation, exclusion from admission to this country, and denial of naturalization under federal law. There have been no promises made to me by my defense attorney, the Prosecution or the Court concerning the impact this case or my participation in this Project Engage Pre-Trial Intervention Program may have on my immigration status.

Defendant

JUDICIAL ADMISSION

The charges against me, allege that in Travis County, Texas, I _____
_____, date of birth _____/_____/_____
and Texas Driver’s License/I.D. Number _____,
hereafter the Defendant, on or about ___/___/___ did commit the offense of
_____, a Class _____
misdemeanor, as charged in the information filed in this cause. I judicially admit my
guilt to this allegation and hereby admit that the charge(s) as alleged are true.

Further, I stipulate that if the witnesses were to testify in this case, they would
testify as set forth in the police reports, witness statements or other documents admitted
in connection with my plea as the State’s Exhibits. I expressly agree to this stipulation
of evidence, and agrees that each and every fact asserted therein may be taken and
considered as true by the finder of fact in this cause, expressly waiving the appearance,
confrontation and cross examination of witnesses for the State.

The parties do hereby stipulate to the admission of the following evidence as
State’s Exhibits:

- § Offense Report
- § Victim Statement
- § Photos
- § Witness Statements
- § In-car Video
- § EMS Records
- § Medical Records
- § Phone Records
- § Text Messages
- § Restitution Documentation

I ADMIT that I committed the acts alleged in the information in this cause, I
plead NO CONTEST to the offense of _____.

My plea is given freely and voluntarily. I am satisfied that my attorney has
properly represented me and I have fully discussed this case, this agreement, and the
consequences thereof (including the range of punishment) with my attorney.

(A separate Plea form must be executed and filed with the Court.)

I further accept the following terms of the Project Engage Pre-Trial Intervention Program and understand that the failure to fully and timely complete *ALL* conditions of this program shall cause this matter to be set for a hearing on the entry of the plea I am hereby making and a sentencing on that plea. I further understand that at any time, the only issues before the court relate to my punishment and I will be subject to the *FULL* range of punishment.

TERMS OF PRE-TRIAL INTERVENTION

This agreement goes into effect and runs for a period of _____ months (hereinafter the Intervention Period) beginning when the Court, the Defendant, the Defendant's Attorney and the Attorney for the State have signed it.

The Defendant's plea shall be taken under advisement during the Intervention Period, however the plea is subject to being accepted by the Court and the Defendant sentenced thereon upon the violation of or failure to timely and fully complete, any term listed below.

This agreement and this order are not a finding of guilt nor do they place a defendant on either regular community supervision or deferred adjudication under Art. 42.12, Texas Code of Criminal Procedure.

This matter is further set for a compliance review hearing on _____, 20_____, where Defendant's appearance is required. If Defendant has completed all the Terms herein, the Intervention Period will continue until completion.

Upon successful and timely completion of all conditions, the Court will reject the Plea, and acquit the case.

However, at any compliance review hearing, or at such other hearing as the Court shall determine, upon notice to Defendant, should it be determined that Defendant has violated or failed to fulfill one or more conditions as required, the Court may, on its own motion or upon the motion of the State, terminate the Intervention Period, accept the Defendant's previously entered plea, enter a finding of guilt on the

basis of such plea and the State's Exhibits previously entered into evidence, and proceed to sentence the Defendant. In such an event, the Court has the authority to utilize the full range of punishment, including a term of community supervision and any conditions thereof or a term of jail up to the maximum allowed by law.

If the Defendant obtains a dismissal of the charge upon successful completion of all conditions, AND the charge that is the subject of this agreement is the *only* charge arising out of the arrest, then, upon request, the Travis County Attorney's office will provide the Defendant with a written recommendation of early expunction under Art. 55, Texas Code of Criminal Procedure.

Timely compliance of the terms and conditions of this agreement includes the Defendant's timely providing proof of completion of all terms and conditions to their assigned probation officer/case manager, as well as the Court.

Additionally, the Defendant further agrees to :

MANDATORY: Commit no offenses other than a Class "C" traffic violation.

MANDATORY: Defendant shall not possess, use or consume, in any amount, any controlled substance, narcotic, or habit forming drugs unless prescribed in writing by a physician.

If the Defendant complies with all the specified terms and conditions for the duration of this agreement, the Travis County Attorney agrees not to prosecute the Defendant further for the offense(s).

Attorney for the Defendant
State Bar number: _____

Defendant

Assistant County Attorney

COURT'S FINDINGS AND APPROVAL

The Court finds that the Defendant is mentally competent, understands the nature of this charge, is aware of the consequences of his/her plea and has made waivers and statements freely and voluntarily. The Defendant's plea is hereby taken under advisement.

Upon violation of the terms of Project Engage Pre-Trial Intervention set forth above, this case will be set for entry of this plea and sentencing.

Upon successful completion of the terms of Project Engage Pre-Trial Intervention set forth above, this case will be dismissed.

This Court hereby approves the Project Engage Pre-Trial Intervention Agreement on the _____ day of _____, 20_____.

JUDGE BRANDY MUELLER
TRAVIS COUNTY YOUTH OFFENDER DOCKET
COUNTY COURT #6