

**IN THE COUNTY CRIMINAL COURT THREE  
EL PASO COUNTY, TEXAS**

STATE OF TEXAS

VS

CAUSE NO.: \_\_\_\_\_

CHARGE: \_\_\_\_\_

WARRANT NO.: \_\_\_\_\_

SO NO:

JAIL ID:

Active U.S. Military YES  NO

DOB \_\_\_\_\_

**Waiver of Rights and Entry of Guilty Plea (DWI)**

\_\_\_\_\_ Defendant's initials. I understand that I have the right to the assistance of an attorney and if I am not financially able to employ counsel, I have the right to the assistance of a court appointed attorney. I have the right to plead not guilty and to elect a trial by jury. At trial, the State must present evidence and witnesses to prove my guilt beyond a reasonable doubt. I have the right through my attorney to cross-examine the State's witnesses and challenge the State's evidence. I have the right to present evidence on my behalf and the right to subpoena witnesses to testify on my behalf. I cannot be compelled to testify and the State cannot use my failure to testify against me.

\_\_\_\_\_ Defendant's initials. I understand that I have the right to elect the judge or the jury to assess my punishment. I understand that the possible punishment for the offense to which I am pleading guilty to is:

- 72 hours to 180 days in jail and/or a fine of up to \$2000.** Class B DWI
- 6 to 180 days in jail and/or a fine of up to \$2000.** Class B DWI with open container
- Up to 365 days in jail and/or a fine of up to \$4000.** DWI with BAC over .15
- 30 days to 365 days in jail and/or a fine of up to \$4000 and, if placed on community supervision, not less than 72 hours of continuous confinement in jail as a condition of probation.** DWI 2nd

Furthermore, if I am convicted of an offense relating to the operating of a motor vehicle while intoxicated and I am sentenced to jail time either at the time of my plea or upon revocation of my community supervision I will have to pay an additional fine of:

- \$3,000** for the first conviction within a 36 month period
- \$4,500** for a second or subsequent conviction within a 36 month period
- \$6,000** if it is shown on the trial of the offense that there was a B.A.C. of 0.15 or more at the time the analysis was performed

\_\_\_\_\_ Defendant's initials. I understand that the recommendation of the prosecuting attorney as to punishment is not binding on the Court. If there is a plea bargain agreement between the State and the Defendant and the Court rejects the agreement, I shall be permitted to withdraw my plea of guilty or nolo contendere. Art. 26.13(a)(2) TCCP.

\_\_\_\_\_ Defendant's initials. I understand that If I am not a United States citizen, I have the right to contact the consulate of my native country. I have been advised that if I am not a citizen of the United States, a plea of guilty or nolo contendere for the offense charged may result in denial of naturalization, deportation and exclusion from the United States. Art. 26.13(4) TCCP.

\_\_\_\_\_ Defendant's initials. Understanding the rights described above and the consequences of giving up those rights, I freely, knowingly and voluntarily waive those rights. I admit in open court the allegations in this cause and confess that I did commit the alleged offense. In light of my judicial confession I waive the right to confrontation and cross-examination of witnesses for the State and the right to require sufficient evidence in support of the judgment of the Court. Furthermore, unless required by the court, I waive the presence of a court reporter and the making of a written record, other than this document and any entries in the court's case file.

\_\_\_\_\_ Defendant's initials. The defendant WAIVES the requirement that a risk and needs assessment be conducted prior to the Court determining the conditions of the defendant's community supervision and requests that the Court determine those conditions without the necessity of such assessment. Upon assessment by the El Paso County Community Supervision and Corrections Department, Defendant's conditions of probation SHALL be amended to reflect consistency and adherence to best practices in supervision.

\_\_\_\_\_ Defendant's initials. I consent to this plea being conducted by video conference.

I am entering this plea of guilty voluntarily and without reservation. I understand the admonitions above and I am aware of the consequences of my plea of guilty. I knowingly and voluntarily waive all the rights explained above.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DEFENDANT

I have explained to the defendant the rights to which the law entitles him/her, including the rights to trial by jury, to the appearance, confrontation and cross-examination of witnesses, to require upon his/her plea sufficient evidence to support the judgment of the Court, his/her privilege against self-incrimination and to ten days in which to prepare for trial and to file written pleadings.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

The State of Texas gives its consent and approval to the above waiver of jury trial by said Defendant.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ATTORNEY FOR STATE

The Court received the foregoing waiver and consent, signed by the Defendant. Having waived the ten days allowed by law to prepare for trial, the 2 days for arraignment after receipt of the information, the right to a jury trial and all the other rights listed above, the Defendant in open court admitted all of the allegations in the information and confessed guilt to the offense charged in the information. The Court finds that the Defendant is mentally competent, the Defendant's plea was entered freely and voluntarily and, the Defendant understood the admonishments and consequences of said plea. The Defendant joined by his attorney, has waived the requirement that a risk and needs assessment be conducted prior to the Court determining conditions of supervision, and the Court gives its consent and approval to the foregoing waiver and consent.

In open court \_\_\_\_\_

\_\_\_\_\_  
CARLOS CARRASCO, JUDGE