

IN THE COUNTY CRIMINAL COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS
VS.

§
§
§

CAUSE NO. _____

MOTION FOR DEFERRED ADJUDICATION OF GUILT

The defendant in the above-styled and numbered cause hereby moves the court, under the provision of C.C.P., Article 42.12, Section 5(a), after the defendant's entering plea of guilty to the offense charged in the information and the Court's hearing of the evidence and finding that it substantiates guilt, to place the Defendant on community supervision on reasonable terms and conditions as the Court may require and for a period as the Court may prescribe, not to exceed two years.

The Defendant accordingly grants the Court the Defendant's consent to enter such motion under terms and conditions and states that such processing of the case is in the best interest of society. The Defendant also understands that, in the event that the community supervision is revoked, the Court can enter a judgment of guilt and assess any punishment provided by law for the offense to which the Defendant has pleaded guilty.

Respectfully submitted this _____ day of _____, 20_____.

Defendant

Attorney for Defendant

ADMONISHMENT TO DEFENDANT ON DEFERRED ADJUDICATION

I, the Defendant in the above styled and numbered cause, have pleaded guilty or nolo contendere to the Court and have been placed on deferred adjudication. I have been informed that if I violate a condition of community supervision imposed upon me by the Court, I may be arrested and detained until I can be brought before the Court for a hearing. I will be entitled to a hearing but the hearing will be limited to the determination by the Court of whether the Court will proceed with an adjudication of guilt on the original charge. No appeal may be taken from this determination. If the Court proceeds with an adjudication of guilt, all proceedings including assessment of punishment which can be any sentence provided for by law, pronouncement of sentence, granting of community supervision, and my appeal will continue as if the adjudication of guilt had not been deferred.

Signed this _____ day of _____, 20_____.

Defendant

ORDER

On this day came to be heard the above motion submitted by the Defendant in the above-styled and numbered cause, and the Court, after considering the same, is of the opinion that said motion should be GRANTED.

Therefore without entering a judgment of guilt at this time, the Court defers further proceedings and ORDERS that the Defendant be, and is hereby, placed on community supervision for a period of _____ months / years as provided by said Article 42.12, Section 5(a)

Rendered and signed this _____ day of _____, 20_____.

ROBERT S. ANCHONDO, JUDGE

ADVERTENCIAS AL ACUSADO ACERCA DE ADJUDICACION DEFERIDA

Yo, el acusado, en la causa intitulada y numerada, me he declarado culpable o nolo contendere al Juez y he sido puesto bajo adjudicacion deferida. Se me ha informado, que si yo quebranto una condicion de probatoria impuesta sobre mi por el Juez, yo puedo ser arrestado y detenido hasta que me puedan traer ante el Juez para una audiencia. Yo tengo el derecho a una audiencia pero la audiencia sera limitada a la determinacion por parte de el Juez si el procedara con la adjudicacion de culpabilidad en el cargo original. No podre apelar esta determinacion. Si el Juez procede con adjudicacion de culpabilidad todos los procedimientos, incluyendo el aseso del castigo que puede ser cualquier sentencia otorgada por la ley, pronunciamiento de la sentencia, otorgando la probatoria y mi apelacion continuaran como si la adjudicacion de culpabilidad nunca hubiera sido deferida.

Firmado este _____ dia de _____, 20____.

Acusado