

CAUSE NO

THE STATE OF TEXAS

§

IN THE DISTRICT COURT OF

VS.

§

TOM GREEN COUNTY, TEXAS

§

_____ JUDICIAL DISTRICT

**COURT’S WRITTEN ADMONISHMENTS UNDER ARTICLE 42.12 Sec. 5 (a) and (b),
CODE OF CRIMINAL PROCEDURE**
Deferred Adjudication Cases

The Court hereby additionally admonishes you, the defendant, as follows and instructs you to place your initials in the block provided by each item, if you fully understand it.

In the event the Court grants Deferred Adjudication, the court finds that the evidence presented is sufficient to substantiate your guilty, but at this time the Court defers or postpones making such a finding; thus at this time you are not adjudicated to be a convicted felon in this case, and you could be placed on probation for a period of time.

(1) On violation of any condition of probation you may be arrested and detained. Such arrest could be made by any probation officer, police officer or other officer with power of arrest with or without a warrant upon the order of the judge.

(2) You would then be entitled to a non-jury hearing, limited to the determination of whether to proceed with an adjudication of guilt on the original charge. At that time the court could also continue, extend, modify or revoke the probation.

(3) In the event the court determines to proceed with an adjudication of guilt, no appeal may be taken from that determination. After an adjudication of guilt all proceedings, including but not limited to, assessment of punishment and pronouncement of sentence, will continue as if the adjudication of guilty had not been deferred.

(4) When an adjudication of guilt is made, punishment is assessed by the judge, and such punishment can be anywhere within the range of punishment provided for the original offense charged.

(5) Unless a Motion to Adjudicate is then pending, upon the expiration of the period of community supervision, if the Judge has not proceeded to an adjudication of guilt, the proceedings against you will be dismissed and you will be discharged without having been adjudicated as a felon for this offense. Such a dismissal and discharge would not be deemed a conviction for the purposes of disqualifications or disabilities imposed by law for a conviction of an offense except that:

(a) Upon conviction of a subsequent offense, the fact that you had previously received probation shall be admissible before the court or jury to be considered on the issue of penalty;

(b) If you are ever an applicant for a license under Chapter 42, Human Resources Code (pertaining to child care facilities) the Texas Department of Human Services

may consider the fact that you have received probation in issuing, renewing, denying or revoking such a license;

(c) If you are a person who has applied for registration to provide mental health or medical services for the rehabilitation of sex offenders, the Interagency Council on Sex Offenders Treatment may consider the fact that you have received probation in issuing, reviewing, denying or revoking a license or registration issued by that Council.

(6) In the event you decide that you do not want to be on deferred adjudication, you may file within 30 days after the entry of your plea and the deferment of adjudication a written motion requesting final adjudication, and in such event the court is required to proceed to final adjudication as in other cases.

(7) A person placed on deferred adjudication community supervision may have a right to petition the Court for an Order of Nondisclosure. However, you may be ineligible to pursue that right because of the nature of the offense, your criminal history or because you do not meet the requirements for an Order of Nondisclosure. You should ask your attorney about Petitions for Nondisclosure.

Dated: _____

Judge Presiding

ACKNOWLEDGEMENT OF RECEIPT OF EXPLANATION OF CONSEQUENCES OF VIOLATION OF DEFERRED ADJUDICATION PROBATION

I read, write and understand the _____ language. The foregoing explanations of possible consequences of violation of probation under deferred adjudication were read by me or read to me and explained to me in that language by my attorney and interpreter namely, _____ before I placed my initials in the blocks provided. I consulted fully with my attorney before signing this acknowledgement.

Dated: _____

Defendant

Approved: _____
Attorney for Defendant