

**ADMONISHMENTS BY COURT TO DEFENDANT REQUIRED
BY ART. 26.13, TEXAS CODE OF CRIMINAL PROCEDURE**

Prior to accepting defendant's plea of guilty or nolo contendere to the offense listed below, the Court admonishes the defendant as follows:

1. OFFENSE: _____.

The range of punishment attached to the above offense [including any enhancement(s) not abandoned by the State] is checked below:

- () **First Degree Felony (Penal Code §12.32)**: imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 5 years; and in addition, a fine may be assessed not to exceed \$10,000.
- () **Second Degree Felony (Penal Code §12.33)**: imprisonment in the Texas Department of Criminal Justice for any term of not more than 20 years or less than 2 years; and in addition, a fine may be assessed not to exceed \$10,000.
- () **Third Degree Felony (Penal Code §12.34)**: imprisonment in the Texas Department of Criminal Justice for any term of not more than 10 years or less than 2 years; and in addition, a fine may be assessed not to exceed \$10,000.
- () **State Jail Felony (Penal Code §12.35)**: confinement in a state jail for any term of not more than 2 years or less than 180 days; and in addition, a fine may be assessed not to exceed \$10,000.
- () **Class A Misdemeanor (Penal Code §12.21)**: a fine not to exceed \$4,000; confinement in jail for a term not to exceed one year; or both such fine and confinement.
- () **Class B Misdemeanor (Penal Code §12.22)**: a fine not to exceed \$2,000; confinement in jail for a term not to exceed 180 days; or both such fine and confinement.
- () **Other (_____)**: imprisonment in the Texas Department of Criminal Justice [for life, or] for any term of not more than _____ years or less than _____ years; and (in addition), a fine (may be assessed) not to exceed \$_____.
2. Driver's license suspension admonishment for the following:
Penal Code §38.04 Evading Arrest or Detention offenses;
Penal Code Chapter 49 Intoxication offenses;
Health & Safety Code Ch. 481 Controlled Substances offenses;
Health & Safety Code Chapter 483 Dangerous Drug offenses;
Accident Involving Personal Injury or Death, Transportation Code §550.021; motor vehicle law felonies (check, if applies):
- () **Yes, applies in this case [add Attachment "A"]**.

3. The recommendation of the prosecuting attorney as to punishment is not binding on the Court. The Court will inquire as to the existence of a plea bargain agreement between the State and the defendant and, if an agreement exists, the Court will inform the defendant whether the Court will follow or reject the agreement in open court and before any finding on the plea. Should the Court reject any such agreement, then the defendant will be permitted to withdraw the defendant's plea of guilty or nolo contendere.

4. If the punishment assessed by the Court does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and the defendant's attorney, the Trial Court must give its permission to the defendant before the defendant may prosecute an appeal on any matter in the case except for those matters raised by written motions filed prior to trial.

5. If the defendant is not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.

6. **ADDITIONAL ADMONISHMENTS FOR SEX OFFENDER (check, if applies):**

() **Yes, applies in this case [add Attachment "B"].**

7. **ADDITIONAL ADMONISHMENTS FOR DEFERRED ADJUDICATION COMMUNITY SUPERVISION (check, if applies):**

() **Yes, applies in this case [add Attachment "C"].**

These admonitions, including any applicable attachments, delivered to the defendant in writing in open court on this date -

_____.

JUDGE PRESIDING

Note - additional oral admonishment under C.C.P. Art. 26.13(a)(6) if defendant convicted of a misdemeanor involving family violence.