

WRITTEN PLEA ADMONISHMENTS-WAIVERS-STIPULATIONS  
OFFENSES COMMITTED ON OR AFTER 09/01/1997  
10TH JUDICIAL DISTRICT COURT  
GALVESTON COUNTY, TEXAS

APR -3 AM 10:23  
Date 04/03/2014  
GALVESTON COUNTY, TEXAS

No. 13CR3557

To: RICHARD EARL CHENEY, Defendant

Pursuant to Art. 26.13 C.C.P., you are hereby admonished by the Court in writing as follows:

1. You are charged with the felony offense of:  
**THEFT OF PROPERTY < \$1,500 WITH TWO (2) OR MORE PREVIOUS CONVICTIONS**
2. If convicted, you face the following range of punishment:  
( ) **FIRST DEGREE FELONY:** A term of life or any term of not more than 99 years or less than 5 years in the Institutional Division of the Texas Department of Criminal Justice and in addition, a possible fine not to exceed \$10,000.00  
( ) **SECOND DEGREE FELONY:** A term of not more than 20 years or less than 2 years in the Institutional Division of the Texas Department of Criminal Justice and in addition, a possible fine not to exceed \$10,000.00  
( ) **THIRD DEGREE FELONY:** A term of not more than 10 years or less than 2 years in the Institutional Division of the Texas Department of Criminal Justice; and in addition, a possible fine not to exceed \$ 10,000.00. Range of punishment increased to 25- life with two (2) enhancements.  
(x) **STATE JAIL FELONY:** A term of not more than 2 years or less than 180 days in a state jail and in addition, a possible fine not to exceed \$ 10,000.00.  
( )
3. **PLEA BARGAINS:** If no plea bargain exists, the recommendation of the prosecuting attorney is not binding on the Court. If a plea bargain does exist, the Court will inform you whether it will follow the agreement in open court and before any finding on your plea. Should the court reject the agreement you will be entitled to withdraw your plea.
4. **PERMISSION TO APPEAL:** Where your plea of guilty or nolo contendere (no contest) is voluntarily and understandingly entered with a plea bargain agreement and the punishment assessed does not exceed the agreement between you and the prosecutor, the court must give permission before you can appeal on any matter in the case except for those matters raised by written motion filed *and ruled on* prior to trial. **Where your plea of guilty or nolo contendere is voluntarily and understandingly entered without a plea bargain agreement, the plea waives or forfeits the right to appeal a claim of error pertaining to guilt only when the judgment of guilt was rendered independent of, and is not supported by, the error.**
5. **CITIZENSHIP:** If you are not a United States citizen, a plea of guilty or nolo contendere may result in deportation, exclusion from admission to the country, or denial of naturalization under federal law.
6. **DEFERRED ADJUDICATION:** If the Court defers adjudicating your guilt and places you on community supervision, a violation of any condition of community supervision may result in proceedings being initiated whereby you are arrested and detained, as provided by law, for a hearing by the Court limited to a determination of whether to proceed with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After adjudication of guilt, all proceedings including pronouncement of sentence, granting of community supervision and your right to appeal continue as if adjudication of guilt had not been deferred. In addition, after adjudication of guilt the punishment assessed may be any term within the range for the offense and is not limited to the term of community supervision.
7. **SEX OFFENDER REGISTRATION PROGRAM:** If convicted of or placed of deferred adjudication for an offense for which you are subject to registration under the Sex Offender Registration Program (Chapter 62 Texas Code of Criminal Procedure), you will be required to meet those registration requirements.

Comes now the Defendant, joined by my counsel, and states that **I understand the foregoing admonishments from the Court and am aware of the consequences of my plea. I further state that I am mentally competent, that my plea is freely and voluntarily made.** If counsel is appointed, I waive any time provided me by law to prepare for trial under Art. 1.051 C.C.P. I am totally satisfied with the representation provided by my attorney who provided fully effective and competent representation. Under Art. 1.14 C.C.P. I give up all rights given to me by law, whether of form, substance or procedure, including any time limitations imposed under the U.S. Constitution or Chapter 32 C.C.P. Joined by my attorney, **I give up all right to a jury in this case under Art. 1.13 C.C.P., and I give up my right to appearance, confrontation and cross examination of witnesses as to guilt under Art. 1.15 C.C.P., and as to punishment. I consent to oral and written stipulations of evidence in this case.** I have read and my attorney has explained to me the indictment or information filed against me in this cause. I voluntarily waive reading of the indictment or information ( and acknowledge timely service of a copy of same) and voluntarily waive the arraignment period pursuant to Art. 26.03 C.C.P. I also waive the right to be accused by indictment where proceeding by information pursuant to Art. 1.141 C.C.P. I also give up my right to confidentiality pursuant to Art. 42.12(9)(j), C.C.P. if a pre-sentence report is filed. I freely and voluntarily waive my right to have a court reporter make a record of the court proceedings in my case. I also waive and give up the 30 days provided in which to file a Motion for New Trial, Motion for Arrest of Judgment and Notice of Appeal. **I completely understand all of the written waivers, stipulations and motions herein stated in connection with the plea, and each was done freely, voluntarily, and intelligently.** The State and I mutually recommend to the Court that punishment in this cause be assessed at:

12 months 12.44(a)

13 - CR - 3557  
DCADWS  
Admonishment - Waiver - Stipulation to Evid

( ) **BOOT CAMP** \_\_\_\_\_ ( ) Years in the Institutional Division of TDCJ with the recommendation of State Boot Camp, provided, however, that should the Defendant be declared ineligible for said program or fail to successfully complete said program, for any reason, the Defendant shall serve said penitentiary sentence pursuant to law.

\_\_\_\_\_  
Defendant

**GUILTY PLEA:** Understanding and agreeing to all of the above, I freely and voluntarily plead **GUILTY** and confess my **GUILT** to having committed each and every element of the offense alleged in the indictment or information by which I have been charged in this cause and I agree and stipulate that the facts contained in the indictment or information are true and correct and constitute the evidence in this case. Where the State is proceeding on a lesser included offense arising out of said indictment or information, I plead **GUILTY** and confess my **GUILT** to having committed each and every element of the lesser included offense only.

( ) I plead true to the enhancements plead in this cause and not abandoned by the State.

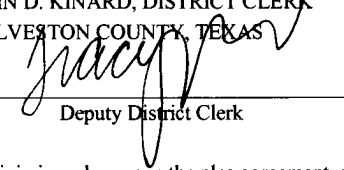
  
\_\_\_\_\_  
Defendant

( ) **NOLO CONTENDERE PLEA:** Understanding and agreeing to all of the above, I freely and voluntarily plead **NOLO CONTENDERE (NO CONTEST)** to the indictment or information by which I have been charged in this cause and agree and stipulate that the elements of the offense and the facts alleged therein constitute the evidence in this case. Where the State is proceeding on a lesser included offense arising out of said indictment or information, I plead **NOLO CONTENDERE (NO CONTEST)** to the elements of the lesser included offense and agree and stipulate that the elements of the lesser included offense and the facts of said offense as alleged constitute the evidence in this case. ( ) I plead true to the enhancements plead in this cause and not abandoned by the State.

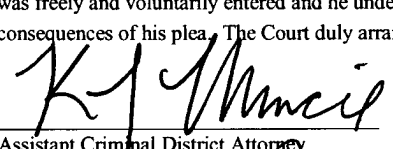
\_\_\_\_\_  
Defendant

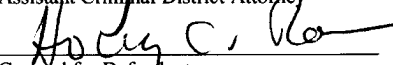
Sworn to and subscribed to before me by the Defendant on this date.

JOHN D. KINARD, DISTRICT CLERK  
GALVESTON COUNTY, TEXAS

By:   
\_\_\_\_\_  
Deputy District Clerk

We join in and approve the plea agreement, all waivers and stipulations made above by this Defendant including the Defendant's waiver of trial by jury. We also agree that the Defendant is legally competent to stand trial. We also agree that all statements of the Defendant were freely and voluntarily made and that the Defendant's plea was freely and voluntarily entered and he understands the Court's Admonitions given to him in accordance with Art. 26.13 C.C.P. and that he is aware of the consequences of his plea. The Court duly arraigned the Defendant in accordance with Chapter 26 C.C.P.

  
\_\_\_\_\_  
Assistant Criminal District Attorney

  
\_\_\_\_\_  
Counsel for Defendant

  
\_\_\_\_\_  
Presiding Judge

STATE'S EXHIBIT NO. 1

Rev. 11/07