

CAUSE NO. 89-CR-957-H

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

347 TH JUDICIAL DISTRICT

Carlton G. Hernandez

NUECES COUNTY, TEXAS

COURT'S WRITTEN ADMONISHMENTS TO DEFENDANT
ON DEFENDANT'S PLEA OF GUILTY
DEFENDANT'S ACKNOWLEDGMENTS, AND COUNSEL'S CERTIFICATE

The Defendant herein, Carlos Hernandez, has made it known to the Court that he/she desires to enter a plea of guilty in this cause. Accordingly, pursuant to Art. 26.13, TX.C.Crim.Proc., as amended, the Court admonishes the Defendant in writing as follows:

COURT'S ADMONISHMENTS TO DEFENDANT

You are charged by indictment/information with the offense of Agg. Assault alleged to have occurred in Nueces County, Texas on or about APRIL 15, 1989.

Your plea of guilty must be voluntarily made. The Court cannot accept your plea of guilty if anyone forced you or persuaded you to plead guilty; or if anyone threatened you or promised you anything to get you to plead guilty; or if your plea of guilty is influenced by any consideration of fear or a delusive hope of a pardon prompting you to confess your guilt. YOUR PLEA OF GUILTY MUST BE ON YOUR OWN FREE WILL.

Your plea of guilty can be accepted by the Court only if you are in fact guilty of the offense charged. You should not plead guilty for any other reason.

One guilty of the offense of Agg. Assault, as charged in your indictment is guilty of a 3d degree felony, and the punishment under the law is confinement in the Texas Department of Corrections for (life or) not less than 2 but not more than 10 years, and in addition thereto the Court may assess a fine not to exceed \$ 5,000.00.

In assessing punishment the Court may consider recommendations made by the District Attorney or your attorney, but the Court is not bound or obligated to accept or follow any recommendations so made.

FILED
OCT 9 1989
Don P.

No. 89.CR.957.H

STATE OF TEXAS

IN THE 347 TH DIST. COURT

VS.

Carlton G. Hernandez

OF NUECES COUNTY, TEXAS

ACKNOWLEDGMENT BY DEFENDANT

COMES NOW Carlos G. Hernandez, the Defendant in the above entitled and numbered cause and makes the following statement:

1. I have read the Court's Admonishments and I hereby waive the right to have the trial court orally admonish me;
2. My attorney has explained the admonishments to me as well as all other documents which I have signed in this cause;
3. I am the same person who is charged by Indictment/ Information in this cause with the offense of _____ alleged to have occurred in Nueces County, Texas, on or about _____, 19____;
4. I, now in open Court, enter my Plea of Guilty to that offense. My Plea of Guilty is made voluntarily and is made without force, threats, persuasion, fear, or promise. I enter my plea of guilty only because I am guilty as charged.
5. In pleading guilty, I waive all of my constitutional rights that I may have as explained to me in the Court's written admonishments;
6. I have had sufficient opportunity to consult with my attorney and have discussed with him all relevant facts and the law applicable in this case. I am satisfied with the representation my attorney has given me, and I have no complaints or objections to such representation.
7. I am mentally competent to enter a plea in this case; I am sane now and I know what I am doing here in Court today. As far as I know, I was sane and knew what I was doing on or about the date of the offense as alleged in the indictment.
8. My attorney has explained the Plea Bargain / Recommendation to me. I understand the Plea Bargain and agree to it.
9. I waive and/or withdraw all pretrial motions filed in this cause, including any motions presented to the Court which were denied by this Court.

FILED
 OCT 9 1989
 [Signature]

NO. 89. CR. 957. H

THE STATE OF TEXAS

I

IN THE DISTRICT COURT

VS.

I

347 TH JUDICIAL DISTRICT

Carlton G. Hernandez

I

HUECES COUNTY, TEXAS

NOTICE TO DEFENDANT OF RIGHT TO APPEAL

On this the 9 day of October, 1989, I, the Defendant in the above styled and numbered cause acknowledge that I have been advised by the Court and my attorney of my rights:

- (1) to file in writing with the Clerk of the trial court a motion for new trial within 30 days after sentence is imposed or suspended in open court, and
- (2) to file, without leave of the trial court, an amended motion for new trial within 30 days after sentence is imposed or suspended in open court and prior to the time the motion or amended motion for new trial is overruled, and
- (3) to present a motion in arrest of judgment, prior to or within 30 days after sentence is imposed or suspended in open court, and
- (4) to file in writing with the Clerk of the trial court a notice of appeal within 30 days after sentence is imposed or suspended in open court or the day an appealable order is signed by the trial judge or within 90 days after the day sentence is imposed or suspended in open court if a timely motion for new trial has been filed. However, if I have been convicted on a plea of guilty or nolo contendere before the court, and the court was elected to set punishment, and the punishment assessed did not exceed the punishment recommended by the prosecutor and agreed by me and my attorney, I must have permission of the trial court to prosecute an appeal for a nonjurisdictional defect or error that occurred prior to entry of the plea and the notice of appeal shall state that the trial court granted permission to appeal or shall specify that those matters were raised by written motion and ruled on before trial, and
- (5) to request an extension of time from the Court of Appeals to file a notice of appeal if such notice is filed within 15 days after the last day allowed and within the same period a motion is filed in the Court of Appeals reasonably explaining the need for such extension and in such case the Court of Appeals may or may not grant the extension.

I have further been advised by the court and my attorney that I have the right to be represented by a lawyer on appeal, that I have the right to hire a lawyer of my own choice or to have a lawyer appointed to represent me free of charge if I am too poor to pay for a lawyer and that I have the right, if timely request is made by motion and affidavit to a transcript and statement of facts of all proceedings in this case free of charge if the trial court finds that I am unable to pay or give security for the transcript and statement of facts.

I acknowledge that I received the above notice on the above date from the Court and that it was also explained to me by my attorney and I understand it.

[Signature]
Attorney for Defendant

[Signature]
Defendant

OCT 9 1989

[Signature]

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NO. 89-CR-0957-H

STATE OF TEXAS VS. CARLOS HERNANDEZ
IN THE DISTRICT COURT, 347 TH JUDICIAL DISTRICT
NUECES COUNTY, TEXAS

JUDICIAL CONFESSION

I, CARLOS HERNANDEZ, am the Defendant in the above styled and numbered cause. My attorney is Jon Kelly. He has investigated the facts and circumstances surrounding my case, discussed those with me, and advised me of possible defenses. I am satisfied with his representation. I am pleading guilty to the offense of AGGRAVATED ASSAULT because I am guilty. My plea is freely, voluntarily, knowingly, and intelligently given.

On this day in open Court, I, CARLOS HERNANDEZ, waive my right against self-incrimination and hereby judicially confess that on the 15th day of April, 1989, in Nueces County, Texas, I, did then and there intentionally and knowingly cause bodily injury to another, Bernardina Ybanez, by stabbing her in the stomach with a knife, which in the manner of its use and intended use was capable of causing serious bodily injury and death.

F I L E D

OCT 9 1989

Dr. 2:0

I hereby agree and stipulate that the facts contained in this instrument are true and correct.

Carlos Hernandez
DEFENDANT

[Signature]
ATTORNEY FOR DEFENDANT
[Signature]
ATTORNEY FOR THE STATE

SUBSCRIBED AND SWORN to before me in open Court by the Defendant, CARLOS HERNANDEZ, on this the 9 day of October, 1989.

Oscar Soliz
CLERK
347 TH JUDICIAL DISTRICT

APPROVED: [Signature]
JUDGE PRESIDING