

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS § CAMERON COUNTY COURT  
VS § AT LAW NO. 1  
\_\_\_\_\_ § CAMERON COUNTY, TEXAS

**AFFIDAVIT OF PLEA IN ABSENTIA**

\_\_\_\_\_, Defendant herein, hereby, enters this plea in absentia as provided by Article 27.14(b) of the Texas Code of Criminal Procedure.

Before the undersigned authority, \_\_\_\_\_, appeared and stated the following under oath:

**Waiver of Appearance.** I understand that I have the right to be present in Cameron County, Texas on the above entitled cause and to defend myself, however, I am fully mentally competent and completely understand the offense and charges and I wish to enter this plea in absentia and consent to the case being called in my absence and my attorney, \_\_\_\_\_ to appear on my behalf and with my full consent.

I have excused and read and understood the attached documents including defendant's statement of admonition, plea of \_\_\_\_\_ and waiver of jury and waiver of confrontation.

**Plea Bargain.** I understand that my attorney and the State's attorney have reached a plea bargain:

\_\_\_\_\_  
\_\_\_\_\_

Exchange for my plea of \_\_\_\_\_ and further understand that the Judge is not bound by our plea agreement and does NOT have to follow our plea agreement.

**Offense.** I understand that I have been charged with \_\_\_\_\_, which is a misdemeanor offense for which the maximum punishment is a fine of \_\_\_\_\_ to this offense.

**Plea.** To the offense of \_\_\_\_\_, I hereby enter the plea of \_\_\_\_\_, Waiver of Jury Trial. I understand that I have the right to have this case tried by a jury. By entering this plea, I knowingly and voluntarily waive my right to a jury trial in this matter.

**Address.** I further respectfully request that such notification be mailed to me at the following address: \_\_\_\_\_

\_\_\_\_\_  
Defendant

State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the within instrument and acknowledge that he/she executed the same for the purposes therein contained.

[seal]

\_\_\_\_\_  
Notary Public

1 AN ACT  
2 relating to allowing for certain criminal proceedings in the  
3 absence of certain defendants.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
5 SECTION 1. Chapter 27, Code of Criminal Procedure, is  
6 amended by adding Article 27.19 to read as follows:

7 Art. 27.19. PLEA BY CERTAIN DEFENDANTS.  
8 (a) Notwithstanding any other provision of this code, a court  
9 shall accept a plea of guilty or nolo contendere from a defendant  
10 who is confined in a penal institution if the plea is made:

11 (1) in accordance with the procedure established by  
12 Article 27.18; or

13 (2) in writing before the appropriate court having  
14 jurisdiction in the county in which the penal institution is  
15 located, provided that:

16 (A) the defendant is notified by the court of  
17 original jurisdiction of the right to counsel and the procedures  
18 for requesting appointment of counsel, and is provided a reasonable  
19 opportunity to request a court-appointed lawyer;

20 (B) if the defendant elects to proceed without  
21 counsel, the defendant must waive the right to counsel in  
22 accordance with Article 1.051;

23 (C) the defendant must waive the right to be  
24 present at the taking of the plea or to have counsel present, if the

H.B. No. 107

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 107 was passed by the House on April 22, 2009, by the following vote: Yeas 147, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 107 on May 23, 2009, by the following vote: Yeas 138, Nays 0, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 107 was passed by the Senate, with amendments, on May 21, 2009, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor