

THE STATE OF TEXAS
VS.

~~OMAR JAMAL JETT~~
3630 WARD
HOUSTON, TX

George @
Floyd

SPN: ~~02610309/997~~
DOB: BM/10/14/74
DATE PREPARED: 9/25/98

St El #1
p6
D.A. LOG NUMBER: 462619
CJIS TRACKING NO.: 9029815183-A001
BY: MLM DA NO: 731
AGENCY: HPD
O/R NO: 106870298
ARREST DATE: 09/24/98

NCIC CODE: 1204 04

RELATED
CASES:

FELONY CHARGE: AGGRAVATED ROBBERY
CAUSE NO: ~~0793796~~ 0793796
HARRIS COUNTY DISTRICT COURT NO: ~~26324~~
FIRST SETTING DATE:

BAIL: \$30,000
PRIOR CAUSE NO:

WAIVER OF CONSTITUTIONAL RIGHTS, AGREEMENT TO STIPULATE, AND JUDICIAL CONFESSION

In open court and prior to entering my plea, I waive the right of trial by jury. I also waive the appearance, confrontation, and cross-examination of witnesses, and my right against self-incrimination. The charges against me allege that in Harris County, Texas, **GEORGE FLOYD**, hereafter styled the Defendant, heretofore on or about **AUGUST 21, 1998**, did then and there unlawfully, while in the course of committing theft of property owned by JUAN BOTELLO and with intent to obtain and maintain control of the property, intentionally and knowingly threaten and place JUAN BOTELLO in fear of imminent bodily injury and death, and the Defendant did then and there use and exhibit a deadly weapon, to-wit: A FIREARM.

*State moves to ~~abandon~~ reduce to the lesser included
offense of Theft of Person, a State jail
felony*

AGAINST THE PEACE AND DIGNITY OF THE STATE.

I understand the above allegations and I confess that they are true and that the acts alleged above were committed on

August 21, 1998

In open court I consent to the oral and written stipulation of evidence in this case and to the introduction of affidavits, written statements, of witnesses, and other documentary evidence. I am satisfied that the attorney representing me today in court has properly represented me and I have fully discussed this case with him.

I intend to enter a plea of guilty and the prosecutor will recommend that my punishment should be set at _____

10 months State jail

and I agree to that recommendation. I waive any further time to prepare for trial to which I or my attorney may be entitled.

George H. Keefe
DEFENDANT

Sworn to and Subscribed before me on _____

Feb 11 1999

2-11-99

[Signature]
HARRIS COUNTY DEPUTY DISTRICT CLERK

I represent the defendant in this case and I believe that this document was executed by him knowingly and voluntarily and after I fully discussed it and its consequences with him. I believe that he is competent to stand trial. I agree to the prosecutors recommendation as to punishment. I waive any further time to prepare for trial to which I or the defendant may be entitled.

Daniel Keefe
DEFENDANT'S ATTORNEY (PRINT)

[Signature]
SIGNATURE OF DEFENDANT'S ATTORNEY

I consent to and approve the above waiver of trial by jury and stipulation of evidence

[Signature]
ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS

This document was executed by the defendant, his attorney, and the attorney representing the State, and then filed with the papers of the case. The defendant then came before me and I approved the above and the defendant entered a plea of guilty. After I admonished the defendant of the consequences of his plea, I ascertained that he entered it knowingly and voluntarily after discussing the case with his attorney. It appears that the defendant is mentally competent and the plea is free and voluntary. I find that the defendant's attorney is competent and has effectively represented the defendant in this case. I informed the defendant that I would not exceed the agreed recommendation as to punishment.

[Signature]
JUDGE PRESIDING

F I L E

FEB 11 1999

PLEA OF GUILTY

CAUSE NO. 793796

THE STATE OF TEXAS

X

IN THE 262ND DISTRICT COURT

VS.

X

OF

George Floyd

X

HARRIS COUNTY, TEXAS

ADMONISHMENTS

Pursuant to Art. 26.13, (d), Code of Criminal Procedure, the Court admonishes you that:

DS 1. the range of punishment attached to the offense with you are charged, namely, theft of person , is by confinement in the state jail for any term of not more than 2 years or less than 180 days .

in addition to said imprisonment you may be punished by a fine not to exceed 10,000 dollars;

DS 2. the recommendation, if any of the prosecuting attorney as to punishment is not binding on the Court;

DS 3. if there is any plea bargaining agreement between the State and you, the Court will inform you whether it will follow such agreement before making any finding on your plea;

DS 4. the Court will permit you to withdraw your plea of guilty or nolo contendere or true should it reject any plea bargaining agreement;

DS 5. if the punishment assessed by the Court does not exceed the punishment recommended by the prosecutor and agreed to by you and your attorney, the Court must give its permission to you before you may prosecute an appeal on any matter in this case except for those matters raised by you by written motion filed prior to trial;

DS 6. if you are not a citizen of the United States of America, a plea of guilty or nolo contendere or true for the offense with which you are charged in this case may result in your deportation, or your exclusion from admission to this country, or your denial of naturalization under federal law;

DS 7. you have the right to have 10 days to prepare for trial in this case;

DS 8. Waiver of Pre-Sentence Report: I am the Defendant accused of a felony in the above captioned cause, and I have consulted with my attorney, whose name is signed below regarding the application of Article 42.12, Sec. 4 (a), V.A.C.C.P. to my case which provides that prior to imposition of sentence by the Court, the Court shall direct a probation officer to report to the Court in writing on the circumstances of the offense with which I am charged, including my criminal history, if any, and social history. I also understand through consultation with my attorney, that the Court is not required to direct a probation officer to prepare a report if I request that

is not be made and the Court agrees to the request;

9. you have the right for the Court to bring your witnesses to court to testify in your behalf;

10. you have the right for the Court to require the State's witnesses to come to court and you have the right to confront and cross-examine those witnesses;

11. the State must prove your guilt beyond a reasonable doubt even if you plead guilty;

12. you have the right to have the indictment or complaint read to you prior to your plea;

13. you have the right to have a court reporter record your plea.

14. if you are assessed deferred adjudication probation (pursuant to Article 42.12 section 5 of the Texas Code of Criminal Procedure), a violation of probation will result in your being arrested and detained until you can be taken before the court. You are entitled to a hearing limited to the determination by the court of whether it proceeds with an adjudication of guilt in the original charge. No appeal may be taken from this determination. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation and your appeal continue as if the adjudication of guilt had not been deferred.

15. if you are pleading guilty or no contest to a state jail felony offense then you are not entitled to earn any good time credit on any state jail sentence. The Court may, but is not required, to give you credit on a state jail sentence for any time served in jail either awaiting trial or as a condition of supervision. The Court must give you credit on your sentence for any time you were required to served in a state jail as a condition of supervision.

STATEMENT OF DEFENDANT

NOW COMES George Floyd, the Defendant in the above captioned cause and makes the following statement prior to the Court accepting my plea of guilty or plea of nolo contendere or plea of true:

1. I ~~(DO / DO NOT)~~ read and write the English language and I (HAVE READ / HAD READ TO ME) the foregoing admonishments and I understand these admonishments and hereby waive the right to have the trial court orally admonish me;

2. I am mentally competent and I understand the nature of the charge against me;

3. I understand the admonishments of the trial court set out hereinabove;

4. I waive the right to have a court reporter record my plea of guilty or nolo contendere or true;

5. I represent to the trial court that the State will make the following:

(PLEA BARGAIN AGREEMENT) (RECOMMENDATION) (NO AGREED RECOMMENDATION)
namely, 18 months state jail

and I understand the consequences, as set out above, should the trial court accept or refuses to accept the (PLEA BARGAIN) (RECOMMENDATION).

6. I fully understand the consequences of my plea herein, and after having fully consulted with my counsel, request that the trial court accept said plea;

7. I have freely, knowingly and voluntarily executed this statement in open court on this the 11 day of Feb, 1979, with the consent and approval of my counsel;

8. I read and write the English language and the foregoing admonishments and statements as well as the Waiver of Constitutional Rights, Agreement to Stipulate, Judicial Confession, and Waiver of Pre-Sentence Investigation were read to me and explained to me in that language by an interpreter, namely, _____, and I hereby waive the right to have the trial court orally admonish me;

9. I waive the 10 days granted me to prepare for trial in this case;

10. I knowingly and voluntarily waive my right to the preparation of a report by the probation officer and expressly request that such a report not be prepared;

11. I waive the appearance, confrontation and cross-examination of witnesses;

12. I waive the right to have the Court compel my witnesses to come to court to testify on my behalf;

13. I waive the right to have the indictment or complaint read to me by the Court prior to my plea;

14. I waive my right against self-incrimination;

15. I am not suffering under the delusive hope that the Governor will grant me a pardon or that I will receive an early parole;

16. I have received no promises of leniency or of any other nature, from my own attorney, from the State of Texas' attorney, or from any other person to induce me to plead guilty;

17. I am not under the influence of alcohol, drugs or narcotics; and I have no reason to believe that I am now, or ever have been insane or of unsound mind; and I assert that I am now fully competent, and in full possession of my faculties;

18. I am fully satisfied with the services rendered me by my

attorney, and believe he has represented me ably, conscientiously and to the best of his ability;

19. I understand the offense I am charged with, and my attorney has discussed with me all the defenses, if any, I might have to these charges and I am entering this plea freely and voluntarily, in the exercise of my own good judgement.



ATTORNEY FOR STATE



DEFENDANT




ATTORNEY FOR DEFENDANT

SWORN AND SUBSCRIBED BEFORE ME
ON THIS THE _____ DAY OF
_____ 1999 1999.

APPROVED:



JUDGE PRESIDING



DEPUTY DISTRICT CLERK
HARRIS COUNTY, T E X A S

FILED
CHARLES BACARIS, C

FEB 11 1999
(1)