

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

THE STATE OF TEXAS

\*

IN THE DISTRICT COURT

\*

V.

\*

\_\_\_\_\_ JUDICIAL DISTRICT

\*

\*

MIDLAND COUNTY, TEXAS

**STATEMENT OF REPRESENTATION**

**COMES NOW** the defendant and his attorney of record upon the defendant's plea of nolo contendere and would show the Court as follows:

1. That the defendant and his attorney have discussed the offense or offenses and all lesser included offenses charged against the defendant in this cause including all possible defenses thereto and are ready for trial.
2. That the defendant understands the elements of the offense or offenses charged against the defendant in this cause and the elements of all lesser included offenses and all possible defenses thereto.
3. That the defendant understands the range of punishment attached to the offense or offenses charged against the defendant including the range of punishment to any lesser included offense and the consequences of a plea of nolo contendere.
4. That the defendant's attorney has obtained such discovery from the State as to enable the attorney and the defendant to understand the evidence that the State would introduce against the defendant at trial upon a plea of not guilty.
5. That the defendant is satisfied with the investigation of the facts of the offense or offenses charged against the defendant and any defenses thereto by the defendant's attorney and believes that no further investigation of the facts is necessary.
6. That the defendant has discussed the facts of the offense or offenses charged against the defendant in this cause and the facts of any defense thereto with his or her attorney.
7. The defendant understands that by entering a plea of nolo contendere, the defendant is giving up all defenses the defendant may have to the offense or offenses charged against the defendant and to any lesser included offense.
8. That the defendant understands his or her right to contest the admissibility of any confession or statement, any in-court identification, any pretrial physical lineup, any pretrial photographic identification procedure and any evidence seized as the result of any search, and that by not contesting these matters the defendant gives up his or her right to contest these matters in the future.
9. That the defendant is able to consult with his attorney with a reasonable degree of rational understanding about the facts of the offense or offenses charged against the defendant, and the defendant has a rational as well as a factual understanding of the proceeding against the defendant.
10. That the defendant understands his or her right to try the offense or offenses charged against

the defendant in this cause to a jury or to the Court both as to the issues of guilt and punishment.

11. That the decision of the defendant to enter a plea of nolo contendere to the Court is the free and voluntary decision of the defendant made with knowledge of the facts of the case for and against him or her and represents the defendant's free choice between the choices of action available to the defendant.

**WHEREFORE, PREMISES CONSIDERED**, the defendant and his or her attorney request that the Court find the facts asserted in this Statement of Representation true and consider the same in support of the defendant's plea of nolo contendere to the offense or offenses relied upon the State in this cause.

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
**DEFENDANT**

\_\_\_\_\_  
**ATTORNEY FOR DEFENDANT**

#### **CERTIFICATE BY THE COURT**

**WHEREAS** the defendant and his or her attorney have each represented to the Court that the facts stated in the foregoing Statement of Representation are true, the Court finds that they are true and accepts the same in support of the defendant's plea of nolo contendere in this cause, and orders the Statement of Representation filed in the papers of this cause.

\_\_\_\_\_  
**JUDGE PRESIDING**