

THE STATE OF TEXAS
VS.

GEORGE PERRY FLOYD
3512 NALLIE
HOUSTON, TX

SPN: 01610509
DOB: BM 10 14 74
DATE PREPARED: 4/15/2004

D.A. LOG NUMBER: 929936
CJIS TRACKING NO.: 9034648311-A001
BY: HLS DA NO: 53316875
AGENCY: HPD
O/R NO: 019342804
ARREST DATE: 02 05 04

NCIC CODE: 5599 17

RELATED CASES:

FELONY CHARGE: **DELIVERY OF A CONTROLLED SUBSTANCE**
CAUSE NO: 976589
HARRIS COUNTY DISTRICT COURT NO: 185
FIRST SETTING DATE:

BAIL: \$15,000
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 PERRY FLOYD**, hereafter styled the Defendant, on or about **FEBRUARY 5, 2004**, did then and there unlawfully, knowingly deliver by actual transfer to G. Goines, a controlled substance, namely, Cocaine, weighing by aggregate weight, including any adulterants and dilutants, less than 1 gram.

It is further presented that in Harris County, Texas, George Perry Floyd, hereafter styled the Defendant, heretofore on or about February 5, 2004, did then and there unlawfully, knowingly deliver by constructive transfer to G. Goines, a controlled substance, namely, Cocaine, weighing by aggregate weight, including any adulterants and dilutants, less than 1 gram.

It is further presented that in Harris County, Texas, George Perry Floyd, hereafter styled the Defendant, heretofore on or about February 5, 2004, did then and there unlawfully, knowingly deliver by offering to sell to Cocaine, a controlled substance, namely, G. Goines, weighing by aggregate weight, including any adulterants and dilutants, less than 1 gram.

Before the commission of the offense alleged above, (hereafter styled the primary offense), on March 3, 2003, in Cause No. 928869, in the 184th District Court of Harris County, Texas, the Defendant was convicted of the felony of possession of a controlled substance.

Before the commission of the primary offense, the Defendant committed the felony of theft from person and was finally convicted of that offense on February 11, 1999, in Cause No. 793796, in the 262nd District Court of Harris County, Texas.

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

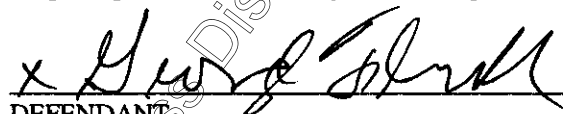
2/5/04

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 confinement
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. Further, I waive any right of appeal which I may have should the court accept the foregoing plea bargain agreement between myself and the prosecutor.

x 
DEFENDANT

JUL 21 2004

Sworn to and Subscribed before me on



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.


DEFENDANT'S ATTORNEY (PRINT)


SIGNATURE OF DEFENDANT'S ATTORNEY

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


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.

F I L E D
CHARLES BACARISSE
District Clerk

JUL 21 2004

Harris County, Texas

By _____
Deputy


JUDGE PRESIDING

PLEA OF GUILTY

CAUSE NO.

976509

THE STATE OF TEXAS

§

IN THE 185TH DISTRICT COURT

VS.

§

OF

George Floyd
DEFENDANT

§

HARRIS COUNTY, TEXAS

ADMONISHMENTS

Pursuant to Article 26.13 (d), Code of Criminal Procedure, the Court admonishes you the Defendant as follows and instructs you to place your initials by each item if you fully understand it:

(1) you are charged with the felony of Delivery of a Controlled Substance. The State moves to reduce such charge to 1g. If convicted, you face the following range of punishment:

[] **HABITUAL OFFENDER:** a term of life or any term of not more than 99 years or less than 25 years in the Institutional Division of Texas Department of Criminal Justice;

[] **HABITUAL SEX OFFENDER:** a term of not less than life in the Institutional Division of the Texas Department of Criminal Justice for defendant convicted of aggravated sexual assault, aggravated kidnapping with the intent to violate or abuse the victim sexually, burglary with the intent to commit a sex offense, or indecency with a child, if enhanced with a prior felony conviction for aggravated sexual assault, sexual assault, aggravated kidnapping with the intent to violate or abuse the victim sexually, burglary with the intent to commit a sex offense, indecency with a child, sexual performance by a child, promotion or possession of child pornography, or prohibited sexual conduct, or an out-of-state offense containing elements substantially similar to those listed in Section 12.42 (c)(2)(B)i, ii, iii, or iv, TEX PENAL CODE;

[] **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 fine not to exceed \$10,000.00 may be assessed; if enhanced with one prior felony conviction, a term of life or any term of not more than 99 years or less than 15 years in the Institutional Division of the Texas Department of Criminal Justice, and in addition, a fine not to exceed \$10,000.00 may be assessed;

[] **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 fine not to exceed \$10,000.00 may be assessed; if enhanced with one prior felony conviction, 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 fine not to exceed \$10,000.00 may be assessed;

[] **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 fine not to exceed \$10,000.00 may be assessed; if enhanced with one prior felony conviction, 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 fine not to exceed \$10,000.00 may be assessed;

☒ **STATE JAIL FELONY:** a term of confinement in a State Jail for not less than 180 days or more than 2 years, and in addition, a fine not to exceed \$10,000.00 may be assessed. Upon conviction for a State Jail Felony offense, the period of confinement may be suspended and you may be placed under supervision of the Court for a period of not less than 2 years or more than 5 years or may order the sentence to be executed. The court may also suspend all or part of any fine assessed.

☒ As a condition of supervision, if you have never before been convicted of a felony offense the Court may order that you be confined for up to 90 days in the county jail or not less than 90 days or more than 180 days in a state jail.

☒ As a condition of supervision, if you are convicted of an offense punishable as a state jail felony under Section 481.112, 481.113, or 481.120 of the Health and Safety Code, the Court may order that you be confined in a state jail facility for a term of not less than 90 days or more than one year.

☒ For the purposes of this section, a defendant previously has been convicted of a felony regardless of whether the sentence for the previous conviction was actually imposed or was probated and suspended.

[] **STATE JAIL FELONY SENTENCED UNDER 12.35(C) OF THE TEXAS PENAL CODE:** if a state jail felony is enhanced with a previous final conviction of any felony listed in Section 3g (a) (1), Article 42.12 Code of Criminal Procedure, or with any previous felony conviction in which the judgment contained an affirmative finding under Sec 3g (a) (2), Article 42.12 Code of Criminal Procedure; or if during the course of the state jail felony case, a deadly weapon as defined by Section 1.07 of the Texas Penal Code was used during the commission of the offense or during immediate flight following the commission of the offense and that you used or exhibited the deadly weapon or were a party to the state jail felony offense and knew that a deadly weapon would be used or exhibited, a term of not more than 10 years or less than 2 years in the Texas Department of Criminal Justice, and in addition, a fine not to exceed \$10,000.00 may be assessed.

☐ **STATE JAIL FELONY VIOLENT OFFENDER WITH A PRIOR FELONY CONVICTION:** if you are convicted of a state jail felony punishable under Section 12.35 (c) of the Texas Penal Code and you have previously been convicted of a felony, you shall be punished for a second degree felony (a term of confinement not more than 20 years or less than 2 years in the Texas Department of Criminal Justice, and in addition, a fine not to exceed \$10,000.00 may be assessed).

☐ **STATE JAIL FELONY - PRIOR FELONY CONVICTION(S):** if a state jail felony punishable under Section 12.35 (a) of the Texas Penal Code and it is shown that the defendant has been previously convicted of a felony, the Judge may order the sentence to be executed and the defendant not placed on community supervision. The punishment range shall not be less than 180 days or more than 2 years in a State Jail Facility and a fine up to \$10,000.00. If a defendant has two or more prior non-state jail felony convictions in the proper sequence the punishment range shall be enhanced to not less than 2 years nor more than 20 years confinement in the Texas Department of Criminal Justice Institutional Division, and in addition, a fine not to exceed \$10,000.00 may be assessed.

☐ **STATE JAIL FELONY - PRIOR STATE JAIL FELONY CONVICTION(S):** if a state jail felony punishable under Section 12.35 (a) of the Texas Penal Code and it is shown that the defendant has been previously convicted of a state jail felony, the Judge may the sentence to be executed and the defendant not placed on community supervision. The punishment range shall be not less than 180 days or more than 2 years in a State Jail Facility and a fine up to \$10,000.00. If a defendant has two or more prior state jail felony convictions in the proper sequence the punishment range shall be enhanced to not less than 2 years nor more than 10 years confinement in the Texas Department of Criminal Justice Institutional Division, and in addition, a fine not to exceed \$10,000.00 may be assessed.

☐ **STATE JAIL FELONY AND SENTENCED UNDER 12.44 (a), Texas Penal Code:** a term of not more than one-year confinement in the county jail and a fine not to exceed \$4,000.00 or both. This is a State Jail Felony Conviction.

☐ **STATE JAIL FELONY AND SENTENCED UNDER 12.44 (b):** a term of not more than one-year confinement in the county jail. This is a Misdemeanor Conviction.

☐ **CLASS A MISDEMEANOR:** a term of confinement in the county jail not to exceed one year or a fine not to exceed \$4000.00 or both.

☐ **CLASS B MISDEMEANOR:** a term of confinement in the county jail not to exceed 180 days or a fine not to exceed \$2000.00 or both;








☐ **OTHER:** _____

- ☒ (2) the recommendation, if any, of the prosecuting attorney as to punishment is not binding on the Court;
- ☒ (3) if there is any plea bargain agreement between the State and you, the Court will inform you in open court whether it will follow such agreement before making any finding on your plea;
- ☒ (4) the Court will permit you to withdraw your plea of guilty or nolo contendere should it reject any plea bargain agreement;
- ☒ (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;
- ☒ (6) if you are not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense with which you are charged in this case may result in your deportation, or your exclusion from admission to this county, or your denial of naturalization under federal law.
- ☒ (7) if you are pleading to the Court without an agreed recommendation and requesting that the Court order a Pre-Sentence Investigation be prepared, you must realize you have no guarantee of any particular punishment and that any appellate rights you have would be limited to jurisdictional matters or to procedural errors that occur after that the entry of your plea.
- ☒ (8) if a Pre-Sentence Investigation report is prepared, I waive and give up my right of confidentiality to the report and agree it may be publicly filed.

Unofficial Copy Office of Marvin Bush, District Clerk

STATEMENTS AND WAIVERS OF DEFENDANT

NOW COMES the Defendant in the above captioned cause and makes the following statements and waivers prior to the Court accepting my plea of guilty or plea of nolo contendere.

-  (1) I am mentally competent and I understand the nature of the charge against me;
-  (2) I understand the admonishments or warnings of the trial court set out herein and I have no questions;
-  (3) I hereby **WAIVE** (give up) the right to have the trial court orally admonish me by reading these warnings aloud; and I give up the right to have the indictment/information read aloud to me in open court (formal arraignment).
-  (4) I **WAIVE** the right to have a court reporter record my plea and realize by doing so I assume the obligation of providing a record for any subsequent review of this matter;
-  (5) I represent to the trial court that the State will make the plea bargain agreement or recommendation, if any, set forth in the Waiver of Constitutional Rights, Agreement to Stipulate, and Judicial Confession herein and I understand the consequences, as set out above, should the trial court accept or refuse to accept the plea bargain or plea without an agreed recommendation;
-  (6) I understand that before sentence may be imposed, the Court must order preparation of a Pre-sentence Investigation Report by the probation officer pursuant to Article 42.12, Sec. 9, V.A.C.C.P. I have thoroughly discussed this matter with my attorney and believe that for the Court to compel me to participate in the preparation of such a report would abridge the protection provided me by the Constitution of the United States and the Constitution and laws of the State of Texas and could result in further prejudice to me. Therefore, I hereby in writing respectfully decline to participate in the preparation of a Pre-sentence Investigation Report and request that said report not be made prior to the imposition of sentence herein. I further knowingly, voluntarily, and intelligently waive any right which I may have to the preparation of said report either under Article 42.12, Sec. 9, V.A.C.C.P. or under Article 42.09, Sec. 8, V.A.C.C.P.;
-  (7) I understand that if the Court grants me Deferred Adjudication under Article 42.12 Sec. 3d(a) V.A.C.C.P. on violation of any condition I may be arrested and detained as provided by law. I further understand that I am then entitled to a hearing limited to a determination by the Court of whether to proceed with an adjudication of guilt on the original charge. If the Court determines that I violated a condition of probation, no appeal may be taken from the Court's determination and the Court may assess my punishment within the full range of punishment for this offense. After adjudication of guilt, all proceedings including the assessment of punishment and my right to

appeal continue as if adjudication of guilt had not been deferred; HOWEVER, in the case of a defendant placed on Deferred Adjudication for Aggravated Sexual Assault or Aggravated Kidnapping with the intent to inflict bodily injury or violate or abuse the victim sexually. Deferred Adjudication is a conviction for enhancement purposes if convicted in the future of certain offenses.

☒ (8) I further understand that if I was under 21 years of age at the time I committed the offense of driving while intoxicated, or an offense involving the manufacture, possession, transportation or use of an alcoholic beverage, or the manufacture, delivery, possession, transportation or use of a controlled substance, dangerous drug or simulated controlled substance that my Texas driver's license or my privilege to obtain a Texas driver's license and a driver's license in many other states will be automatically suspended for one (1) year from the date sentence is imposed or suspended in open court and that my driver's license suspension shall remain in effect until I attend and successfully complete an alcohol education program in this state. And, if I am over 21 years of age and I receive a final conviction or a suspended sentence for driving while intoxicated, or for violating the Controlled Substances Act, or a drug offense, my Texas driver's license will be suspended, and will remain suspended until I successfully attend and complete a drug or alcohol education program as prescribed by law, report the successful completion to the Court in which I was convicted, and the Texas Department of Public Safety receives notice of the completion. I also understand that I may be eligible to receive a restricted license from the court during this period of suspension.

☒ (9) I have freely, knowingly, and voluntarily executed this statement in open court with the consent of and approval of my attorney; and I request that the Court accept my plea;

☒ (10) I read and write/understand the English language; the foregoing Admonishments, Statements, and Waivers as well as the attached written Waiver of Constitutional Rights, Agreement to Stipulate, and Judicial Confession, were read by me or were read to me and explained to me in that language by my attorney and/or an interpreter, namely James Brooks, before I signed them, and I consulted fully with my attorney before entering this plea;

☒ (11) Joined by my counsel, I state that I understand the foregoing admonishments and I am aware of the consequences of my plea.

☒ (12) If my counsel was appointed, I waive and give up any time provided me by law to prepare for trial.

☒ (13) Under Art. 1.14 V.A.C.C.P. I give up all rights given to me by law, whether of form, substance or procedure.

☒ (14) I waive and give up my right to a jury in this case and my right to require the appearance, confrontation, and cross-examination of the witnesses.

☒ (15)

I waive my right against self-incrimination.

☒ (16)

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

☒ (17)

I have received no promises of leniency or any other nature, other than the plea bargain itself, if any, from my own attorney, from the State of Texas' attorney, or from any other person to induce me to plead guilty.

☒ (18)

I am not under the influence of alcohol, drugs or narcotics; and 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

☒ (19)

I am fully satisfied with the representation provided by my counsel and I received effective and competent representation.

☒ (20)

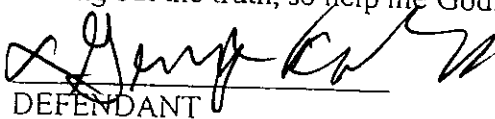
I understand the offenses I am charged with and my attorney has discussed with me all the defenses, if any, I might have to these charges and I am entering this plea freely and voluntarily, in the exercise of my own good judgment.

☒ (21)

I am / am not an illegal criminal alien as defined by 493.015(a), Government Code.

JUDICIAL CONFESSION

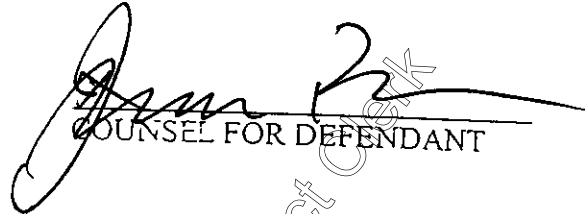
I further state that I have read the indictment/information filed in the case and that I committed each and every allegation it contains. I am guilty of the offense alleged, as well as all lesser included offenses. I swear to all of the foregoing and I further swear that all testimony I give in this case will be the truth, the whole truth, and nothing but the truth, so help me God.


DEFENDANT

SWORN AND SUBSCRIBED BEFORE ME THIS _____ DAY OF JUL 21 2004, 20__


HARRIS COUNTY DEPUTY
DISTRICT CLERK

We join and approve the waiver of jury trial pursuant to Art. 1.13 C.C.P. and the stipulations of evidence pursuant to Art. 1.15 C.C.P. In addition, the Court finds as a fact that the Defendant is fully competent and that his plea is freely and voluntarily entered.


COUNSEL FOR DEFENDANT

James Brooks
COUNSEL FOR DEFENDANT (Printed)


PROSECUTOR

G. RING
PROSECUTOR (Printed)


PRESIDING JUDGE

F I L E D
CHARLES BACARISSE
District Clerk

JUL 21 2004

Harris County, Texas

By _____
Deputy