

THE STATE OF TEXAS
VS.

GEORGE FLOYD
119 WINDIRN
HOUSTON, TX

D.A. LOG NUMBER: 372178

CJIS TRACKING NO.: 9003591040-A001

SPN: 01-10-1000 222

DOB: BM 10-14-74

DATE PREPARED: 8/3/97

BY: EMG DA NO: 453

AGENCY: HPD

O/R NO: 98848797-M

ARREST DATE: 8-2-97

NCIC CODE: 5599 17

FELONY CHARGE:

DELIVERY OF A CONTROLLED SUBSTANCE

CAUSE NO: 759780

HARRIS COUNTY

DISTRICT COURT NO: 182

RELATED CASES: C. CLESTAIN (F)

BAIL: \$ 2,000

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, on or about **AUGUST 2, 1997**, did then and there unlawfully, intentionally and knowingly deliver by actual transfer to A. HENDERSON, 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 FLOYD**, hereafter styled the Defendant, heretofore on or about **AUGUST 2, 1997**, did then and there unlawfully, intentionally and knowingly deliver by constructive transfer to A. HENDERSON, 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 FLOYD**, hereafter styled the Defendant, heretofore on or about **AUGUST 2, 1997**, did then and there unlawfully, intentionally and knowingly deliver by offering to sell to A. HENDERSON, a controlled substance, namely, COCAINE, weighing by aggregate weight, including any adulterants and dilutants, less than 1 gram.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

JUDGE PRESIDING

CAUSE NO. 759780

THE STATE OF TEXAS

§

IN THE 182ND CRIMINAL

VS.

§

DISTRICT COURT 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 del cant sub 5 < 1g
The State moves to reduce such charge to _____. If convicted, you face the following range of punishment.

☐ **HABITUAL SEX OFFENDER:** a term of not less than life in the Institutional Division of the Texas Department of Criminal Justice for a 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 two prior felony convictions; and one of the convictions is 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;

☐ **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 the Texas Department of Criminal Justice;

☐ **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;

☐ **FIRST DEGREE FELONY WITH ONE ENHANCEMENT:** if a first degree felony is 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 2 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;

☐ **SECOND DEGREE FELONY WITH ONE ENHANCEMENT:** if a second degree felony is 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;

☐ **THIRD DEGREE FELONY WITH ONE ENHANCEMENT:** if a third degree felony is 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 must be suspended and you must be placed under supervision of the Court for a period of not less than 2 years or more than five years, unless the defendant has been previously convicted of a felony, in which event the judge may suspend the imposition of the sentence and place the defendant on community supervision 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.

() If you have previously been convicted of a felony offense, the Court may order as a condition of supervision that you be confined up to 90 days in the county jail or not less than 90 days or more than 180 days in a state jail.

() If you have previously been convicted for manufacture or delivery of Penalty Group 1 or 2 controlled substance or for Delivery of Marihuana, the Court may order as a condition of supervision that you be confined for not less than 90 days or more than 1 year in a state jail.

☐ **STATE JAIL FELONY WITH TWO STATE JAIL FELONY CONVICTIONS:** if a state jail felony punishable under Section 12.35(a) of the Texas Penal Code is enhanced with two final state jail felony convictions, 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 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 offense, 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 SENTENCED UNDER 12.35 (c) WITH A PRIOR FELONY CONVICTION:** if you are convicted of a state jail felony punishable under 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 WITH TWO FELONY CONVICTIONS:** if a state jail felony punishable under Section 12.35(a) of the Texas Penal Code is enhanced with two previous final felony convictions, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction becoming final, 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;

☒ **A STATE JAIL FELONY AND SENTENCED UNDER 12.44(a):** a term of confinement in the county jail not to exceed one year which is a felony conviction;

☐ **A STATE JAIL FELONY AND SENTENCED UNDER 12.44(b):** a term of confinement in the county jail not to exceed one year which 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 \$4,000.00 or both.

☐ **CLASS B MISDEMEANOR:** a term of confinement in the county jail not to exceed 180 days or a fine not to exceed \$2,000.00 or both;

☐ **OTHER:** _____

☒ (2) the recommendation, if any, of the prosecuting attorney as to punishment is not binding on the Court;

[X] (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;

[X] (4) the Court will permit you to withdraw your plea of guilty or nolo contendere should it reject any plea bargain agreement;

[X] (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;

[X] (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 country, or your denial of naturalization under federal law.

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.

[X] (1) I am mentally competent and I understand the nature of the charge against

[X] (2) I understand the admonishments of the trial court set out herein;

[X] (3) I hereby WAIVE the right to have the trial court orally admonish me;

[X] (4) I WAIVE the right to have a court reporter record my plea;

[X] (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;

[X] (6) I understand that before sentence may be imposed, the Court must order preparation of a Presentence Investigation Report by the probation officer pursuant to Article 42.12, Sec. 9, F.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 Presentence 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. 5 V.A.C.C.P. or under Article 42.09, Sec. 8, V.A.C.C.P.;

[X] (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;

[X] (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.

[X] (9) I fully understand the consequences of my plea herein, and after having fully consulted with my attorney, request that the trial court accept said plea;

[X] (10) I have freely, knowingly, and voluntarily executed this statement in open court with the consent of and approval of my attorney;

[X] (11) I read and write/understand the _____ language; the foregoing Admonishments, Statements, and Waivers as 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 _____, before I signed them, and I consulted fully with my attorney before entering this plea;

[X] (12) Joined by my counsel, I state that I understand the foregoing admonishments and I am aware of the consequences of my plea. I am mentally competent to stand trial and my plea is freely and voluntarily made. If my counsel was appointed, I waive and give up any time provided me by law to prepare for trial.

I am totally satisfied with the representation provided by my counsel and I received effective and competent representation. Under Art. 1.14 V.A.C.C.P. I give up all rights given to me by law, whether of forms, substance or procedure. Joined by my counsel, 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. I consent to oral and written stipulations or evidence in this case. I have read the indictment and I committed each and every element alleged. I waive and give up my right of confidentiality to the pre-sentence report filed in the case and agree that the report may be publicly filed.

George P. Layd
DEFENDANT

SWORN AND SUBSCRIBED BEFORE ME THIS ____ DAY OF OCT 22 1997

Theresa
HARRIS COUNTY DEPUTY
DISTRICT CLERK

Starr
JUDGE PRESIDING

APPROVED:

De Haver
ATTORNEY FOR STATE

Pannell
ATTORNEY FOR DEFENDANT

CHARLES WYCARLSSSE
District Clerk

OCT 20 1997

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