

**STATE'S EXHIBIT #1**

CASE NO. CR-3348-19-H (COUNT ONE)  
INCIDENT No./TRN: 9284604516 A001

THE STATE OF TEXAS  
V.  
FRANCISCO JR TAMEZ JR.  
SID: TX-06418659

§  
§  
§

IN THE 389TH DISTRICT COURT  
OF  
HIDALGO COUNTY, TEXAS

**WAIVER OF RIGHTS & CONSENT TO STIPULATION OF EVIDENCE  
AND/OR TESTIMONY & PLEA OF GUILTY OR NO CONTEST**

I, FRANCISCO JR TAMEZ, <sup>JR</sup> voluntarily state as follows:

**RIGHTS OF ACCUSED:** I have the right of trial by jury; the right to demand the nature and cause of the accusation and have a copy thereof; the right to remain silent; the right to be represented by counsel; the right of being confronted with witnesses and to have compulsory process for obtaining witnesses; and the right to be accused by indictment. (Article 1.05 Code of Criminal Procedure)

**WAIVER OF RIGHTS:** I hereby waive my right of trial by jury; I waive my right to the appearance, confrontation, and cross-examination of witnesses at the guilt-innocence and punishment phase of this proceeding; I waive service of indictment and the two day waiting period for arraignment, or I waive my right to be accused by indictment; I waive my right to consult in private with counsel sufficiently in advance of trial to allow adequate preparation for trial; If I plead guilty, I waive my right to remain silent, and it is my desire to take the witness stand knowing that anything I say can be used against me. (Article 1.13, 1.14, 1.141 & 1.05(a) Code of Criminal Procedure)

**CONSENT TO STIPULATION OF EVIDENCE/TESTIMONY:** I consent to the oral and written stipulations of the evidence and/or testimony in this case.

**REPRESENTATION BY COUNSEL:** I have received and I am totally satisfied with the effective assistance and competent representation in this case.

**COMPETENCY:** I am mentally competent, fully aware of the nature of this proceeding, and I am able to assist my attorney in my defense.

**PLEA OF GUILTY:**

I freely and voluntarily plead GUILTY, and I admit I committed each and every element of every offense alleged in the indictment or information, namely, **ILLEGAL VOTING, FELONY 2ND DEGREE**, committed on November 03, 2017.

I freely and voluntarily plead GUILTY, and I admit I committed each and every element of the lesser included or related offense, namely, \_\_\_\_\_, Degree: \_\_\_\_\_; committed on November 03, 2017.

**PLEA OF NO CONTEST**

I freely and voluntarily plead NO CONTEST to the offense alleged in the indictment or information, namely, **ILLEGAL VOTING, FELONY 2ND DEGREE**, committed on **NOVEMBER 03, 2017**.

*Original FT*

I freely and voluntarily plead NO CONTEST to the lesser included offense, namely,

Degree: \_\_\_\_\_; committed on November 03, 2017.

**PLEA TO PRIOR CONVICTION(S):**

I freely and voluntarily plead TRUE to the allegation(s) of prior conviction(s) in paragraph(s) \_\_\_\_\_ of the indictment or information.

**APPLICATION FOR COMMUNITY SUPERVISION:**

I ask the Court to consider suspending the imposition of the sentence and place me on community supervision if the term of imprisonment in this case does not exceed ten (10) years or the term of confinement in this case does not exceed five (5) years.

**MOTION TO CONSIDER UNADJUDICATED OFFENSE(S):**

I admit, with the consent of the Attorney for the State, my guilt of the following offense(s), and request the Court to take each into account in determining sentence for the offense of which I stand adjudged guilty:

**MOTION FOR DEFERRED ADJUDICATION:**

I ask the Court to consider deferring further proceedings without entering an adjudication of guilty, and place me on community supervision for a period not to exceed ten (10) years, and that if my motion is granted, I will not be found guilty at this time.

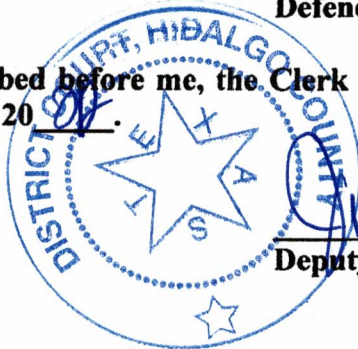
**CREDIT FOR TIME SPENT IN JAIL BETWEEN ARREST & SENTENCING (not for deferred adjudication)**

I freely and voluntarily agree with the trial judge that I shall receive 226 days credit on my sentence for the time I have spent in jail in this case, other than confinement served as a condition of community supervision, from the time of my arrest and confinement until my sentence.

Signed on this the ~~27th~~ 21 day of April, 2022.

Francisco Tamez Jr  
**FRANCISCO JR TAMEZ JR.**  
Defendant

Sworn to and subscribed before me, the Clerk of Hidalgo County, Texas, on this the 21st day of March, 2022.

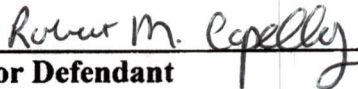


Jenica Mendez  
Deputy District Clerk

**ACCEPTANCE AND APPROVAL BY THE DEFENSE ATTORNEY**

After consulting and advising Defendant of Defendant's constitutional and procedural rights, I believe that Defendant understands these rights; that Defendant is mentally competent; that Defendant is aware of the consequences of the plea, including immigration circumstances, if applicable<sup>1</sup>; that Defendant understands the admonitions of the Court; and that Defendant is not relying on any advice, information, or agreement not made known to the Court at this time. I approve the signing of the plea, waiver of rights, judicial confession, and agreement to stipulate evidence/testimony.


I waive, with the consent of the Defendant, the ten day preparation time that I am entitled to, if any, in order to prepare for trial.

  
\_\_\_\_\_  
Attorney for Defendant

**ACCEPTANCE AND APPROVAL BY THE ATTORNEY FOR THE STATE**

Before the entry of the Defendant's plea herein, I hereby consent to, and approve, the above waivers and stipulations.

I, the Attorney for the State, respectfully request permission from the Court to proceed on the lesser included or related offense, namely, \_\_\_\_\_.

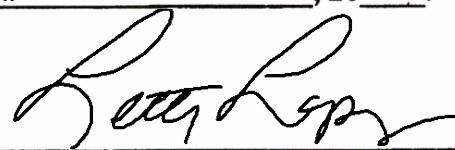
  
\_\_\_\_\_  
Assistant District Attorney

**ACCEPTANCE AND APPROVAL BY THE COURT**

It clearly appearing to the Court that the Defendant is mentally competent, and is represented by competent counsel; that Defendant understands the nature of the charge against Defendant; that Defendant has been admonished by the Court, including the minimum and maximum punishment provided by law; that Defendant fully understands the admonitions of the Court, and is fully aware of the consequences of the plea, including immigration consequences, if applicable; that the Attorney for Defendant and for the State consent and approve the waivers and stipulations made by the Defendant;

The Court, therefore, finds such plea, waivers, and consent to be voluntarily made, and the Court accepts the plea and approves the waivers and stipulations made by the Defendant.

Signed on the 27 day of April, 2022.

  
\_\_\_\_\_  
Judge/Visiting Judge Presiding

<sup>1</sup> See Padilla v. Kentucky, 130 S.Ct. 1473 (2010).

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PLEA ADMONISHMENTS

Pursuant to Article 26.13 of the Code of Criminal Procedure, you, FRANCISCO JR TAMEZ, Defendant in the above numbered and styled case, are hereby admonished as follows:

**OFFENSE CHARGED:** You are charged with the offense of ILLEGAL VOTING, FELONY 2ND DEGREE, committed on November 03, 2017.

**RANGE OF PUNISHMENT:**

State Jail Felony

If convicted, you may be confined in a State Jail Facility for a term of not more than 2 years or less than 180 days, and you may also pay a fine not to exceed \$10,000.00.

If I suspend the imposition of your sentence of confinement, I will place you on community supervision for a period of not less than 2 years or more than 5 years, and I may also suspend the fine in whole or in part.

If I should place you on community supervision after conviction or after deferred adjudication, you may be required to submit to a term of confinement in a county jail for not more than 180 days.

If I place you on community supervision after conviction of the State Jail Felony offense of Delivery of Controlled Substance in Penalty Group 1, or Delivery of Controlled Substance in Penalty Group 1-A, or Delivery of Controlled Substance in Penalty Group 2, or Delivery of Marihuana, you may be required to submit at the beginning of the period to confinement in a State Jail facility for not less than 90 days or more than 1 year, or for not less than 90 days or more than 180 days after conviction of any other State Jail Felony offense.

Other Felony

If convicted, you may be imprisoned in the Institutional Division of the Texas Department of Criminal Justice for 2-20 years, and you may also pay a fine not to exceed \$10,000.

Misdemeanor

If convicted, you may be confined in the Hidalgo County Adult Detention Center (County Jail) for \_\_\_\_\_, and you may also pay a fine not to exceed \_\_\_\_\_, or both such confinement and fine.

**PLEA BARGAIN:**

If a plea bargain does not exist, the recommendation of the prosecuting attorney is not binding on the Court.

If a plea bargain does exist, the Court will inform you, in open court and before any finding on your plea, whether it will follow the agreement. Should the Court reject the agreement, you will be entitled to withdraw your plea.

**CITIZENSHIP**

If you are not a citizen of the United States of America, a plea of guilty or no contest may, and under current Federal immigration rules is almost certain to, result in your deportation, the exclusion from admission to this country, or the denial of naturalization under federal law, and I, the Defendant, have been so advised by my attorney.

X Francisco Tamez Jr  
Signature of Defendant

Advised by: Robert M. Cepelley  
Signature of Attorney

**SEX OFFENDER REGISTRATION:**

If you are convicted, or receive deferred adjudication, for violation of a sex related offense as set out in Chapter 62 Sex Offender Registration Program of the Code of Criminal Procedure, you will be required to meet the registration requirement under said Chapter.

**DEFERRED ADJUDICATION:**

If I defer adjudicating your guilt and place you under community supervision, on violation of any condition, you may be arrested as provided by law. You will then be entitled to a hearing limited to a determination by the Court of whether it proceeds with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After an adjudication of guilt, you will be subject to the full range of punishment for the offense with which you are charged, and all proceedings, including assessment of punishment, pronouncement of sentence, granting of community supervision, and your right to appeal, continue as if the adjudication of guilt had not been deferred. If you are charged with a State Jail Felony offense, and I proceed with an adjudication of guilty, I may suspend the imposition of the sentence and place you on community supervision, or I may order that the sentence be executed, regardless of whether you have been previously convicted of a felony.

Furthermore, if I defer an adjudication of guilt and place you on community supervision, you may have the right to petition the Court for an order of non-disclosure after successfully completing community supervision, unless you are ineligible due to the nature of this offense or your criminal history.

**PERMISSION TO APPEAL:**

If the punishment assessed does not exceed the agreement between you and the prosecutor, the Court must give permission before you can appeal on any matter in the case except for matters raised by written motion before trial.

Signed on the 27th day of April, 2022  
Robert M. Cepelley  
Judge/Visiting Judge Presiding

**DEFENDANT'S STATEMENT TO ADMONITIONS**

I, Defendant in the above numbered and styled case, have had the foregoing admonitions explained to me by my attorney, and I understand them and I am aware of the consequences of my plea.

X Francisco Tamez Jr  
FRANCISCO TAMEZ JR.  
Defendant

Robert M. Cepelley  
Attorney for Defendant

### Automated Certificate of eService

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Status as of 4/27/2022 12:37 PM CST

Associated Case Party: THE STATE OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
ANALIZ DELEONVARGAS		ANALIZ.DELEONVARGAS@DA.CO.HIDALGO.TX.US	4/27/2022 12:31:57 PM	SENT
MARCO CEPEDA		MARCO.CEPEDA@DA.CO.HIDALGO.TX.US	4/27/2022 12:31:57 PM	SENT
NATASHA MARTINEZ		NATASHA.MARTINEZ@DA.CO.HIDALGO.TX.US	4/27/2022 12:31:57 PM	SENT
MICHAEL JGARZA		MICHAELJ.GARZA@DA.CO.HIDALGO.TX.US	4/27/2022 12:31:57 PM	SENT

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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Krystal GARZA		krystal.garza@da.co.hidalgo.tx.us	4/27/2022 12:31:57 PM	SENT
michael garza		michael.garza@da.co.hidalgo.tx.us	4/27/2022 12:31:57 PM	ERROR
BOND FORFEITUREDIVISION		BOND.FORFEITURES@DA.CO.HIDALGO.TX.US	4/27/2022 12:31:57 PM	SENT
MNICA ESCAMILLA		MONICA.ESCAMILLA@DA.CO.HIDALGO.TX.US	4/27/2022 12:31:57 PM	SENT

Associated Case Party: FRANCISCOJRTAMEZ

Name	BarNumber	Email	TimestampSubmitted	Status
SERGIO SANCHEZ		DENICE@SERGIOSANCHEZLAW.COM	4/27/2022 12:31:57 PM	SENT
SERGIO SANCHEZ		OFFICE@SERGIOSANCHEZLAW.COM	4/27/2022 12:31:57 PM	ERROR