

THE STATE OF TEXAS

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IN THE DISTRICT COURT

v.

85TH DISTRICT COURT

DENNIS KEITH SANDERS

BRAZOS COUNTY, TEXAS

**DEFENDANT'S PLEA OF GUILTY, WAIVER,  
STIPULATION, AND JUDICIAL CONFESSION**

Now comes the defendant in open court in the above numbered and entitled cause represented by his/her attorney with whom he/she has previously consulted and makes the following voluntary statement:

1. That I am sane and that I understand the nature of the charges contained in the indictment/information in this cause, and believe that I am competent to stand trial.
2. That I have the right to a trial by jury whether I plead "guilty," "not guilty," or "no contest."
3. That I have the right to remain silent but if I choose not to remain silent, anything I say can be used against me.
4. That I have a right to be confronted by the witnesses against me whether I have a trial in front of the Judge alone or in front of a jury.
5. I further acknowledge and understand the following admonitions that have been explained to me by the Judge and by my defense attorney before entering an oral plea of guilty or nolo contendere:

I admit and judicially confess that I unlawfully committed the offense of:

THEFT PROPERTY >\$200,000

as alleged in the indictment/information in this cause at the time and place and in the manner alleged, *or as a lesser included offense of the offense charged in the indictment/information*, and that such allegations are true and correct, and that I am in fact GUILTY of the offense alleged *or as a lesser included offense*.

The range of punishment attached to this offense *as enhanced (if any)* is:

- a) First Degree – by confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of not less than five (5) years or more than ninety-nine (99) years or life and a fine not to exceed \$10,000.
- b) Second Degree – by confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of not less than two (2) years or more than twenty (20) years and a fine not to exceed \$10,000.
- c) Third Degree – by confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of not less than two (2) years or more than ten (10) years and a fine not exceed \$10,000.
- d) State Jail Felony – by confinement in the State Jail Facility for a period of not less than six (6) months or more than twenty-four (24) months and a fine not to exceed \$10,000.
- e) State Jail Felony with misdemeanor punishment: Pursuant to §12.44(a) of the Texas Penal Code, state jail felony conviction punished as a Class A Misdemeanor is punishable by confinement in jail for a period not to exceed 365 days; by fine not to exceed \$4,000; or by both such fine and confinement. This is still a felony conviction.
- f) First Degree Felony with One Enhancement – by confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of not less than fifteen (15) years or more than ninety-nine (99) years or life and a fine not to exceed \$10,000.

- g) Habitual – by confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of not less than twenty-five (25) years or more than ninety-nine (99) years or life.
- h) State Jail Felony reduced to Class A Misdemeanor: Pursuant to §12.44(b) of the Texas Penal Code, by confinement in jail for a period not to exceed 365 days; by fine not to exceed \$4,000; or by both such fine and confinement.
- i) Class A Misdemeanor – by confinement in jail for a period not to exceed 365 days; by fine not to exceed \$4,000; or by both such fine and confinement.
- j) Class B Misdemeanor – by confinement in jail for a period not to exceed 180 days; by fine not to exceed \$2,000; or by both such fine and confinement.
- k) Other –

I further understand that any recommendation of the prosecuting attorney as to punishment is not binding on the Judge, and that where there is a plea bargain agreement and the punishment assessed by the Judge does not exceed the agreed recommendation, I do not have the right to appeal without permission of the Judge except for those matters raised by written motions filed before trial.

I understand that if I am not a citizen of the United States that my plea may result in deportation, the exclusion of admission to this country, or denial of naturalization under federal law. There have been no promises made to me by my defense attorney, the prosecutor, or the Judge concerning my stay in the United States.

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Special Admonitions

1) Deferred Adjudication

I understand the consequences of being placed on deferred adjudication probation. *I also understand that if the Court defers an adjudication of guilt and places me on community supervision, I may have the right to petition the Court for an order of non-disclosure after successfully completing community supervision, unless I am ineligible due to the nature of this offense or my criminal history.*

2) Sex Offenders

- a. I understand that I am being convicted of or placed on deferred adjudication for an offense which requires me to register as a sex offender and that I will be required to meet the requirements of Chapter 62 of the Texas Code of Criminal Procedure.
- b. My attorney has advised me regarding the registration requirements under Chapter 62 of the Texas Code of Criminal Procedure.
- c. My attorney and I have reviewed the document entitled “Supplemental Admonishments for Sex Offender Registration Requirements.” I understand the contents of that document and signed it freely and voluntarily.

3) Convictions for Family Violence

I understand that it is unlawful for me to possess or transfer a firearm or ammunition if I have been convicted of an offense involving family violence as defined by Section 71.004, Family Code.

I desire to WAIVE and do voluntarily, knowingly, and intelligently waive the following rights:

1. Waive the reading of the indictment.
2. Waive the right to be served with a copy of the indictment/information in the cause ten (10) days before trial.
3. Waive the right to be arraigned.
4. Waive the right to trial by jury and request the consent and approval of the judge and of the attorney for the State to such waiver.
5. Waive the right to remain silent and state that it is my desire to take the witness stand, knowing anything I may say can be used against me, and make a judicial confession of my guilt.
6. Waive the right to be confronted with the witnesses against me and request the approval of the judge to the stipulation of the evidence by waiving the appearance, confrontation, and cross-examination of witnesses, and by my further consenting to the introduction of testimony and evidence by stipulation into the record by the attorney for the State, by oral stipulation, or by written statements of the witnesses and any other documentary evidence.
7. Waive service of the indictment/information and the two-day waiting period for arraignment; and I also waive the ten day period for preparation after appointment of counsel and the ten day period in which to file written pleadings after arrest.
8. Waive the right to pre-sentence report and request that none be made.
9. Waive the right to a pre-sentence risk and needs assessment in the event that I am placed on probation. I understand that, in the normal course of my probation, evaluations and assessments may still be done and my probation modified, if the Court deems necessary.
10. Waive the right to have judgment and sentence pronounced in my presence in open court and consent to the Court accepting my waiver of rights and plea by videoconference or teleconference.

I voluntarily enter my plea of GUILTY to said offense, and my plea is not influenced by any considerations of fear or any persuasion or any promises of any kind. In making my plea of guilty, I am not relying on any agreement not made known to the Judge at this time. I am pleading guilty because I am guilty and for no other reason.

I further understand that if I am convicted I have the right to pursue a motion for new trial and appeal to the appropriate Court of Appeals of Texas, and the right to be represented on appeal by an attorney of my choice or if I am too poor to pay for such attorney or the record on appeal, the Judge will, without expense to me, provide an attorney and a proper record for such motion for new trial and appeal. However, it is my desire to waive my right to *pursue a motion for new trial* and to appeal, and I hereby voluntarily, knowingly, and intelligently waive those rights in the event that the Judge accepts the plea bargain agreement. I understand that if the Judge accepts the plea bargain agreement, I may appeal only with permission of the court.

I further understand that the State of Texas intends to destroy, and will destroy, any and all evidence in this case that is in the possession of the State of Texas, any clerk, law enforcement agency, or any other person or entity possessing said evidence. *I understand that destruction of such evidence will prevent any future request for additional testing or the presentation of new evidence or defenses or a claim of innocence based on such evidence. I hereby waive my right to request additional testing or present*

*new evidence or defenses or a claim of innocence based on such evidence and consent to the destruction of any evidence seized in connection with my arrest and prosecution in this cause.*

Defendant's waiver/consent: *D. K. Smith*

Defense Attorney's waiver/consent: *[Signature]*

I further understand the admonitions of the Court, and I am aware of the consequences of my plea.

*D. K. Smith*  
Defendant

I have consulted with the defendant; advised him of his rights; believe him to be mentally competent and able to assist me in the preparation of the defense; and approve his/her signing of this plea of guilty, waiver of jury, agreement to stipulate testimony, and judicial confession.

I believe the defendant fully understands the admonitions of the Court and is aware of the consequences of his/her plea. The defendant in making his/her plea is not relying on any agreement or promise not made known to the Court at this time.

SIGNED 2/24/2021

*[Signature]*  
Attorney for the Defendant

By the entry of the defendant's plea of guilty herein, the above waivers and stipulations are hereby consented to and approved by me, the attorney representing the State.

SIGNED *[Signature]*

Matthew Leslie  
Attorney for the State

It clearly appearing to the Court that the defendant is mentally competent and is represented by competent counsel, and that said defendant understands the nature of the charge against him/her; that he/she has been admonished by the Court, including the minimum and maximum punishment provided by law, and that the defendant fully understands the admonitions of the Court and is fully aware of the consequences of his/her plea; that the attorney for the defendant and the State consent and approve the waiver of a trial by jury and agree to stipulate the testimony in this case; that the defendant understand the consequences of *waiving his/her right to pursue a motion for new trial* and appeal, and that he/she has voluntarily, knowingly, and intelligently waived those rights in the event that the Court accepts the plea bargain agreement. The Court therefore finds such plea of guilty, waivers and consent to be voluntarily, knowingly, and intelligently made, and the Court accepts the plea of guilty and approves the foregoing waiver of jury, the consent to stipulate testimony, *the waiver of right to request additional testing or to present new evidence or defenses or a claim of innocence based on such evidence and the consent to destroy evidence.*

SIGNED \_\_\_\_\_ 2/24/2021

*K. Hawthorn*  
Presiding Judge

THE STATE OF TEXAS

v.

DENNIS KEITH SANDERS

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IN THE DISTRICT COURT

85TH DISTRICT COURT

BRAZOS COUNTY, TEXAS

**PLEA AGREEMENT AND ORDER**

The defendant hereby agrees to plead guilty to the offense of:

THEFT PROPERTY >\$200,000

In exchange, the State of Texas agrees to recommend punishment be assessed at:

- Ten (10) Years Deferred Adjudication
- Standard Conditions including 1,000 hours community service
- See attached Exhibit "A" incorporated by reference as to additional terms

Restitution: \$ \_\_\_\_\_

The defendant understands and agrees that he/she will be ordered to pay all court costs for each count under this cause and attorney fees. These amounts will be determined by the Collections Department.

*D Sanders*                      2/24/2021  
Defendant    Date

*[Signature]*                      2/24/2021  
Defendant's Attorney    Date

*[Signature]*  
State's Attorney    Date

The above agreement is:  accepted  rejected.

The Court ORDERS that any evidence in this cause, currently possessed by any entity, may be destroyed after the expiration of 40 days from the date of this order.

*K. Hester*  
Presiding Judge

2/24/2021  
Date

To be completed by District Attorney's Office:

To Seizing Agency/Case No.: Bryan Police Department; Texas State Securities Board

- Destruction of evidence is authorized
- Retain evidence; a co-defendant's case is still pending

CAUSE NO. 19-02159-CRF-85

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
VS.	§	85th JUDICIAL DISTRICT
DENNIS KEITH SANDERS	§	BRAZOS COUNTY, TEXAS

**EXHIBIT "A" – ADDITIONAL TERM OF COMMUNITY SUPERVISION**

Condition Number \_\_\_\_:

Do not, directly or indirectly, sell or offer for sale, or otherwise deal in any securities, as that term is defined in the Securities Act, including, but not limited to, any interest in or under any oil, gas or mining lease, fee or title, and do not directly or indirectly associate with any issuer of securities, unless said securities are duly registered with the Securities Commissioner and offered exclusively through a duly licensed broker dealer, and the offer for sale otherwise complies with the antifraud provisions of the Securities Act.

Condition Number \_\_\_\_ (Restitution):

Pay all restitution as ordered in case number 19-02160-CRF-85.

EXHIBIT "A" for plea

STATE OF TEXAS

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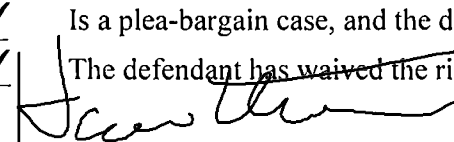
DENNIS KEITH SANDERS

BRAZOS COUNTY, TEXAS

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL\*

I, Judge of the trial court, certify this criminal case:

- Is not a plea bargain case, and the defendant has the right of appeal. [or]
- Is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right to appeal. [or]
- Is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal. [or]
- Is a plea-bargain case, and the defendant has NO right of appeal. [or]
- The defendant has waived the right of appeal for all purposes.

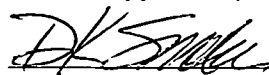
K. 

2/24/2021

Presiding Judge

Date

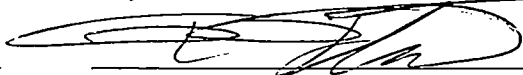
I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file pro se petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeal's judgment and opinion to my last known address and that I have only 30 days in which to file a pro se petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any changes in my address; I may lose the opportunity to file a pro se petition for discretionary review.



Defendant (if not represented by counsel)  
Mailing address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Fax number (if any) \_\_\_\_\_



Defendant's Counsel  
State Bar of Texas ID number: 24030664

Mailing address: 200 E. Malone St  
Brazoria TX 77533

Telephone number: 979 834-9920

Fax number (if any): 979 834-9975

\* "A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgement of guilt or other appealable order. In a plea bargain case – that is, a case in which a defendant's plea was guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant – a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal." TEX. R. APP. P. 25.2(a)(2).