

THE STATE OF TEXAS
VS.
CHERI AZIZA AKIL

485th DISTRICT COURT
TARRANT COUNTY, TEXAS

WRITTEN PLEA ADMONISHMENTS

On this, the 10th day of January, 2024, pursuant to the requirements of law, you, the defendant in this cause, are hereby admonished in writing as follows:

You are charged with the offense(s) of:

Count 1 - ASSAULT PUBLIC SERVANT - 13990063

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JAN 10 2024

The State has made the following plea recommendation(s):

2 years TDCJ

TIME 10:22am
BY MAH DEPUTY

The State does not waive the deadly weapon finding notice, if applicable.

1. If convicted of the above offense(s), you face the following range(s) of punishment:

THIRD DEGREE FELONY: Imprisonment for 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 may be assessed.

2. **Jury Trial:** You are entitled to have a jury determine whether you are guilty or not guilty; and if guilty, to assess your punishment. Should you have more than one case pending, you may have the cases tried separately.
3. **Indictment:** You do not have to stand trial until a grand jury has returned an indictment against you. When an indictment is returned you will be given at least ten days to consult with your attorney before trial. You may request that the indictment be read and explained to you in open court. You are not obligated to give evidence against yourself. You may require the State to prove the elements of the offense(s) by competent, legal evidence beyond a reasonable doubt. You and your attorney may confront and cross-examine witnesses. You may subpoena witnesses into court to testify in your behalf.
4. **Plea Agreements:** A plea agreement or recommendation of punishment is not binding on the Court. The Court may set punishment anywhere within the range provided by law for this offense(s). If there is a plea agreement, the Court will inform you in open court whether the agreement will be followed before making any finding on your plea. Should the Court reject the agreement, you will be permitted to withdraw your plea should you desire. Recommendations concerning conditions of community supervision are not binding on the Court.
5. **No Plea Agreement (Open Plea):** If you are pleading guilty without the benefit of a plea agreement, the plea proceeding is your trial. Should the Court find you guilty, your punishment can be set anywhere within the range of punishment prescribed by law for the offense(s). If you are eligible you may receive

deferred adjudication or community supervision, but there is no assurance that you will. Once the Court has accepted your guilty plea, you cannot withdraw your plea without permission from the Court.

6. **Permission to Appeal:** When the Court follows a plea agreement, you must obtain permission of the Court before you can prosecute an appeal on any matter in the case except for matters raised by written motion filed prior to trial. This Court seldom consents to an appeal where conviction is based upon a guilty plea. Where there is no plea agreement, any appeal of your conviction is limited to jurisdictional issues, or to non-jurisdictional issues arising after the entry of your guilty plea.
7. **Citizenship:** If you are not a citizen of the United States of America, a plea of guilty or nolo contendere for this offense(s) may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.
8. **Deferred Adjudication:** Should the Court defer adjudicating your guilt and place you on community supervision, upon violation of any imposed condition, you may be arrested and detained as provided by the law. You will then be entitled to a hearing limited to the determination by the Court, without a jury, whether to proceed with an adjudication of your guilt upon the original charge. This determination is reviewable in the same manner as a revocation hearing in a case in which an adjudication of guilt had not been deferred. Upon adjudication of your guilt, the Court may assess your punishment anywhere within the range provided by law for this offense(s). After adjudication of guilt, all proceedings including assessment of punishment, pronouncement of sentence, granting of community supervision and your right to appeal continue as if adjudication of guilt had not been deferred.

If you are receiving deferred adjudication for an offense described by Art. 42A.453(b), TEXAS CODE OF CRIMINAL PROCEDURE, the Court finds that placing you on community supervision is in the best interest of the victim and that you have not before had community supervision for such an offense.

Upon receiving discharge and dismissal of deferred adjudication community supervision under Art. 42A.111, TEXAS CODE OF CRIMINAL PROCEDURE, and unless you are ineligible because of the nature of the offense for which you are placed on deferred adjudication community supervision, or because of your criminal history, you may have a right to petition the Court for an order of nondisclosure under Section 411.081, TEXAS GOVERNMENT CODE.

9. **Community Supervision:** If the Court grants you community supervision as opposed to deferred adjudication, upon violation of any imposed condition, you may be arrested and detained as provided by law. You will then be entitled to a hearing limited to the determination by the Court, without a jury, whether to revoke your community supervision and sentence you to confinement for a period of time not to exceed that originally assessed by the Court at the time you were found guilty.
10. **Discharge from Community Supervision:** If you are placed on community supervision, after satisfactorily fulfilling the conditions of community supervision and on expiration of the period of community supervision, the Court is authorized to release you from the penalties and disabilities resulting from the offense(s) as provided by Art. 42A.701(f), TEXAS CODE OF CRIMINAL PROCEDURE. This provision does not apply to certain offenses.
11. **Sex Offender Registration Requirement:** If you receive a conviction or a deferred adjudication for a sexual offense listed in Chapter 62, TEXAS CODE OF CRIMINAL PROCEDURE, you will be required to meet the sexual offender registration requirements set out in that Chapter. You will also be subject to the driver's license application procedures listed in Art. 42.016, TEX. CODE OF CRIMINAL PROCEDURE.
12. **Parole:** Neither the Court nor your attorney make any promises or representations about the amount of actual time you will serve on a sentence of incarceration in the Institutional Division or the State Jail Division of the Texas Department of Criminal Justice. Neither the Court nor your attorney makes any representation about the disposition of any parole revocation hearing.

13. **Preservation of Evidence:** Art. 38.43, TEXAS CODE OF CRIMINAL PROCEDURE requires the State in this case(s) to preserve evidence known to contain biological material that if subjected to scientific testing could establish or exclude a person as the perpetrator of the offense(s). This evidence must usually be preserved in a non-capital felony until either the defendant dies, or is released on parole or mandatory supervision. Such evidence may be destroyed if the attorney representing the State, clerk, or other officer complies with the provisions of Art. 38.43(d) and the defendant, last attorney of record for the defendant, or the Court does not object in writing. In addition, pursuant to Art. 64.01, TEXAS CODE OF CRIMINAL PROCEDURE, a convicted person may be entitled to forensic DNA testing.
14. **Victim Impact Statement:** If a victim impact statement has been returned to the attorney representing the State, under Art. 26.13, TEXAS CODE OF CRIMINAL PROCEDURE, the Court has reviewed a copy of that report, and has permitted the defendant or the defendant's counsel a reasonable time to read the statement, excluding the victim's name, address, and telephone number, comment on the statement, and, with approval of the Court, introduce testimony or other information alleging a factual inaccuracy in the statement as required under Art. 56.03(e), TEXAS CODE OF CRIMINAL PROCEDURE.
15. **Conviction for a Misdemeanor Involving Family Violence:** If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), TEXAS PENAL CODE. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

WRITTEN WAIVERS OF DEFENDANT—JOINED BY ATTORNEY

Comes now CHERI AZIZA AKIL, in open court, joined by my attorney and states:

- (A) I am able to read the English language. I fully understand each of the above written plea admonishments given by the Court and I have no questions. If I am unable to read the English language, then my attorney or an interpreter for my attorney has read this entire document to me in my own language and I fully understand the entire document, as well as each of the above written plea admonishments given by the Court and I have no questions.
- (B) I give up and waive arraignment and formal reading of the indictment or felony information;
- (C) I am aware of the consequences of my plea;
- (D) I am mentally competent and my plea is knowingly, freely, and voluntarily entered. No one has threatened, coerced, forced, persuaded or promised me anything in exchange for my plea;
- (E) I give up and waive any right I may have for further time to prepare for trial or do any further investigation;
- (F) If I am proceeding by felony information, I give up and waive my right to indictment by a grand jury;
- (G) If I am proceeding on an amended indictment or amended felony information, I give up and waive any right I may have for further time to prepare for trial and any other rights I may have under Arts. 28.10 and 28.11, TEXAS CODE OF CRIMINAL PROCEDURE. I specifically do not object to the amendment.
- (H) Should I be tried on more than one case, I agree that all may be heard and determined at one time;
- (I) I give up and waive all pretrial motions that may have been filed in my case;
- (J) I am totally satisfied with the representation given to me by my attorney. My attorney provided me fully effective and competent representation;
- (K) I give up and waive all rights given to me by law; whether of form, substance, or procedure under Art. 1.14, TEXAS CODE OF CRIMINAL PROCEDURE;

- (L) I give up and waive my right to a jury, both as to my guilt and assessment of my punishment. I give up and waive the right to appearance, confrontation, and cross-examination of witnesses. I consent to oral and written stipulations of evidence;
- (M) I give up and waive my right not to incriminate myself, and agree to testify under oath and judicially confess my guilt if requested by my attorney or the State's attorney;
- (N) I give up and waive any and all rights of appeal in this case;
- (O) If I am entering a plea to a sexual offense listed in Chapter 62, TEXAS CODE OF CRIMINAL PROCEDURE, my attorney has advised me concerning the sex offender registration requirements;
- (P) I give up and waive the attendance and record of a court reporter under Rule 13.1, TEXAS RULES OF APPELLATE PROCEDURE;
- (Q) I WAIVE/REQUEST preparation of a pre-sentence investigation report;
- (R) Should any proceeding in my case be heard by a magistrate, I have no objection to having a magistrate hear that proceeding;
- (S) I request that the Court approve the plea recommendation set out above, and dispose of my case in accordance therewith;
- (T) I am a United States citizen.
 I am not a United States citizen. I understand that if I enter a plea of guilty or nolo contendere for this offense(s), I may be deported, excluded from admission to the United States, or denied naturalization under federal law;
- (U) I am entering a plea to an offense involving family violence during which a person or persons younger than 15 years of age were present or occupied the same habitation or household, I knew or had reason to know that said person(s) younger than 15 years of age were present or occupied the same habitation or household.



 CHERI AZIZA AKIL

I have fully reviewed and explained the above and foregoing court admonishments, rights, and waivers, as well as the following judicial confession to the Defendant. I am satisfied that the Defendant is legally competent and has intelligently, knowingly, and voluntarily waived his rights and will enter a guilty plea understanding the consequences thereof. If applicable, I certify that I have advised the Defendant about the registration requirements of Chapter 62, TEXAS CODE OF CRIMINAL PROCEDURE.



 KATHY LOWTHORP

JUDICIAL CONFESSION

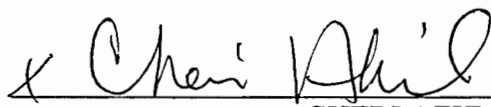
Upon my oath, I swear my true name is CHERI AZIZA AKIL and I am 39 years of age. I have read the indictment or information filed in this case and I committed each and every act alleged therein, except those waived by the State. All facts alleged in the indictment or information are true and correct. I am guilty of the instant offense(s) as well as all lesser included offenses. Specifically, I understand what I am charged with and plead guilty to the charge listed on page one of this document.

Any and all enhancement and habitual allegations set forth in the indictment or information are true and correct and I understand my range of punishment is as follows:

THIRD DEGREE FELONY: Imprisonment for 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 may be assessed.

Any and all deadly weapon allegations are true and correct. All other affirmative findings made by the Court pursuant to this plea agreement are true and correct. I further admit my guilt on any unadjudicated offenses set forth in the plea recommendation set out above, and request the Court to take each into account in determining my sentence for the instant offense(s). I swear to the truth of all of the foregoing and I further swear that all testimony I give in the case will be the truth, the whole truth and nothing but the truth, so help me God.

Finally, I understand my plea offer made by the State as listed on page one of this document.



CHERI AZIZA AKIL


APPLICATION FOR COMMUNITY SUPERVISION

I swear and it is my testimony here in open court that I have never before been convicted of a felony offense in any court of the State of Texas or any other state. I request the Court to consider this my application for community supervision.



CHERI AZIZA AKIL

Judicial confession and, if applicable, Application for Community Supervision sworn to and subscribed before me this, the 10th day of January, 2024.



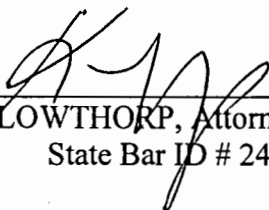
DEPUTY DISTRICT CLERK
TARRANT COUNTY, TEXAS

In open court, we join and approve the waiver of jury trial pursuant to Art. 1.13, TEXAS CODE OF CRIMINAL PROCEDURE and the stipulations of evidence pursuant to Art. 1.15, TEXAS CODE OF CRIMINAL PROCEDURE. We further agree and consent to the admission of guilt of any unadjudicated offense(s) under Sec. 12.45, TEXAS PENAL CODE. It is agreed that the Court may take judicial notice of this document and the Court takes judicial notice of same.

Each party acknowledges that the discovery requirements as listed under Article 39.14, TEXAS CODE OF CRIM. PROCEDURE have been complied with. A manifest of all the documents and notes given to the defense accompanies this plea agreement.

The State verifies that a Victim Impact Statement was: <#VictimImpactStatement#>

The Court has given the Defendant the admonishments set out in paragraphs numbered 1 through 18, above. In addition, the Court finds that the Defendant is mentally competent and that his plea is intelligently, freely and voluntarily entered. In the event the Defendant has not sworn to a judicial confession, the Court has received sworn testimony and/or a stipulation of evidence sufficient to show that the Defendant is guilty of the offense(s) beyond a reasonable doubt. If applicable, the Court finds that the attorney for the Defendant has advised the Defendant about the registration requirements of Chapter 62, TEXAS CODE OF CRIMINAL PROCEDURE.



KATHY LOWTHORP, Attorney for the Defendant
State Bar ID # 24025503

/s/PAGE SIMPSON

PAGE SIMPSON, Assistant Criminal District Attorney
State Bar ID # 24026073



Presiding Judge
485th DISTRICT COURT