

THE STATE OF TEXAS

§

IN THE

VS.

§

347TH DISTRICT COURT

ANDREA MARIE PENA

§

NUECES COUNTY, TEXAS

PLEA AGREEMENT

The Defendant named above is charged by **information / indictment** in this cause with the offense of Count 1: Online Solicitation of a Minor; Count 2: Indecency with a Child by Sexual Contact; Count 3: Improper Relationship between Educator and Student; Count 4: Sexual Assault of a Child; Count 5: Tampering/Fabricating Evidence

- 1st Degree Count(s):
- 2nd degree Count(s):
- 3rd degree Count(s):
- State Jail Felony, and agrees as follows: Count(s):

To plead **guilty** to the offense(s)

as charged

or to the lesser included offense(s) of _____

To waive all pretrial motions on file.

To waive his/her right against self-incrimination and make a written/oral **judicial confession** under oath.

To be punished as recommended by the State.

(Deadly Weapon finding) To agree to a finding by the Court on the use/exhibition or attempted use/exhibition of a deadly weapon.

(Family Violence finding) To agree to a finding by the Court that the offense involved family violence, as defined by Section 71.004, Family Code.

In consideration of the defendant's plea of guilty, the State agrees:

(TDC) to recommend to the Court that punishment be assessed at confinement in the Texas Department of Criminal Justice - Institutional Division for a term of _____ years.

(State Jail) to recommend to the Court that punishment be assessed at confinement in the Texas Department of Criminal Justice - State Jail Facility for a term of _____ days / months / years.

(TPC 12.44(a) Punishment) to recommend that Defendant be punished under Texas Penal Code §12.44(a).

(TPC 12.44(b) Punishment) to recommend that Defendant be punished under Texas Penal Code §12.44(b).

(Nueces County Jail) to recommend to the Court that punishment be assessed at confinement in the Nueces County Jail for a term of _____ months / days.

(Sentence Suspended) to recommend to the Court that the confinement be suspended and that the Defendant be placed on community supervision for a period of _____ months / years.

(Deferred Adjudication) to recommend that the Court defer adjudication of guilt and place the Defendant on community supervision for a period of 5 months / years.

(Fine) to recommend to the Court that the defendant be punished by a fine of \$ 2,500.00

(Fine Suspended) and further recommend suspending \$ _____ amount of said fine.

(Probation Conditions) to recommend to the Court that as a condition of community supervision, the Defendant be ordered the following:

- GED
- HS Diploma
- SATF
- SAFPF
- RITE
- ELM/GPS
- No victim contact

- DOEP
- CBOP
- TAIP Evaluation*
- BIPP / AIR
- SCRAM
- Ignition Interlock
- Sex Offender Caseload

CEP/HCE

- Felony VIP
- Theft Class
- Family Violence Caseload
- MHID Caseload
- MHID Evaluation
- Parenting Classes
- Curfew

- 200 CS Hours
- _____ Days in NCJ
- Anger Management
- Felony DWI Conditions
- Felony Theft Conditions
- Felony Drug Conditions

FILED

State's Exhibit # 1

SEP 21 2023

ANNE LORENTZEN, CLERK
COUNTY & DISTRICT COURTS, NUECES COUNTY, TEXAS
BY *Ann Lorentzen* DEPUTY