

THE STATE OF TEXAS  
VS.

**GEORGE PERRY FLOYD**  
3515 NALLE  
HOUSTON, TX

SPN: 01610509  
DOB: BM 10/14/74  
DATE PREPARED: 2/20/2006

D.A. LOG NUMBER: 1116667  
CJIS TRACKING NO.: 9036608813-A001  
BY: NAW DA NO: 001759361  
AGENCY: HPD  
O/R NO: 188538705C  
ARREST DATE: 12/15/05

NCIC CODE: 5599 48

RELATED CASES:

FELONY CHARGE: **POSSESSION WITH INTENT TO DELIVER A CONTROLLED SUBSTANCE**

CAUSE NO: **1050473**

HARRIS COUNTY DISTRICT COURT NO: **179**

FIRST SETTING DATE:

BAIL: \$10000  
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 PERRY FLOYD**, hereafter styled the Defendant, on or about **DECEMBER 15, 2005**, did then and there unlawfully, knowingly possess with intent to deliver a controlled substance, namely, COCAINE, weighing more than 4 grams and less than 200 grams by aggregate weight, including any adulterants and dilutants.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

**RECORDER'S MEMORANDUM**  
This instrument is of poor quality  
at the time of imaging

I understand the above allegations and I confess that they are true and that the acts alleged above were committed on

12/15/05

In open court I consent to the oral and written stipulation of evidence in this case and to the introduction of affidavits, written statements, of witnesses, and other documentary evidence. I am satisfied that the attorney representing me today in court has properly represented me and I have fully discussed this case with him.

I intend to enter a plea of guilty and the prosecutor will recommend that my punishment should be set at

W.O.A.R.

and I agree to that recommendation. I waive any further time to prepare for trial to which I or my attorney may be entitled. Further, I waive any right of appeal which I may have should the court accept the foregoing plea bargain agreement between myself and the prosecutor.

+ George Shapell  
DEFENDANT

Sworn to and Subscribed before me on 8/17/06



HARRIS COUNTY DEPUTY DISTRICT CLERK

I represent the defendant in this case and I believe that this document was executed by him knowingly and voluntarily and after I fully discussed it and its consequences with him. I believe that he is competent to stand trial. I agree to the prosecutors recommendation as to punishment. I waive any further time to prepare for trial to which I or the defendant may be entitled.

J. C. S.

DEFENDANT'S ATTORNEY (PRINT)

J. C. S.

SIGNATURE OF DEFENDANT'S ATTORNEY

I consent to and approve the above waiver of trial by jury and stipulation of evidence

FILED  
JAMES BACARISSE  
District Clerk

AUG 17 2006

Harris County, Texas

By Deputy



ASSISTANT DISTRICT ATTORNEY  
OF HARRIS COUNTY, TEXAS

This document was executed by the defendant, his attorney, and the attorney representing the State, and then filed with the papers of the case. The defendant then came before me and I approved the above and the defendant entered a plea of guilty. After I admonished the defendant of the consequences of his plea, I ascertained that he entered it knowingly and voluntarily after discussing the case with his attorney. It appears that the defendant is mentally competent and the plea is free and voluntary. I find that the defendant's attorney is competent and has effectively represented the defendant in this case. I informed the defendant that I would not exceed the agreed recommendation as to punishment.

  
JUDGE PRESIDING

PLEA OF GUILTY

CAUSE NO. 1050473

STATE OF TEXAS

VS.

George Floyd  
DEFENDANT

§  
§  
§  
§  
§

IN 179<sup>TH</sup> CRIMINAL

DISTRICT COURT OF

HARRIS COUNTY, TEXAS

ADMONISHMENTS

Pursuant to Article 26.13(D), of the 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:

☒ [Joh] (1) You are charged with the felony offense of:

Possession of a Controlled Substance

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 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 a prior felony conviction 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:** if it is shown on the trial of a felony offense that the defendant has previously been finally convicted of two felony offenses, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, on conviction he shall be punishable by imprisonment in the Institutional Division of the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 25 years.

☐ **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; if 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 possible fine not to exceed \$10,000.00 may be assessed.

1 ☒ **SECOND DEGREE FELONY RANGE:** 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 possible fine not to exceed \$10,000.00 may be assessed.; if 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 possible fine not to exceed \$10,000.00 may be assessed.

☐ **THIRD DEGREE FELONY RANGE:** 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 possible fine not to exceed \$10,000.00 may be assessed; if 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 possible fine not to exceed \$10,000.00 may be assessed.

☐ **STATE JAIL FELONY:** (under Art 26.13 V.A.C.C.P.) 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 may be suspended and you may be placed under supervision of the Court for a period of not less than 2 years or more than 5 years 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 are convicted of delivery of less than 1 gram of Penalty Group 1 or Penalty Group 2 controlled substance or delivery of five pounds or less but more than one-fourth ounce of marijuana, the Court may order as a condition of supervision that you be confined for not less than 90 days nor more than 1 year in a state jail.

☐ **STATE JAIL FELONY WITH A DEADLY WEAPON FINDING:** if a state jail felony punishable under Section 12.35 (a) of the Texas Penal Code is enhanced with a deadly weapon paragraph as defined by Section 1.07 of the PC was 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 WITH A PRIOR CONVICTION FOR A 3G OFFENSE UNDER ARTICLE 42.12, CODE OF CRIMINAL PROCEDURE:** if a state jail felony punishable under 12.35 (a) of the Texas Penal Code is enhanced with a prior felony conviction for a 3g offense under Article 42.12, TCCP, a term of 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 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 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 is not binding on the Court;

/ ☒ (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;

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

/ ☒ (5) if the punishment assessed by the Court does not exceed the punishment recommended by the prosecutor and agree 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;

1 [YJS] (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.

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

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

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

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

1 [YJS] (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;

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

1 [YJS] (7) I understand that if 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 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;

YES (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 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.

YES (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;

YES (10) I have freely, knowingly, and voluntarily executed this statement in open court with the consent of and approval of my attorney.

YES (11) I read and write/understand the English language; the foregoing Admonishments, Statements, and Waivers as well as the attached written Waiver of Constitutional Rights, 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 Jarone Gooding before I signed them, and I consulted fully with my attorney before entering this plea;

YES (12) Waiver of Indictment: I am the Defendant in the above felony information. My attorney has explained to me my right to be prosecuted by a grand jury indictment, which I hereby waive, and consent to the filing of the above felony information.

YES (13)a I have not been previously convicted of a felony offense

YES (13)b I have been convicted of a felony offense.

1 [JG] 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 to 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.P., I give up all rights given to me by law, whether of form, 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 of 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. Under oath I swear that the foregoing and all the testimony I give in this case is true.

George Shoyd  
DEFENDANT

SWORN AND SUBSCRIBED BEFORE ME THIS THE \_\_\_\_ DAY OF AUG 17 2006  
AUG 17 20

[Signature]  
HARRIS COUNTY DEPUTY  
DISTRICT CLERK

APPROVED:

[Signature]  
ATTORNEY FOR THE STATE

Jerome Goodinic Jr.  
ATTORNEY FOR THE DEFENDANT

[Signature]  
JUDGE PRESIDING





Cause No. 1050473

THE STATE OF TEXAS

V.

George Floyd, A/K/A/

179<sup>th</sup>

District Court / County Criminal Court at Law No. \_\_\_\_\_

Harris 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 of 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.
- ☐ This certification is made subsequent to a revocation of probation or adjudication of guilt.

Signed \_\_\_\_\_

8-17-06

I have received a copy of this certification:

+ George Floyd  
Defendant (if not represented by counsel)

Judge Presiding \_\_\_\_\_

Sam Gooding  
Defendant's Counsel

Mailing Address \_\_\_\_\_

City State \_\_\_\_\_

Telephone (Voice) \_\_\_\_\_

Telephone (Fax) \_\_\_\_\_

**FILED**  
CHARLES BACARISSE  
Clerk

AUG 17 2006

By \_\_\_\_\_

Deputy

Bar Card No. \_\_\_\_\_

Mailing Address \_\_\_\_\_

City State \_\_\_\_\_

Telephone (Voice) \_\_\_\_\_

Telephone (Fax) \_\_\_\_\_

0805 + 700

929 Preston St 200

Houston TX 77002

713 237 8388

713 224-2889

"A defendant in a criminal case has the right of appeal under these rules. 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 a written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal. "TEXAS RULES OF APPELLATE PROCEDURE 25.2(a)(2). The Court shall complete this form whenever it 1) sentences the defendant; 2) places the defendant on probation or deferred adjudication, or sentences the defendant after revoking probation or proceeding to adjudication.