

STATE'S EXHIBIT NO. 1

CAUSE NO. 219-82367-2022

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
VS.	§	COLLIN COUNTY, TEXAS
FREDERICK EUGENE FRAZIER, II	§	219th JUDICIAL DISTRICT

WRITTEN PLEA ADMONISHMENTS

On this 5th day of December, 2023, pursuant to the requirements of law, you, the Defendant in this cause, are hereby admonished in writing as follows:

- 1. You are charged by indictment or information with the felony offense of:

IMPERSONATE PUBLIC SERVANT

- Your charge is being reduced to the lesser-included offense of:
ATTEMPTED IMPERSONATE PUBLIC SERVANT

- 2. If convicted, you face the following range of punishment checked below:

FIRST DEGREE FELONY: Life or any term of not more than 99 years nor less than 5 years confinement in the Institutional Division of the Texas Department of Criminal Justice. In addition, a fine not to exceed \$10,000 may also be assessed.

SECOND DEGREE FELONY: A term of not more than 20 years nor less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice. In addition, a fine not to exceed \$10,000 may also be assessed.

THIRD DEGREE FELONY: A term of not more than 10 years nor less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice. In addition, a fine not to exceed \$10,000 may also be assessed.

STATE JAIL FELONY: If convicted, you face confinement in a State Jail for any term of not less than 180 days or more than 2 years. You may also be assessed a fine not to exceed \$10,000.00.

Upon conviction, 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. The Court may also suspend all or part of any fine assessed.

Up front time: If the offense to which you are pleading occurred after January 1, 1996, the Court may order that you be confined for up to 90 days in the County Jail or for a term of not less than 90 days or more than 180 days in a State Jail Facility.

Up front time: If you are convicted under 481.112, 481.120, or 481.113 of the Texas Health and Safety Code, the Court may order as a condition of supervision that you be confined for a term of not less than 90 days or more than one year in a State Jail Facility.

Up front time: If the offense to which you are pleading occurred prior to January 1, 1996 and you have been previously convicted of a felony, the Court may order you to be confined for up to 180 days in a State Jail Facility. If you have been twice convicted of a felony, the Court may order you to be confined for up to 365 days in a State Jail Facility.

If the offense to which you are pleading occurred prior to September 1, 1997 and you have previously been convicted of a felony, the court may order the sentence to be executed.

If the offense to which you are pleading occurred on or after September 1, 1997, the Court may order the sentence to be executed.

[] **STATE JAIL FELONY ENHANCED TO THIRD DEGREE FELONY:**

A term of imprisonment for not more than 10 years nor less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice, and in addition, a fine not to exceed \$10,000 may be imposed.

A person adjudged guilty of a state jail felony shall be punished for a third degree felony if it is shown on the trial of the offense that:

- (1) A deadly weapon as defined by Section 1.07 of the Texas Penal Code was used or exhibited during the commission of the offense or during the immediate flight following the commission of the offense; and that the individual used or exhibited the deadly weapon or was a party to the offense and knew that a deadly weapon would be used or exhibited; or
- (2) The individual has previously been finally convicted of a felony:
 - A. listed in Section 3g(a)(1), Article 42.12, Code of Criminal Procedure; or for which the judgment contains an affirmative finding under Section 3g(1)(2), Article 41.12, Code of Criminal Procedure; or
 - B. the individual is convicted for a state jail felony punishable under Penal Code Section 12.35(a) and the individual has previously been finally convicted of two state jail felonies.

[] **STATE JAIL FELONY ENHANCED TO SECOND DEGREE FELONY:**

A term of not more than 20 years nor less than 2 years confinement in the Institutional Division of the Texas Department of Criminal Justice. In addition, a fine not to exceed \$10,000 may be assessed.

A person adjudged guilty of a state jail felony shall be punished for a second degree felony if it is shown on the trial of the offense that:

1. The defendant has been previously convicted of two felonies, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final.

[] **STATE JAIL FELONY PUNISHED UNDER 12.44(a) PENAL CODE:** A term of up to 1 year confinement in the County Jail and/or a fine not to exceed \$4,000 may be imposed.

STATE JAIL FELONY REDUCED TO CLASS A MISDEMEANOR UNDER 12.44(b) PENAL CODE: A term of up to 1 year confinement in the County Jail and/or a fine not to exceed \$4,000 may be imposed.

HABITUAL OFFENDER: A term of life or any term of not more than 99 years or less than 25 years in the Institutional Division of the Department of Criminal Justice.

FIRST DEGREE ENHANCED: A term of life or any term of not more than 99 years or less than 15 years in the Institutional Division of the Department of Criminal Justice; and in addition, a fine not to exceed \$10,000.

REPEAT SEXUAL OFFENDER: Life if defendant is convicted of sexual assault, aggravated assault, aggravated kidnapping, aggravated kidnapping with intent to sexually abuse, or burglary with intent to commit a sexual offense and defendant has a prior conviction for sexual performance by a child, child porn, indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct, aggravated kidnapping with intent to sexually abuse, burglary with intent to commit sexual offense or for any offense under the laws of another state with elements substantially similar to those listed above. *Community supervision or deferred adjudication counts as a prior conviction for enhancement purposes for repeat sexual offenses.*

OTHER:

3. **Jury Trial:** You are entitled to have a jury determine whether you are guilty or not guilty, and if guilty, to assess your punishment.
4. **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. If your attorney is appointed and has not been appointed for more than ten days, you have a right to have him take ten full days from the date of his appointment to allow him to prepare for trial. You may waive this right and proceed to trial today. 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 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.
5. **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. 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 plea, you cannot withdraw your plea without permission from the Court.
6. **No Plea Agreement:** If you have pled guilty without 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. 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 plea, you cannot withdraw your plea without permission from the Court.

7. Permission to Appeal: If the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by you and your attorney, 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 and decided prior to trial. This Court seldom consents to an appeal where conviction is based upon a guilty plea.
8. Citizenship: If you are not a citizen of the United States of America, a plea of guilty or nolo contendere for this offense may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.
9. 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. No appeal may be taken from this determination. Upon adjudication of your guilt, the Court may assess your punishment anywhere within the range provided by law for this offense. 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. 42.12 sec.13B(b), 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.

10. 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. If you receive community supervision in more than one case, future revocations resulting in confinement in I.D.D.C.J. or S.J.D.D.C.J. may be cumulated.
11. Terms of Supervision: If the Court grants you deferred adjudication probation or community supervision probation, the Court has the right to amend the conditions of probation.
12. Sex Offender Registration Requirement: If you receive a conviction or a deferred adjudication for a sexual offense listed in Chapter 62, 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 drivers license application procedure listed in Art. 42.016, Code of Criminal Procedure.
13. Parole: Neither the Court nor your attorney makes any promises or representation about the amount of actual time you will serve on a sentence of incarceration in the Institutional 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.
14. Ineligibility to Possess Firearm or Ammunition: In accordance with Texas Administrative Code §176.1, the Court hereby admonishes you of the following:
 1. You are likely, by entry of order or judgment, ineligible under Texas law to possess a firearm or ammunition.
 2. Beginning now, if you possess a firearm or ammunition it could lead to charges against you. If you have questions about how long you will be ineligible to possess a firearm or ammunition, you should consult an attorney.

3. Under Texas Penal Code §46.01(3):
- a. "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.
 - b. "Firearm" does not include a firearm that may have as an integral part, a folding knife blade or other characteristics of weapons made illegal by Penal Code Chapter 46 and that is (1) an antique or curio firearm manufactured before 1899 or (2) a replica of an antique or curio firearm manufactured before 1899 but only if the replica does not use rim fire or center fire ammunition.

The statutes listed below are a starting point for ineligibility to possess a firearm or ammunition. For more information about the laws that make you ineligible to possess a firearm or ammunition, or for more information on how long your ineligibility to possess a firearm or ammunition lasts, the Court recommends you contact an attorney.

- Code of Criminal Procedure Article 17.292 – Magistrate’s Order for Emergency Protection
 - Code of Criminal Procedure Article 42.0131 - Notice for Persons Convicted of Misdemeanors Involving Family Violence
 - Penal Code §46.02 – Unlawful Carrying Weapons
 - Penal Code §46.04 – Unlawful Possession of Firearm
 - Penal Code §25.07 – Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case
 - Family Code §85.026 – Warning on Protective Order
15. Victim Impact Statement: If a victim impact statement has been returned to the prosecutor under Art. 26.13, Code of Criminal Procedure, the Court will review the report at the appropriate point in the proceedings.
16. Consent to the Disposition of Evidence: The Defendant hereby consents to the destruction, forfeiture to the State, or return of property to its rightful owner of any evidence seized in connection with his/her arrest and prosecution. The Defendant understands that destruction of such evidence, unless prohibited by law, may prevent any future request for additional testing or the presentation of new evidence or defenses or a claim of innocence based on such evidence. The Defendant also understands by signing this document, the investigating agency will make the sole determination as to whether the seized evidence will be destroyed, forfeited to the State or returned to a civilian. The Defendant waives any required notice, whether written or otherwise, prior to the disposition of evidence seized in connection with his/her arrest and prosecution.

These admonishments were given to this Defendant on the above-noted date.

FILED

23 DEC -5 AM 11:26

MICHAEL GOULD
DISTRICT CLERK
COLLIN COUNTY, TX
BY MS DEPUTY


Presiding Judge

Sitting By Assgmt

COMES NOW the defendant, joined by his counsel, and states that I understand with what I am charged and that I have read the foregoing admonishments of the Court and that I understand the foregoing admonishments and that I am aware of the consequences of my plea. Understanding all of my foregoing rights, I wish to waive these rights and enter a plea of guilty in this case.



Defendant

I have gone over the foregoing admonitions in detail with the defendant. I have advised the defendant of his rights and the consequences of this plea of guilty. I believe the defendant is competent and understands the foregoing admonitions and all consequences of his plea in this case.



Attorney for the Defendant

NOTICE PURSUANT TO ART. 38.43(d), TX CODE OF CRIM. PROC.

The State of Texas, pursuant to Art. 38.43(d) of the Texas Code of Criminal Procedure, hereby notifies the defendant, his attorney of record, and the convicting court in this cause, that it will destroy any and all evidence required to be preserved in compliance with Art 38.43 within 91 days from the date the defendant receives this notice. Moreover, it is hereby acknowledged by defendant, and his attorney of record, that this notice was received in compliance with Art. 38.43(d) of the Texas Code of Criminal Procedure on the above-noted date.

WRITTEN WAIVER OF DEFENDANT JOINED BY ATTORNEY

COMES NOW the Defendant, in open Court, joined by my attorney and states:

I am able to read the English language. I fully understand each of the above written 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 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.

I give up and waive arraignment and formal reading of the indictment or felony information. I am aware of the consequences of my plea. 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.

Should my attorney be recently appointed, I give up and waive any right I may have for further time to prepare for trial.

If I am proceeding by felony information, I give up and waive my right to indictment by a grand jury. Should I be tried on more than one case, I agree that all may be heard and determined at one time. I waive all pretrial motions that may have been filed in connection with my case. I waive preparation of a pre-sentence investigation report.

My attorney provided me fully effective and competent representation and I am totally satisfied with the representation given to me by my attorney. My attorney has fully explained this waiver and foregoing written admonishments given me by the Judge.

I waive and give up any and all rights of appeal and my right to seek an application for writ of habeas corpus under Art. 11.07, Code of Criminal Procedure. I give up and waive all rights given to me by law; whether of form, substance, or procedure under Art. 1.14, Code of Criminal Procedure. 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.

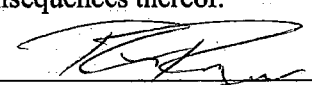
I consent to oral and written stipulation of evidence. I give up and waive my right not to incriminate myself, and agree to testify under oath if requested by my attorney or the prosecutor and judicially confess my guilt in the trial of this case. If called by the prosecution, I give up and waive my right not to incriminate myself and agree to testify under oath truthfully regarding the facts and circumstances of the charged offense at the trial of all codefendants or accomplices of the charged offense.

I fully understand my rights pursuant to Art. 38.43 of the Texas Code of Criminal Procedure, I wish to waive those rights and do not object to the destruction of applicable evidence at such time as either the attorney for the State or a clerk or any officer currently in possession of that evidence shall deem proper. I agree that testing of any evidence in this case containing biological material is unnecessary. I am pleading guilty in this case because I am criminally responsible for the offense charged, and I agree that any testing would confirm, or would not contradict, my guilt of this offense.



Defendant

I have fully reviewed and explained to the Defendant the above and foregoing admonishments, rights, and waivers and the following Judicial Confession, and am satisfied that the Defendant understands each, and is legally competent and has freely, intelligently, knowingly, and voluntarily waived his rights, has judicially confessed his guilty, and will plead guilty understanding the consequences thereof.



Attorney for the Defendant

