

PLEA AGREEMENT

Defendant: _____ Date: _____

Case No.: _____ Attorney: _____

The defendant agrees to enter pleas of guilty / nolo contendere to the following charges:

_____ Total Restitution _____ to be determined by probation

The defendant agrees to the following additional terms of this plea agreement:

The total maximum penalty on the charges to which the defendant is pleading guilty / nolo contendere is

_____ years and / or \$ _____ fine.

GUILTY / NOLO CONTENDERE PLEA COLLOQUY

You are present before this Court because you or your attorney have stated that you wish to plead guilty / nolo contendere to some or all of the criminal offenses with which you have been charged. Please answer fully all of the questions in this document, say so by putting the word "no" in the blank space provided after the question. If you do understand the question, you should write in the word "yes". None of the lines should be left blank.

After you have finished reading this form and filling it out, you should sign it on the last page, on the line that says, "Defendant". You should also initial each page at the bottom, but only if you have read and have understood that page. If there is anything that you do not understand, you should say so in writing on this form. You should also tell your attorney and the judge who hears your case, so that they can explain it to you fully, to make sure that you understand all your rights.

Most of these questions are designed to be answered "yes" or "no". Where general information is asked for, however, please answer fully.

Initials _____

1. Print your full name and address:

Name

Phone: _____

Street Address

City, State, Zip Code

2. How old are you? _____

3. How far did you go in school? _____

4. Can you read, write, and understand the English language? _____

5. Do you agree that the information contained in the *Affidavit Of Probable Cause* is true and correct?

_____ yes

_____ no

Do you waive a recitation of the factual basis for the charges against you?

_____ yes

_____ no

If no. You must appear in court and participate in an oral colloquy.

6. By pleading guilty, you are giving up certain constitutional rights:

(a) The right to a jury trial. Twelve citizens of Perry County – whom you help select – listen to the facts, and, based on the evidence, decide your guilt or innocence. You are presumed innocent of all charges. In order to convict you, all twelve jurors must agree that you are guilty beyond a reasonable doubt of each and every element of the crimes charged.

(b) The right to a non-jury trial, if the Commonwealth agrees. This means that the judge hears the facts and must be convinced of your guilt beyond a reasonable doubt. Do you understand that by pleading guilty, you are giving up these rights? _____

7. In either a jury or non-jury trial you have the following rights:

(a) Presumption of innocence- You are presumed innocent, that is not guilty, until the Commonwealth proves you guilty beyond a reasonable doubt. This is a heavy burden on the Commonwealth.

(b) Right to file pretrial motions – By pleading guilty you give up the right to file pretrial motions or if you have already filed such motions you give up the right to have the Court rule on them.

(c) The right to cross-examine all Commonwealth witnesses.

(d) The right to present evidence on your behalf.

(e) The right to testify on your own behalf: however, you cannot be forced to testify and if you choose not to, it cannot be used against you. Do you understand that by pleading guilty, you are giving up these rights?

8. Do you realize that by pleading guilty you are waiving any possible defense that you, or your attorney, think may be applicable in your case, such as alibi, self-defense or insanity? _____

9. There is very little that you can appeal after a guilty plea. You cannot appeal the fact that you are guilty. You can not appeal on the basis that your rights have been violated. You can only appeal the following things:

(a) That you did not understand what you were doing when you pled guilty.

(b) That the Perry County Court did not have jurisdiction over your case.

(c) Whether your lawyer was effective.

(d) Whether your sentence was lawful.

Do you understand? _____

10. You have been charged with the crimes listed on page 1 of this colloquy and have agreed to plead guilty to one or more of them:

(a) Do you understand the nature of the charges to which you are pleading guilty? _____

(b) Do you understand the maximum penalties that could be imposed on those charges? _____

11. Are you represented by an attorney? _____

12. Have you discussed the case and the elements of the crimes charged with your attorney? _____

13. Are you satisfied with his/her representation? _____
14. If you do not have an attorney or find you cannot afford to retain private counsel, you have the right to apply for a Court appointed attorney and if the Court finds you are unable to afford an attorney, one will be appointed to represent you free and without charge. That attorney would represent you at trial, could file and argue post trial motions and represent you on appeal if you desire to go that far. Do you understand?

15. Are you taking prescription medication? _____ If so, what? _____
Does it interfere with your ability to understand these questions? _____
16. Are you under the influence of drugs or alcohol at the present time? _____
17. Other than any plea agreement that may have been reached, have any threats or promises been made to you to persuade you to enter a plea of guilty? _____
18. If there is a plea agreement, do you understand that the judge is not bound to accept the agreement?

19. Do you understand that if the Court rejects the plea agreement, you may change your mind and withdraw your guilty plea? _____
20. Do you understand that if you plead guilty, you may be sentenced by any judge? _____
21. Are you satisfied that your guilty plea is voluntary and is in your best interest? _____
22. Do you admit to the charges? _____
23. Do you want to plead guilty to the charges? _____
24. Who made the decision to plead guilty? _____

I affirm that I have read the above document in its entirety and I understand its full meaning, and I wish to enter a plea of guilty to the offense or offenses specified. I also affirm that my answers are true and correct with the understanding that any false statements or answers herein are made subject to the penalties of §4904 of the Crimes Code (18 Pa. C.S.) relating to unsworn falsification to authorities.

Date: _____
_____ Defendant

I, _____, Esquire, attorney for the above named defendant, have read/reviewed the foregoing document to my client, and have advised my client of the contents and meaning of this document; that it is my belief that he/she comprehends and understands what is set forth above and that the defendant understands what he/she is doing by pleading guilty.

Attorney for Defendant
Attorney I.D. Number _____

Approved by:

District Attorney