

IN THE COURT OF COMMON PLEAS OF CLINTON COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA) No. _____
) _____
) _____
) _____
) _____

)

GUILTY PLEA STATEMENT

INSTRUCTIONS

To Defendant:

If you choose to plead guilty or nolo contendere, this Guilty Plea Statement should be completed by you. By pleading nolo contendere, you are stating that you do not contest the fact that you committed the crime(s). In criminal law, a plea of nolo contendere has the same effect as pleading guilty and, therefore, everything contained in this Guilty Plea Statement also applies to a plea of nolo contendere. You should read this statement carefully and review it with your lawyer. It is IMPORTANT that you understand, agree with and answer truthfully everything contained in this Guilty Plea Statement. If you do not understand and agree with what is said in a paragraph, DO NOT place your initials on the line provided, and you should tell the Judge what you do not agree with or understand.

To Defendant's Lawyer:

You must explain the content and meaning of this Guilty Plea Statement to the Defendant. If, after your explanation, the Defendant does not understand or agree with something, he/she should not initial that paragraph and you must inform the Judge of this fact. If the Defendant does not speak, understand, read or write the English language or suffers from some physical, emotional or mental problem, or is under the influence of any substance which affects his/her ability to understand the content of this Guilty Plea Statement, the Defendant should not complete the Guilty Plea Statement and the Judge should be advised of this fact.

By placing my initials at the place provided, I am stating that I have read, understand and have followed these instructions.

Defendant's Initials

Defense Attorney's Initials

GUILTY PLEA STATEMENT

Ability to Understand

_____ 1. I, _____, the defendant in this case, am _____ years old. I have gone to school for _____ years. I can read, write, speak and understand the English language.

_____ 2. I do not have any physical, emotional or mental problems which affect my ability to understand what I am doing today, the rights which I have, and the rights which I am giving up by pleading guilty or nolo contendere, and I am not now under the influence of any narcotics, drugs, alcohol or any other substance.

Contact with Lawyer

_____ 3. I have fully discussed this case with my lawyer, including the facts and possible defenses I may have to these charges, such as, but not limited to: I didn't commit crimes charged, mistaken identity, alibi (I was someplace else when the crimes were committed), insanity (at the time the crimes were committed I had a mental disease or defect and, as a result I was not capable of knowing what I was doing, or, if I did, I was not capable of judging that it was wrong), justification (lawful self-defense, defense of property or others), and any lawful excuse for my acts. I understand, and my lawyer has explained to me, all of the possible defenses I may have to these charges. I am satisfied that my lawyer knows all of the facts and law concerning this case.

_____ 4. I am fully satisfied with what my lawyer has done for me in the past and what my lawyer is doing for me today concerning this case.

_____ 5. I am fully satisfied that my lawyer is ready and able to defend me in this case if I do not plead guilty or nolo contendere to these charges.

Right to Trial

_____ 6. I understand, and my lawyer has explained to me, that if I plead not guilty, I have a right to have a trial before a judge and a jury, or I may ask that my trial be before a judge alone without a jury.

Trial Rights

I understand, and my lawyer has explained to me, that if I plead not guilty and have a trial:

_____7. I am presumed to be innocent of these crimes and the Commonwealth has the burden of proving that I committed each of the elements of the crimes charged beyond a reasonable doubt and, if the Commonwealth fails to do so, I cannot be found guilty of these crimes. A reasonable doubt that would cause a reasonably careful and sensible person to hesitate before they act upon something that is important in their lives or affairs.

_____8. The Commonwealth must present evidence and witnesses who must testify under oath and I or my lawyer can cross-examine or ask questions of these witnesses.

_____9. I do not have to testify or present any evidence, and no one can force me to do so; and, if I choose not to testify or present any evidence, that cannot be used or held against me. However, if I wanted to testify and present evidence and witnesses, I may do so.

_____10. I have the right to present evidence of any defense I may have to the charges such as, but not limited to: I didn't commit the crimes charged, mistaken identity, alibi, insanity, justification or lawful excuse for my acts.

Trial by Jury

I understand, and my lawyer has explained to me, that if I plead not guilty and am tried before a judge and a jury:

_____11. The jury would consist of 12 people who live in Clinton County, and I have the right to take part in selecting the jurors who would hear my case, and these jurors would decide what the true facts are in my case.

_____12. I can prevent any person from being a juror in my case if I can show that they would not be a fair juror or they were not chosen for jury duty in a fair manner.

_____13. I can prevent a limited number of people from being jurors in my case without giving any reasons at all.

_____14. I could not be found guilty of the crimes charged unless all 12 of the jurors agree that the Commonwealth has proven that I committed each element of these crimes beyond a reasonable doubt.

Trial by Judge

I understand, and my lawyer has explained to me, that if I plead not guilty and I am tried before a judge alone without a jury:

_____15. The judge will decide what law applies to my case, what the true facts are in this case, and whether the Commonwealth has proven that I committed each element of the crimes charged beyond a reasonable doubt.

Motions before Trial

I understand, and my lawyer has explained to me, that if I plead not guilty, then before my trial begins:

_____16. I can file motions to insure that I get a fair trial. These motions may include, but are not limited to, a motion to prevent the Commonwealth from presenting improperly obtained evidence at my trial, such as statements I made, test results, identifications and items taken from me or from some place or thing. The Commonwealth has the burden of proving that this evidence can be presented at my trial.

_____17. I can file a motion to have the crimes charged dismissed if my trial was not begun within 365 days after the date the criminal complaint was filed against me, not counting any delays caused by me or my lawyer and, if the judge grants my motion, the Commonwealth cannot charge me with these crimes again.

I understand, and my lawyer has explained to me, that:

_____18. If I did file any motions before my trial that have not yet been decided by pleading guilty or nolo contendere, I am now withdrawing them as if they had never been filed, and I can never again raise any of the issues stated in these motions before any Court. If the judge granted any motions filed by the Commonwealth or denied any motions filed by me, by pleading guilty or nolo contendere I give up or lose my rights to appeal the judge's decision to a higher Court and I can never again raise any of the issues stated in these motions before any Court.

Appeal Rights

I understand, and my lawyer has explained to me, that if I plead not guilty and have a trial:

_____ 19. If I am convicted of any of these crimes, I can appeal the verdict and/or sentence to a higher Court. This appeal must be in writing and filed with the higher Court within 30 days after the date of judgment of sentence. If I choose to appeal, I have the right to have a lawyer represent me, and if I cannot afford a lawyer, one will be appointed for me at no cost or expense to me. Among other things, I can appeal raising mistakes or errors made before, during or after my trial and/or there was not enough evidence presented at my trial to convict me of these crimes and/or the sentences I received are not legal or fair. This appeal could result in my being given a new trial or the charges being dismissed or my sentences being changed.

I understand, and my lawyer has explained to me, that if I plead guilty or nolo contendere:

_____ 20. I give up or lose all of my rights to appeal to a higher Court, EXCEPT, I can still appeal in writing within 30 days after the date I am sentenced, for the following reasons ONLY:

A.) My pleas of guilty or nolo contendere were not knowing, voluntary and intelligent.

B.) The judge did not have jurisdiction or the legal powers to accept my pleas of guilty or nolo contendere. In other words, the crimes to which I am pleading guilty or nolo contendere did not happen in Clinton County.

C.) The sentences given me by the judge are not legal, fair within the Pennsylvania Sentencing Guidelines, or in accordance with the provisions of any mandatory minimum sentencing act.

D.) My lawyer was not effective or competent in representing me or advising me about my pleas of guilty or nolo contendere.

_____ 21. After my pleas of guilty or nolo contendere are accepted by the judge, I have the right to file a written motion with the judge, either before I am sentenced or within 10 days after the date I am sentenced, asking to withdraw or take back my pleas. If I choose to file this motion, I should file it before I am sentenced because if I file this motion after I am sentenced, it will be much harder for me to withdraw or take back my pleas. I also have the right to file a written motion with the judge within 10 days after the date I am sentenced, asking the judge to change the sentences I received.

_____ 22. If I choose to file a motion asking to withdraw or take back my pleas of guilty or nolo contendere or change the sentences I received or appeal to a higher Court, I have the right to have a lawyer represent me, and if I cannot afford a lawyer, one will be appointed for me at no cost or expense to me.

Effect of Plea

I understand, and my lawyer has explained to me, that if I plead guilty or nolo contendere to any of these charges:

_____23. My pleas of guilty or nolo contendere will have the same effect in criminal law as if I had a trial and was convicted of the crimes to which I have pled guilty or nolo contendere.

_____24. If I was on probation or parole at the time the crimes to which I am pleading guilty or nolo contendere were committed, my pleas in this case mean that I have violated my probation or parole and I can be sentenced to jail for that violation in addition to any sentences which I may receive as a result of these pleas.

Admission of Guilt or No Contest and Penalties

_____25. I understand and agree that I am pleading guilty or nolo contendere to the crimes listed below. I understand, and my lawyer has explained to me, the elements of these crimes and the possible penalties for them. By pleading guilty, I agree and admit that I committed each element of these crimes, or by pleading nolo contendere. I do not contest that I committed each element of these crimes. I agree that the Commonwealth can prove that I committed each element of these crimes beyond a reasonable doubt. I am pleading guilty _____, nolo contendere _____, to the following crimes:

A.) _____, a summary offense, misdemeanor, felony of the _____ degree, and the maximum penalty for this crime is _____ in jail and a \$_____ fine. The mandatory minimum sentence for this crime is _____ in jail and a \$_____ fine.

B.) _____, a summary offense, misdemeanor, felony of the _____ degree, and the maximum penalty for this crime is _____ in jail and a \$_____ fine. The mandatory minimum sentence for this crime is _____ in jail and a \$_____ fine.

C.) _____, a summary offense, misdemeanor, felony of the _____ degree, and the maximum penalty for this crime is _____ in jail and a \$_____ fine. The mandatory minimum sentence for this crime is _____ in jail and a \$_____ fine.

D.) _____, a summary offense, misdemeanor, felony of the _____ degree, and the maximum penalty for this crime is _____ in jail and a \$_____ fine. The mandatory minimum sentence for this crime is _____ in jail and a \$_____ fine.

I understand, and my lawyer has explained to me:

_____26. I could be sentenced to the maximum penalty for each of these crimes and the total maximum sentence I could receive is _____ in jail and a \$_____ fine.

_____27. Unless the crimes to which I am pleading guilty or nolo contendere are summary offenses or crimes which require a mandatory minimum sentence, the Pennsylvania Sentencing Guidelines must be considered by the judge in deciding what MINIMUM sentences I will receive. My lawyer has told me what sentencing guidelines the judge must consider in deciding what MINIMUM sentences I will receive.

Plea Understanding

_____28. There is no plea agreement, recommendation or bargain regarding the sentence other than that set forth in Section 29, below. If Section 29 is left blank, there is no understanding other than I am pleading guilty to all counts in the Information.

_____29. In return for pleading guilty to Count(s) _____

_____, the District Attorney promises (**cross out inapplicable "A", "B" or "C"**):

A. to remain silent at the time of sentencing;

B. not to object to a sentence of: _____

_____;

C. to dismiss the remaining counts thirty-one (31) days following sentencing if I do not file an appeal.

Loss of Rights

_____30. I understand, and my lawyer has fully explained to me, all of the facts and rights which I have that are contained in this guilty plea statement, and that by pleading guilty or nolo contendere, I give up or lose all of these rights except for my limited right to appeal to a higher court for the reason stated in Paragraph 20 of this guilty plea statement and my limited right to file the motions stated in Paragraph 21 of this guilty plea statement.

Voluntary Plea

_____31. I have not been pressured, forced or threatened in any way, by anyone, to plead guilty or nolo contendere to these charges, and I have not been promised anything by anyone in return for pleading guilty or nolo contendere other than the plea agreement, if any, which has been presented to the judge.

_____32. I have had enough time to fully discuss my case and my decision to plead guilty or nolo contendere and everything contained in this Guilty Plea Statement with my lawyer, and by placing my initials on all of the lines provided, I am saying that I understand, agree with, and answered truthfully, everything contained in this Guilty Plea Statement.

Date

Defendant

Statement of Defendant's Lawyer

I, _____, Esquire, attorney for the Defendant, affirm that, to my knowledge, the Defendant is not now suffering from any physical, emotional or mental problems which affect his/her ability to understand everything which has been said, read and done concerning these pleas of guilty or nolo contendere, nor is the Defendant now under the influence of any narcotics, drugs, alcohol or any other substance. I have fully advised the Defendant of the content and meaning of this Guilty Plea Statement, and the Defendant understands the content and meaning of the same; the Defendant knows what he/she is doing in entering these pleas of guilty or nolo contendere. I have fully discussed the Defendant's decision to plead guilty or nolo contendere with him/her; I am aware of and have discussed with the Defendant all of the facts of law concerning this case and any possible defenses which the Defendant may have. I have explained to the Defendant the elements of and the possible penalties for the crimes to which he/she is pleading guilty or nolo contendere; the Commonwealth has established a sufficient factual basis for the crimes to which the Defendant is pleading guilty or nolo contendere; I am prepared to try this case; and, I am satisfied that the Defendant's pleas of guilty or nolo contendere are knowing, voluntary and intelligent.

Date

Attorney for Defendant