

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
VS : LAWRENCE COUNTY, PENNSYLVANIA

_____ : NO. _____

STREET: _____ : OTN. _____

CITY/STATE/ZIP: _____ : CRIMINAL DIVISION

PHONE NUMBER: _____ :

PUBLIC DEFENDER'S OFFICE :

GUILTY PLEA COLLOQUY BASED UPON RECOMMENDATION

You are present before this Court because your attorney or you have indicated a desire to accept the plea recommendation made by pleading guilty to some or all of the criminal offenses with which you have been charged and as set forth below. Please read and answer all of the questions on this document and indicate your answer in the space provided. If there are any questions that you do not understand, please notify your attorney, the attorney for the Commonwealth, or the Court, so that a full explanation can be made to you. Place your initials at the bottom of each page as completed and place your signature on the last page.

1. What is your full name? _____
2. Are you known by another name or alias? If so, what? _____
3. Can you read, write and understand the English language? _____
4. How old are you today? _____
5. How far did you go in school? _____
6. Are you now, or have you been treated for a mental illness or have you been in a mental institution? If so, please explain: _____
7. Do you understand the contents and purpose of this document, and what you are doing today? _____
8. Do you understand that you are here today to enter a plea of guilty to some or all of the charges which led to your arrest? _____
9. Do you understand the nature of the charges to which your are pleading guilty? _____
10. Has your attorney explained to you the elements of the criminal charges to which you are pleading guilty? _____

Initials: _____

11. The charges that you are pleading guilty to are as follows, and each carries a statutory maximum sentence of imprisonment and fine:

<u>Charge</u>	<u>Maximum Sentence</u>	<u>Maximum Fine</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Do you understand what each of these charges represent, and do you understand the maximum penalties that could be imposed for each of these charges? _____

12. If any of the charges to which you are entering a guilty plea includes the offense of Rape, Involuntary Deviate Sexual Intercourse, Aggravated Indecent Assault or any of the following offenses where the victim is a minor, Kidnapping (if you are not the child's parent), Indecent Assault (where the child is under thirteen (13) years old), Prostitution or Related Offenses, or Obscene and Other Sexual Material and Performances, there is a specific form that you must review with your attorney. If so, has that form been provided to you? _____ And, did you answer those questions truthfully and of your own free will, with understanding of each question? _____

13. Do you understand that you have the right to a trial? _____

14. Do you understand that the right to a trial by jury means that you can participate in the selection of that jury with your attorney; that the jury is randomly selected from the citizens of Lawrence County; and that the jury must unanimously agree on your guilt before you can be convicted of the crimes with which you have been charged? _____

15. Do you understand, if you choose to proceed to jury trial you would be presumed innocent until found guilty by all twelve (12) jurors? _____ In other words, do you understand that it is the Commonwealth that must prove your guilt beyond a reasonable doubt before you can be convicted of the crimes charged? _____ And, do you understand that the burden the Commonwealth possesses, beyond a reasonable doubt, means you can remain silent and your silence cannot be held against you for refusing to testify in your own defense? _____

16. Do you understand if you choose to go to trial, all of the charges brought against you would be presented to the jury. If after the trial, all of the jurors were convinced beyond a reasonable doubt that you were guilty of all the charges against you, and the judge were to sentence you to the maximum penalties for each charge with the sentences running one right after the other, the maximum sentence that you could serve, after each maximum was added together would be: _____ years and \$ _____ fines. Do you understand the maximum sentences and fines that you would face should you decide to go to trial and be convicted? _____

17. Do you understand the terms of the plea recommendation that you wish to present to this Court today? _____

Initials: _____

18. Do you understand that this plea recommendation is a non-binding recommendation? _____
Do you understand that this means that the Court is **not** bound by the terms of any recommendation offered by the Commonwealth until the Court accepts the recommendation presented? _____

19. Do you understand that if the Court does not accept the plea recommendation made, you do not have the right to withdraw your plea? _____

20. Do you understand that by entering a guilty plea you are giving up your right to present any pre-trial motions for consideration to this or to any higher Court in the event your motions were denied? _____

21. Do you understand if you choose to proceed to jury trial and were convicted, you could appeal the verdict to a higher court and raise any errors that you believe were committed at the trial which could result in you being awarded a new trial or discharged and that by pleading guilty you are giving up this right? _____

22. Do you admit to committing the crimes to which you are pleading guilty and to each of the legal elements as explained to you as making up each crime? _____

23. After you enter your guilty plea and the plea recommendation is accepted by this Court, you still have a right to appeal your conviction. The appeal for a guilty plea is limited, however, to four (4) grounds. They are:

- (1) That your guilty plea was not knowing, intelligent and voluntary;
- (2) That the Court did not have jurisdiction to accept the recommendation, in other words, the crime to which you pleas guilty did not occur in Lawrence County, Pennsylvania;
- (3) That the Court's sentence is beyond the maximum penalty that is authorized by law as explained above; and
- (4) That your attorney was incompetent in representing you and advising you to enter a guilt plea.

Do you understand what each of these four (4) areas of appeal means to you and your decision to plead guilty? _____

24. In order for you to appeal your conviction by a plea of guilty, you must within ten (10) days file a written petition to withdraw your guilty plea and state any of the above four (4) grounds as the basis of your petition to withdraw your guilty plea. This must be done in the ten (10) days from the date you are sentenced. If you cannot afford an attorney to represent you or are contending that your attorney is incompetent, you have the right to have another attorney appointed to raise these appeal issues for you. Do you understand the reasons and times allowed to appeal your guilty plea?

25. Do you understand that if your petition to withdraw your guilty plea is denied, you then have thirty (30) days to file an appeal from that denial with the Superior Court of Pennsylvania. If you do not file your first petition within ten (10) days of your sentencing or do not file a Notice of Appeal to the Superior Court within thirty (30) days of the denial of your first petition to withdraw your guilty plea, including that your attorney was incompetent. Do you understand the meanings of the various appeal rights and the time frames that have just been explained to you? _____

Initials: _____

26. Has anyone forced you to enter this guilty plea? _____
27. Are you doing this of your own free will? _____
28. Have any threats been made to cause you to enter this guilty plea? _____
29. Have any promises been made to you to enter a plea of guilty? _____
30. You have the right to have witnesses present at your guilty plea hearing to testify against you. Are you willing to give up that right and have the Attorney for the Commonwealth summarize the facts against you? _____
31. You have the right to confront and cross-examine all Commonwealth witnesses who are necessary to prove your guilt. Do you understand that by pleading guilty you are giving up the right of confrontation and cross-examination. _____?
32. If your plea and recommendation is accepted by this Court, you would have the right to a Pre-Sentence Report prepared on your behalf to aid the Judge in determining the appropriate sentence to impose upon you. Do you waive this right to a pre-sentence investigation? _____
33. Are you presently on probation or parole? _____ If so, do you understand that this guilty plea will mean that you have violated your probation or parole and that you can be sentenced to prison as a result of this violation? _____
34. Do you understand that the decision to enter a guilty plea is yours, and yours alone; that you do not have to enter this plea of guilty and give up all your rights as previously explained to you to enter this guilty plea? _____
35. You have the right to be sentenced by the same Judge who accepts your guilty plea. If you waive that right, the sentencing Judge may not be the same Judge who has accepted your plea. Are you willing to waive this right? _____
36. Have you had ample time and opportunity to consult with your attorney before reading this document, answering these questions and entering your guilty plea based upon the non-binding recommendation? _____
37. Has your attorney explained to you the meaning of the terms and the rights outlined in this document? _____
38. Are you satisfied with the representation of your attorney? _____

Initials: _____

I AFFIRM THAT I HAVE READ THE ABOVE DOCUMENT IN ITS ENTIRETY AND I UNDERSTAND ITS FULL MEANING AND I AM STILL, NEVERTHELESS, WILLING TO ENTER A PLEA OF GUILTY TO THE OFFENSE(S) SPECIFIED. I FURTHER AFFIRM THAT MY ANSWERS TO EACH QUESTION, MY SIGNATURE AND INITIALS ON THE DOCUMENT ARE TRUE AND CORRECT.

Defendant's signature

Date

I, _____, Esquire, Attorney for the above-named Defendant, state that I have advised my client of the meaning behind this document; that it is my belief that he/she comprehends and fully understands what is set forth above; that I am prepared to try this case; and that the Defendant understands his/her actions by pleading guilty.

Attorney for Defendant
Public Defender's Office

Date