

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS

: CHESTER COUNTY, PENNSYLVANIA

vs.

: CRIMINAL ACTION

: NO.

GUILTY PLEA COLLOQUY

The defendant agrees to enter a plea of guilty to the following crimes:

CRIME: _____

Info.# _____ Count# _____ Statute: _____

Maximum Sentence: _____ Grading: _____ Maximum Fine: _____

Elements: _____

Definition of Terms: _____

CRIME: _____

Info.# _____ Count# _____ Statute: _____

Maximum Sentence: _____ Grading: _____ Maximum Fine: _____

Elements: _____

Definition of Terms: _____

Defendant

ADDITIONAL CRIMES TO WHICH DEFENDANT AGREES TO PLEAD GUILTY:

CRIME: _____

Info.# _____ Count# _____ Statute: _____

Maximum Sentence: _____ Grading: _____ Maximum Fine: _____

Elements: _____

Definition of Terms: _____

CRIME: _____

Info.# _____ Count# _____ Statute: _____

Maximum Sentence: _____ Grading: _____ Maximum Fine: _____

Elements: _____

Definition of Terms: _____

In support of his plea, the defendant admits that the following facts did occur:

ALL COUNTS NOT DISPOSED OF ABOVE (NOR DISPOSED OF PURSUANT TO PLEA BARGAIN, IF ANY, ATTACHED HERETO), INCLUDING SUMMARY OFFENSES AT THE ABOVE INFORMATION NUMBER(S), ARE WITHDRAWN; AND ANY OUTSTANDING BENCH WARRANTS ARE QUASHED.

Defendant

CHECK ONE:

_____ This is an OPEN PLEA OF GUILTY to the crime(s) set forth on the previous page(s). There is no plea bargain or other agreement relating to the plea to those crimes except as stated below.

_____ This plea is part of a PLEA AGREEMENT. If the Court accepts this PLEA AGREEMENT, the defendant understands that his sentence(s) will be set forth below. If the Court does not accept this bargain, then the plea of guilty will be deemed withdrawn.

Unless specifically ordered by the Court otherwise, where the maximum sentence imposed pursuant to this plea on any one charge or added consecutive sentences equals 24 or more months then the defendant is sentenced to a state sentence at a state correctional institution [SCI].

SENTENCE:

Information No.: _____ Count No.: _____ Charge: _____

Imprisonment: _____ Probation: _____

_____ Check here if this is a mandatory minimum sentence.

Costs, plus \$ _____ fine; \$ _____ to the use of Chester County.

Concurrent with/consecutive to: _____

Other Conditions: _____

Restitution: \$ _____, payable to _____

Assistant District Attorney

Defendant

Date: _____

Attorney for Defendant

[SIGN ON PAGE 4 IF THERE ARE ADDITIONAL DISPOSITIONS]

ADDITIONAL DISPOSITIONS:

SENTENCE:

Information No.: _____ Count No.: _____ Charge: _____

Imprisonment: _____ Probation: _____

_____ Check here if this is a mandatory minimum sentence.

Costs, plus \$ _____ fine; \$ _____ to the use of Chester County.

Concurrent with/consecutive to: _____

Other Conditions: _____

Restitution: \$ _____, payable to _____

Information No.: _____ Count No.: _____ Charge: _____

Imprisonment: _____ Probation: _____

_____ Check here if this is a mandatory minimum sentence.

Costs, plus \$ _____ fine; \$ _____ to the use of Chester County.

Concurrent with/consecutive to: _____

Other Conditions: _____

Restitution: \$ _____, payable to _____

Information No.: _____ Count No.: _____ Charge: _____

Imprisonment: _____ Probation: _____

_____ Check here if this is a mandatory minimum sentence.

Costs, plus \$ _____ fine; \$ _____ to the use of Chester County.

Concurrent with/consecutive to: _____

Other Conditions: _____

Restitution: \$ _____, payable to _____

Assistant District Attorney

Defendant

Date: _____

Attorney for Defendant

COMPLETE ALL ITEMS

PUT YOUR INITIALS AFTER EACH ITEM YOU UNDERSTAND AND AGREE TO:

THE CHARGES:

1. I hereby enter a plea of guilty to the charges set forth on the cover pages. _____
2. I have read and understand the cover pages. _____
3. My lawyer has explained to me the elements of the offenses to which I am pleading guilty. _____
4. I admit committing the crimes to which I am pleading guilty. _____
5. I acknowledge that the facts occurred as set forth on page 2 of this form. _____
6. My full name is: _____
7. I am known by the following other names: _____

8. I am _____ years of age today.
9. I went as far as _____ grade in school.
10. I can read, write and understand the English language. _____

MENTAL HISTORY:

11. Have you ever been a patient in a mental institution or have you ever been treated for a mental illness? _____

(Yes or No)

(Initials)

12. If the answer to the previous question is "Yes", please explain the details: _____

(Initials)

Defendant

13. Are you now being treated for a mental illness? _____
(Yes or No)

(Initials)

14. If the answer to the previous question is "Yes", please explain the details:

(Initials)

15. Do you understand the charges against you? _____
(Yes or No)

(Initials)

16. Are you able to work with your lawyer in responding to those charges? _____
(Yes or No)

(Initials)

VOLUNTARINESS OF PLEA:

I agree that:

17. No one has used any force or threats against me in order to get me to enter this plea of guilty. _____

18. No promises have been made to me in order to get me to enter this plea other than what is set forth in the plea bargain agreement, if any, on page 3 and 4 of this guilty plea form. _____

TRIAL RIGHTS:

I understand that:

19. I need not enter a plea of guilty, but may plead not guilty and go to trial. _____

20. If I went to trial, I would have the right to file motions asking the Court for many different kinds of relief. Some of these would be motions to quash or dismiss the charges against me for lack of evidence or for procedural defects; to suppress the use of evidence against me because it was obtained unconstitutionally, as for instance by improper questioning or an illegal search and seizure; and to ask that evidence be suppressed because it was improperly obtained, such as identification testimony. There could be other motions, also. If I file such pre-trial applications, a Judge will have to rule on them before the case could go to trial. I am willing to give up these rights. _____

Defendant

21. I have the right to be tried in front of a jury of ordinary citizens, consisting of 12 people selected randomly from the voter registration list of Chester County. _____

22. I may apply for a trial by a Judge without a jury, and that if a Judge approves that request, he would sit as the fact finder in place of a jury and decide whether or not I am guilty. _____

23. If I had a trial by jury, I would be allowed to participate, along with my attorney, in rejecting some of the people who were called to sit as jurors; I could challenge an unlimited number of jurors for cause if I could show that in some manner they had formed fixed opinions concerning my guilt or innocence; and I also would have a certain number of “peremptory challenges”, by means of which I could reject jurors without having to give a reason. _____

24. The 12 jurors remaining would then have to agree unanimously on my guilt before I could be convicted. _____

25. In order to be convicted, I would have to be proven guilty beyond a “reasonable doubt”. A reasonable doubt is a doubt which would cause a person of reasonable prudence to hesitate before acting in a matter of importance to him or herself. I am presumed innocent, and if the Commonwealth cannot prove me guilty beyond a reasonable doubt, I must be set free on these charges. _____

26. During the trial, my lawyer and I would have the right to confront and cross-examine the witnesses against me, and to object to the evidence presented. I have the right to call witnesses on my own behalf and to testify, if I wish. If I choose not to testify or call witnesses, the jury would be instructed that they could not draw any conclusions from the fact that I did not testify. Also, either I or my attorney have the right to make a closing statement on my behalf to the jury. _____

27. If I choose to represent myself at trial, I would be allowed to do all of the things that a lawyer would otherwise do for me. _____

28. If I enter a plea in this matter, I give up my right to appeal to the Superior Court on the basis of any trial errors. My rights to appeal after a guilty plea are limited to 4 grounds only:

- a. that this Court did not have jurisdiction, as for instance, where the offense occurred in another county;
- b. that the sentence imposed was illegal;
- c. that I entered my plea either involuntarily or unknowingly; or
- d. that my attorney was not competent in the matter in which he represented me. _____

Defendant

SENTENCING RIGHTS:

I am aware:

29. Of the maximum sentences and fines that can be imposed for the offense with which I am charged; they are set forth on the cover pages of this form. _____

30. In pronouncing sentence, the Court must consider, BUT IS NOT BOUND BY, the guidelines issued by the Pennsylvania Commission on Sentencing. I have seen the sentencing guidelines forms submitted by the Commonwealth, and understand what the guidelines call for in my case. _____

31. [FOR PLEA BARGAINS ONLY] The Court is not bound by the terms of the plea agreement that I have entered into with the Commonwealth on pages 3 and 4 of this form, but if the Court rejects it, I may withdraw my plea of guilty and enter a plea of not guilty. _____

32. [MANDATORY SENTENCES ONLY] The crime of _____, to which I am entering a plea, carries with it a mandatory minimum sentence of _____, and a mandatory fine of \$_____. _____

33. CHOOSE ONE:

- a. I am not presently on probation or parole. _____
- b. I am presently on probation or parole, and I understand that this guilty plea will result in a violation of that probation or parole, and that I may be separately sentenced for that violation of probation or parole. _____

POST SENTENCE RIGHTS:

I understand that:

34. I have ten (10) days from the date I am sentenced within which to file optional motions with this Court for post-sentence relief, such as a motion to withdraw my guilty plea or a motion to modify sentence. I understand that these motions must be in writing, and specify the reasons why relief is requested. I also understand that failure to file these optional motions shall not be a waiver of any rights or issues I could raise on appeal. _____

35. If I need to be represented by a lawyer in filing such motions, and cannot afford a lawyer of my own, I may apply to the Court and the Court will appoint one to represent me free of charge. _____

Defendant

RIGHT TO APPEAL:

36. I understand that if I wish to appeal I must appeal any sentence pronounced upon me to Superior Court of Pennsylvania within thirty (30) days of today's date, unless the Court vacates the sentence before that period of thirty (30) days expires, or unless I file an optional post-sentence motion. If any post-sentence motion is denied, I must appeal within thirty (30) days of that denial. _____

37. I have the right to the assistance of counsel in such an appeal, and if I can not afford an attorney of my own, I may apply to this Court and an attorney will be appointed to represent me free of charge. _____

38. If I can not afford the costs of an appeal, I may also apply to the Court and I may be permitted to proceed without payment of costs. _____

TO MY LAWYER:

39. I have had enough time to discuss these charges with my lawyer, and I am satisfied with the advice that he has given to me, and with his representation of me before this Court. _____

40. I have gone over this document with my attorney, and he has explained it to me and answered any questions I have concerning it. _____

41. I further agree that, although I have been assisted by my attorney, it is my own decision to enter the plea that I making here today. _____

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 OFFENSES SPECIFIED. I FURTHER AFFIRM THAT MY SIGNATURE AND INITIALS ON EACH PAGE OF THIS DOCUMENT ARE TRUE AND CORRECT.

Defendant

As attorney for the above defendant, I have explained to (him)(her)[his][her]rights with respect to the charges against (him)(her). I have also explained the rights set forth in this document. I certify that I am satisfied that the defendant understands (his)(her) rights and has voluntarily and knowingly chosen to enter a plea of (guilty) (nolo contendere).

Attorney for Defendant

COURT ACTION

_____ The defendant is found to have understandingly completed or participated in the completion of the foregoing guilty plea form, and to have voluntarily and intelligently entered a plea of guilty to the charges described herein.

_____ Defendant's guilty plea(s) is/are accepted.

_____ The foregoing Plea Agreement is approved.

_____ Defendant is sentenced in accordance with the Plea Agreement.

Select one (1) of the following three (3) options:

_____ Defendant is not eligible for work release.

_____ Defendant is eligible for work release after _____.

_____ Defendant is eligible for work release at the discretion of the Warden.

Check if applicable:

_____ It is hereby Ordered that the Court's Policy requiring immediate payment of fines and costs be waived in this matter and the Defendant is to pay the Court imposed fines and costs within _____ months at a rate determined by the Probation Office.

BY THE COURT:

Date: _____

J.

Addendum to Guilty Plea Colloquy

1. I understand that fines and costs have been imposed at the time of my sentencing in this matter. _____

2. I understand that my obligation to pay fines and costs begins at the time of sentencing and continues through any periods of probation, parole or incarceration. _____

3. I understand that at my initial meeting with my probation or parole officer I will be given a monthly payment plan for my fines and costs based upon the amount ordered divided by the number of months of my supervision. _____

4. I understand that if I am unable to pay the monthly amount as calculated I can request that the monthly amount be modified by my probation or parole officer based upon my individual circumstances as supported by my financial documents. _____

5. I understand that in monitoring my monthly payments and ability to pay, upon request of my probation or parole officer, I must make a reasonable effort to provide financial documents, including, but not limited to, tax returns, earnings statements, pay-stubs or bank records. _____

6. I understand that should I fail to produce financial documents as requested it may be treated as a violation of the terms of my supervision and subject me to probation or parole violation proceedings. _____

7. I understand that failure to comply with my monthly payment plan may be considered a violation of the terms of my supervision and may subject me to probation or parole violation proceedings. _____

Attorney for Defendant

Defendant