

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

CRIMINAL DOCKET NUMBER:

vs.

GUILTY PLEA

You are present before this Court because you, or your attorney, have indicated your desire to enter a plea of guilty to some or all of the criminal offenses with which you have been charged.

Please fully answer all of the questions on these papers. If you do not understand a question, indicate that you do not understand by putting a question mark (“?”) in front of the number of the question you do not understand. The question will be explained to you.

Most of the questions are planned to be answered either “YES” or “NO.” Where facts are requested, please fill in those facts in the blank spaces provided.

When you have completed the questions, be sure to ask your attorney, the attorney for the Commonwealth (Assistant District Attorney), or the Judge to explain any questions you did not fully understand. The question will be explained and you must fully understand it. Answer all of the questions before you sign at the bottom of the last page.

INITIAL

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

_____ YES _____ NO

2. What is your full name? _____

3. Are you known by any other name or alias?

_____ YES _____ NO

4. If the answer to Question #3 is **YES**, by what other name(s) are you known?

5. How old are you today?

6. How far did you go in school? (Highest grade completed)

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

_____ YES _____ NO

8. If the answer to Question 7 is **YES**, please explain the details:

9. Are you now being treated for mental illness?

_____ YES _____ NO

10. If the answer to Question 9 is **YES**, please explain the details:

INITIAL

11. If the answer to Question 9 is **YES**, do you still feel you can understand what you are doing today?

_____ YES _____ NO

12. If the answer to Question 9 is **YES**, are you under the influence of any medications or drugs which would affect your ability to understand these proceedings?

_____ YES _____ NO

13. Do you know that you are here today to plead guilty to some or all of the criminal charges against you?

_____ YES _____ NO

14. Has your attorney explained to you all the things that a person must have done to be guilty of the crime or crimes to which you are pleading guilty?

_____ YES _____ NO

15. Do you admit that you did all the things a person must have done to be guilty of the crime or crimes to which you are pleading guilty?

_____ YES _____ NO

16. Do you know that you have a right to a trial by jury?

_____ YES _____ NO

17. Do you understand that the right to a trial by jury means that you can take part in the choice of the jury with your attorney; that the jury is chosen from the voter registration list and licensed drivers of Montgomery County, and that all 12 people on your jury must agree on your guilt beyond a reasonable doubt, before you can be convicted of the crime or crimes with which you are charged?

_____ YES _____ NO

INITIAL

18. Do you know you are presumed innocent until found guilty?
_____ YES _____ NO
19. In other words, do you understand that the Commonwealth must prove your guilt beyond a reasonable doubt before you can be convicted of the crime(s) charged?
_____ YES _____ NO
20. Do you understand that it is the Commonwealth that has the burden of proving your guilt beyond a reasonable doubt and that you do not have to prove your innocence?
_____ YES _____ NO
21. Do you know you have the absolute right to remain silent, and neither the Judge nor the jury can hold it against you if you refuse to testify?
_____ YES _____ NO
22. Do you understand the maximum sentence and fine that you could receive for the crime or crimes to which you are pleading guilty, and that the sentences for each crime to which you are pleading guilty could be made to run consecutively (one after another)?
_____ YES _____ NO
23. Do you understand that the Pennsylvania Sentencing Code provides that for sentences involving incarceration (whether a State or County sentence); a minimum and maximum sentence must be ordered; there is no requirement that you are to be paroled after the passage of the minimum sentence; in fact, you have no right to be paroled at all?
_____ YES _____ NO
24. Are you aware that the Judge does not have to sentence you to the term of probation or jail sentence upon which your attorney and the Assistant District Attorney have agreed?
_____ YES _____ NO

INITIAL

25. Do you understand that if the Judge does not accept the plea agreement, you may withdraw your guilty plea?

_____ YES _____ NO

After you enter your guilty plea and it is accepted by the Judge, you still have a right to appeal your conviction. Your appeal from a guilty plea is limited to any or all of the following four (4) reasons, that:

1. your guilty plea was not voluntary, or knowing, or intelligent;
2. the Court did not have jurisdiction (authority) to accept your plea because the crime(s) to which you are pleading guilty did not occur in Montgomery County;
3. the Judge's sentence is illegal because it is beyond the maximum penalties authorized by law;
4. your attorney was not effective in representing you.

26. Do you understand the four reasons for appeal?

_____ YES _____ NO

You have the right to file a post-sentence motion within ten (10) days from today. Your post-sentence motion may include: (i) a motion to challenge the validity of a plea of guilty or nolo contendere, or the denial of a motion to withdraw a plea of guilty or nolo contendere; (ii) a motion for judgment of acquittal; (iii) a motion in arrest of judgment; (iv) a motion for a new trial; and /or (v) a motion to modify sentence. If you challenge the validity of your plea, you must state one or more of the above four reasons. If the Court rules against you, you have thirty (30) days, from the date of the order denying your motion in which to file an appeal to the Superior Court. If the Court should fail to rule on your motion at all, then one hundred twenty (120) days after you filed it, it is considered to be denied by operation of law. You have thirty (30) days from the denial of your motion by operation of law to file an appeal to the Superior Court. If you do not file a post-sentence motion, you must file your notice of appeal within thirty (30) days of today. You have the right to assistance of counsel in preparing and filing your post-sentence motions. You also have the right to have counsel argue these motions and write any necessary briefs or memoranda. You also have the right to assistance of counsel in filing, preparing and arguing an appeal to the Superior Court, if the Court should deny post-sentence motions. If you cannot afford to hire counsel, one will be provided free of charge. You do not have to file post-sentence motions in order to preserve the appeal issues raised during your guilty plea or sentencing, but may appeal directly to the Superior Court after sentence and within thirty (30) days.

INITIAL

27. Do you understand the meaning of the various rights that have just been explained to you?
_____ YES _____ NO
28. Has anyone forced you to enter this plea of guilty?
_____ YES _____ NO
29. Are you doing this of your own free will?
_____ YES _____ NO
30. Have any threats been made to you to enter a plea of guilty?
_____ YES _____ NO
31. Have any promises been made to you to enter a plea of guilty, other than any plea agreement that has been negotiated for you by yourself or your attorney?
_____ YES _____ NO
32. Are you satisfied with your attorney's representation?
_____ YES _____ NO
33. Have you had sufficient time to talk to your attorney before reading this paper and deciding to plead guilty?
_____ YES _____ NO
34. Has your attorney told you what the words on this paper mean?
_____ YES _____ NO

INITIAL

35. Your plea is based on factual accusations placed in writing by the police and sworn to before a District Justice who issued an arrest warrant for these charges. Are you willing to allow the Judge to incorporate these factual accusations into the record from the Affidavit of Probable Cause or would you prefer the Assistant District Attorney to summarize the facts on which you plead?

INCORPORATE SUMMARIZE

36. Are you presently on probation or parole?

YES NO

37. If you are on probation or parole, do you realize that your guilty plea may mean the plea is a violation of your probation or parole and that you can be sentenced to prison as a result of that violation?

YES NO

38. Do you understand that the decision to enter a guilty plea is yours and yours alone?

YES NO

39. Do you know that you do not have to enter a plea of guilty and give up all rights as previously explained to you, and that no one can force you to enter a guilty plea?

YES NO

40. Do you understand you have a right to a pre-sentence investigation (PSI) which will give the Court a statement of your past performance in the areas of: education; criminal history; family situation; disabilities; and general information regarding your plea to assist the Judge in sentencing?

YES NO

INITIAL

41. Do you understand that a PSI is usually waived if your plea agreement is accepted because the information is not needed for sentencing by the Judge?

_____ YES _____ NO

42. Do you waive the PSI in this case?

_____ YES _____ NO

43. Do you understand you have a right to be sentenced within ninety (90) days of today?

_____ YES _____ NO

44. Do you waive your right to be sentenced within ninety (90) days of today?

_____ YES _____ NO

45. If your guilty plea proceeding is being conducted using the Court's video conferencing equipment, do you agree to the use of this equipment for the purpose of entering your plea?

_____ YES _____ NO

46. Do you understand that if you are not a United States citizen a guilty plea may result in action by the federal immigration enforcement agencies up to and including deportation?

_____ YES _____ NO

47. Do you understand that in addition to the imposition of costs of prosecution which is mandatory, as part of your sentence, you must pay:

() restitution in the amount of \$ _____

() a fine in the amount of \$ _____

in equal monthly installments over the length of your supervision?

_____ YES _____ NO

INITIAL

48. Do you have or will you have the ability to pay the costs of prosecution,
() restitution, () fine, in equal monthly installments over the length of your supervision?

_____ YES _____ NO

49. If you are pleading guilty to an offense graded as an M-1 or higher; an offense specified in 18 Pa. C.S.A. 6105(a) or (b); a drug conviction punishable by more than two years imprisonment; have three or more driving under the influence convictions within five years; are subject to an active/final protection from abuse order; or have a misdemeanor conviction for a crime of domestic violence; do you understand that if you possess a license to carry a firearm, pursuant to 18 Pa.C.S.A. 6109(i.1)(1), do you understand that notification of your conviction will be sent to the sheriff of the county in which you reside, and your license to carry a firearm may be revoked by the issuing authority?

_____ YES _____ NO

ACT 79 Firearms Relinquishment (if applicable)

50. Do you understand that you are entering a guilty plea to a misdemeanor crime of domestic violence pursuant to 18 Pa.C.S.A. 6105(c)(9)?

_____ YES _____ NO

51. Do you understand that, because of your guilty plea you will be convicted of a misdemeanor crime of domestic violence pursuant to 18 Pa.C.S.A. 6105(c)(9); and as a result, you are prohibited from ever owning, using, or possessing a firearm or ammunition?

_____ YES _____ NO

52. Do you understand that, within twenty-four (24) hours of this conviction, you are required to relinquish any and all firearms in your possession or control to the specified agency or specified licensed dealer ordered by the court?

_____ YES _____ NO

INITIAL

53. Do you understand if the court orders relinquishment to a licensed dealer as permitted by 18 Pa.C.S.A. 6105.2(c), you shall submit an affidavit complying with 18 Pa. C.S.A.6105.2(c)(3) to the specified police department as ordered by the court?

_____ YES _____ NO

54. Do you understand if you fail to relinquish any and all firearms or provide an affidavit within twenty-four (24) hours of this conviction, you may be further prosecuted pursuant to 18 Pa.C.S.A 6105(c)(9) and/or 18 Pa. C.S.A. 6105.2?

_____ YES _____ NO

INITIAL

I swear/affirm that I have completely read the above document. I understand it. I want to enter a plea of guilty to some or all of the crimes with which I am charged. I further swear/affirm that the signature and initials on this document are mine. Furthermore, my attorney has thoroughly reviewed with me all offers that have been made to resolve this case.

SIGNATURE OF DEFENDANT

DATE

I, _____, Esquire, state that I have advised my client of the meaning of this document; that it is my belief that the defendant understands what is set forth above; that I am prepared to try this case. and that the defendant understands what he/she is doing by entering a plea of guilty. Furthermore, I have discussed with my client any and all guilty plea offers and the consequences of accepting or rejecting the final offer in this case.

SIGNATURE OF ATTORNEY

DATE