

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

COMMONWEALTH OF PENNSYLVANIA)

vs.)

No. _____ - 19__)

GUILTY PLEA STATEMENT

You or your attorney has told this Court that you want to plead guilty to some or all of the crimes charged against you by the Commonwealth of Pennsylvania. This form lists questions connected with the guilty plea you wish to enter. Many of the questions concern your rights under both federal and state law as a person charged with a crime or with crimes.

By pleading guilty, you give up many of the rights you possess under the law. It is important, then, that you fully understand these rights before pleading guilty. Please read each question carefully and then truthfully answer the question. If you do not understand the question, mark that down by the question. Where general information is requested, please answer the question as fully and completely as possible. When you have finished answering the questions on a page, put your initials in the space at the bottom of the page. When you have finished answering all the questions, sign the last page.

If there are questions you do not understand, or if you do not think you fully understand the rights mentioned in this form, go to your attorney so that your attorney

Initials _____

can explain the question or your rights to you. You may also ask the Judge to explain your rights to you when you plead guilty before him or her.

You must fully understand that your guilty plea is voluntary and not forced in any way. You must also understand that by pleading guilty, you are admitting that you committed the particular offense, and that you give up your right to have a trial by jury. You must fully understand all your rights, and understand what happens when you give up your rights, before the Judge will accept your guilty plea.

By initialling this page and each following page, and by signing on the last page, you say, in effect, that you understand your rights and fully give them up.

1. What is your full name? _____

2. Are you known by any other names? _____ If yes, what are they? _____

3. How old are you today? _____

4. How far did you go in school? _____

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

6. Have you ever been a patient in a mental institution or have you ever been treated for a medical illness? _____ If yes, please explain. _____

7. Are you now being treated for a mental illness? _____ If yes, please explain. _____

8. If you are presently being treated for a mental illness, do you still feel that you are able to understand what you are doing today? _____

9. Have you ever had any physical or mental illness that would affect your ability to understand your rights or affect the voluntary nature of your plea? _____ If yes, please explain. _____

10. Are you presently taking any medication or drugs which might affect your thinking or free will? If yes, please explain. _____

11. Have you had any narcotics or alcohol in the last forty-eight (48) hours? _____

12. Have you read the Information? _____

13. 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? _____

14. Do you understand the nature of the charges to which you are pleading guilty? _____

15. Each crime has a number of elements or things that the Commonwealth would have to prove at trial. Has your attorney explained to you each element of the crime or crimes to which you are pleading guilty? _____

16. Do you admit to committing the crime or crimes to which you are pleading guilty and to the legal elements explained to you making up those crimes? _____

17. Do you understand that under the United States Constitution and the Constitution of the Commonwealth of Pennsylvania, you have an absolute right to trial by a jury? _____

18. Do you understand that the right to trial by jury means you are able to participate in the selection of a jury with your attorney? _____

19. Do you understand that a jury of twelve people is randomly selected from people who live in Northampton County? _____

20. Do you understand that the jury which is chosen must unanimously agree that you are guilty before you can be convicted of the crime or any of the crimes with which you are charged? _____

21. Do you understand that both the prosecution and the defense would have the right to "challenge" members of the jury panel, and that this means you, your attorney and the prosecution would have the right to keep certain persons on the jury panel from being chosen as a member of the jury in your case? _____

22. In a jury trial, the jury must presume that you are innocent until proven guilty. The Commonwealth must prove you are guilty of each element of the crime or crimes charged against you beyond a reasonable doubt before you can be found guilty. A reasonable doubt is a doubt that would cause an ordinary and reasonable person to hesitate

before going through with something important to him. Do you understand these things? _____

23. If you wish to defend yourself and plead not guilty, you may also have a trial before a judge instead of by a jury. In that case, there is no jury, and the judge becomes the trier of fact as well as deciding questions of law. In other words, the Judge decides whether you are guilty or innocent. As in a jury trial, the Commonwealth must prove you guilty, beyond a reasonable doubt, of each element of the crime or crimes charged against you. Do you understand your right to a non-jury trial? _____

24. Do you understand that by pleading guilty, you give up your right to a trial, either by jury or before a judge? _____

25. In a trial, you have the right to remain silent, and nothing can be held against you if you decide not to testify in your own defense. You have the right to cross-examine or confront the witnesses called by the Commonwealth to testify against you. You also have the right to call witnesses to testify on your behalf in your own defense, and you have the right to present any relevant evidence which could help to substantiate your innocence. Do you understand each of these rights? _____

26. Do you understand that by pleading guilty you give up your right to remain silent, the right to confront Commonwealth witnesses, and the right to call witnesses and present evidence in your own defense? _____

27. (a) I have been told the maximum range of sentences and/or fines that can be imposed for each offense to which I am pleading guilty as follows:

<u>Offense</u>	<u>Maximum Sentence</u>	<u>Mandatory Minimum</u>	<u>Fine</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(b) I have reviewed the Guideline Sentence Form attached hereto.

28. Are you aware that the Court is not bound by the terms of any plea agreement entered into between you, your counsel, and the attorney for the Commonwealth, until the Court accepts such plea agreement? _____

29. Are you aware that if the crime or crimes with which you are charged do not require a mandatory sentence under the statutory law of Pennsylvania, the Court is not bound by the sentencing guidelines and may deviate from the guidelines; however, if the Court does so, both the attorney for the Commonwealth and you would have a right to appeal such deviation? _____

30. Do you realize that by pleading guilty you are giving up your right to present any pre-trial motions to suppress physical evidence, or any statements and confessions made by you, or your identification, for consideration by this or a higher court in the event those motions were denied? _____

31. Are you aware that if you were convicted after a trial you could appeal the verdict to a higher court and raise any errors that were committed in this Court which could result in you being awarded a new trial or set free, and that by pleading guilty you are giving up this right? _____

32. Do you understand that even after your guilty plea is accepted by the Court, you will have the right to file a motion to withdraw your guilty plea at any time prior to sentencing? _____

33. After your guilty plea is accepted by the Court and you are sentenced, you still have a right to appeal your conviction. The appeal for a guilty plea is limited to four grounds:

(1) That your guilty plea was not voluntary or you did not understand what you were doing when you plead guilty;

(2) That the Court did not have jurisdiction to accept your plea (in other words, the crimes for which you are pleading guilty did not occur in Northampton County);

(3) That the Court's sentence is beyond the maximum penalty authorized by law or improper under the sentencing guidelines the Court is required to follow;

(4) That your attorney was incompetent in representing you and advising you to enter a plea of guilty.

Do you understand what each of these grounds for appeal means? _____

34. If you wish to withdraw your guilty plea on either of these grounds, you must ask to withdraw your guilty plea and withdraw it within ten (10) days after you are sentenced. If the Court does withdraw your guilty plea, then you shall be forced to go to trial on the charges. Do you understand this? _____

35. If the Court does not allow you to withdraw your guilty plea, you may appeal that decision to the Superior Court within thirty (30) days. Do you understand this? _____

36. Do you understand that if you wish to file any of these motions with this Court or an appeal to the Superior Court of Pennsylvania and you cannot afford an attorney to assist you to do so, this Court will appoint an attorney for you at no cost to you? _____

37. Has anybody forced you by any means to enter this plea of guilty? _____

38. Are you doing this of your own free will? _____

39. Are you pleading guilty only because you gave an oral or written statement to the police? _____

40. Have any threats been made to you to enter a plea of guilty? _____

41. 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? _____

42. Are you satisfied with the representation of your attorney? _____

43. Have you had sufficient time to consult with your attorney before reading this Statement and entering your plea of guilty? _____

44. Has your attorney reviewed with you the possible defenses to these charges and the witnesses you might call on your behalf? _____

45. Have you asked your attorney to do anything for you in connection with the charges or your defense that he has not done? _____

46. You have a 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 official prosecutor or the attorney for the Commonwealth summarize the facts against you? _____

47. Do you agree that those facts would be sufficient evidence from which a jury could find you guilty of the charge? _____

48. Do you understand that you have a right to confront and cross-examine all Commonwealth witnesses in your case who are necessary to prove your guilt? _____

Do you understand that by pleading guilty, you are waiving that right of confrontation and cross-examination? _____

49. Do you understand that, if your plea is accepted, you have the right to have a Pre-Sentence Report prepared on your behalf to aid the Judge in determining the appropriate sentence to be imposed upon you? _____

50. Are you presently on probation or parole? _____ If you are on probation or parole, do you realize that your plea of guilty will mean a violation of that probation or parole; that you could be sentenced to prison as a result of that violation; and that any sentence imposed by this Court following your guilty plea could be consecutive to the sentence on your probation violation? _____

51. If you are a resident alien and/or a non-U.S. citizen, do you realize that a conviction on this charge may subject you to deportation by the U.S. Immigration Service?

52. Has your attorney gone over the meaning of the terms in this Statement? _____

53. Do you understand that the decision to enter a guilty plea is yours and yours alone; that you do not have to enter a plea of guilty and give up all your rights as previously explained to you; and that no one can force you to enter a guilty plea? _____

54. Do you understand that when you plead guilty, the attorney for the Commonwealth would not have to prove each and every element of the crime or crimes with which you are charged? _____

55. Do you have any questions about these proceedings on this Statement?

I AFFIRM THAT I HAVE READ THE ABOVE STATEMENT COMPLETELY AND I UNDERSTAND ITS FULL MEANING AND I STILL WANT TO ENTER A PLEA OF GUILTY TO THE CRIMES SPECIFIED. I FURTHER AFFIRM THAT MY SIGNATURE AND INITIALS ON EACH PAGE OF THIS STATEMENT ARE TRUE AND CORRECT.

Dated: _____

Defendant

I, _____, Esquire, Attorney for _____,
state that I have advised my client of the meaning behind this Statement; 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

I. D. No.

If the defendant does not read or understand the English language, the foregoing
Statement must be translated into the defendant's language and the translator shall execute
the following affirmation:

I, _____, residing at _____,
affirm that I have fully and correctly translated the entire foregoing Guilty Plea Statement
to the defendant in the _____ language and that the defendant stated that
he understood each of the questions before answering them.
