

COMMONWEALTH OF PENNSYLVANIA
v.

Defendant

IN THE COURT OF COMMON PLEAS OF NORTHUMBERLAND COUNTY, PA
CRIMINAL LAW DIVISION
DOCKET NO. CR: _____

ORDER

AND NOW, this _____ day of _____, 20____, after an on the record examination of the Defendant, the Court finds that each plea of Guilty / Nolo Contendere was knowingly, voluntarily and intelligently made and has a basis in fact.

It is hereby ORDERED and DIRECTED that:

- The Defendant shall be immediately sentenced.
- A CRN evaluation shall be completed within 20 days
- A drug and alcohol assessment shall be obtained within 60 days.
- If recommended by CRN, obtain a Drug and Alcohol assessment.
- A *full* presentence investigation and report is hereby requested.
- The probation and parole department shall provide the following information to the court 7 days prior to the sentencing date: _____.
- Sentencing in the above matter is scheduled for _____ at _____ .m. in Courtroom # _____.

BY THE COURT:

Judge

White Copy - Clerk of Courts

Yellow Copy - District Attorney

Pink Copy - Defense Counsel

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
 : OF NORTHUMBERLAND COUNTY, PA
 v. :
 :
 : CRIMINAL LAW DIVISION
 : NO. CR _____

PETITION FOR ENTRY OF A GUILTY / NOLO CONTENDERE PLEA
 (Use a separate face sheet for each CR#) (Press hard if printing)

CR #	Count #	Charge	Section	Grade	Fine	Max. Years	Plea	Restitution

Terms of Plea Agreement: _____

Mandatory Sentencing Requirements: _____

Deadly Weapons Enhancement? _____ School Zone Enhancement? _____

License Suspension? _____ Prior Record Score: _____

Offense Gravity Score: _____ Assistant District Attorney: _____

Defense Attorney: _____

GUILTY PLEA / NOLO CONTENDERE PLEA

You are present before this Court because of your wish to plead guilty or nolo contendere to some or all of the criminal charges pending against you. Please answer all of the following questions.

This is a sworn statement. After you have finished reading and filling out this form, you should sign it on pages #2 and #4, on the line that reads "Defendant". You should also initial the bottom of page #3, but only after you have read and understood each page. If there is anything you do not understand on this form, you should tell your lawyer or the judge so that they can explain it to you fully, to make certain you understand all of your rights.

I understand and agree that I am pleading guilty or nolo contendere to the crimes listed above. I understand the maximum penalties are set forth above and the mandatory minimum sentences and enhancements. I understand and agree with the terms of the plea agreement.

Defendant's Signature: _____

- (1) Name: (First, Middle, Last) _____
- (2) Date of Birth: _____
- (3) What was the last year of schooling completed? _____
- (4) Can you read, write and understand the English language? _____
 If your answer is "No", has this form and the questions on it been read to you so that you fully understand everything? _____
- (5) Have you used alcoholic beverages or drugs of any kind, including prescription drugs, within the last twenty-four (24) hours? _____ If your answer is "Yes", is the use of such alcohol or drugs affecting your ability to make decisions or understand? _____
- (6) Are you presently receiving treatment for any mental or emotional disability? _____ If "Yes", explain: _____
- (7) Are you suffering from any mental or emotional disability? _____ If "Yes", explain: _____
- (8) Do you understand that you have the right to an attorney? If you cannot afford an attorney, you may apply for a Public Defender. _____
- (9) What is the name of your attorney? _____
- (10) Have you thoroughly discussed all of the facts & circumstances of the charges filed against you with your attorney? _____
- (11) Has your attorney explained to you all of the elements of the crime (s) to which you are pleading? _____
- (12) Whose decision is it for you to plead? _____
- (13) Why are you entering a plea? _____
- (14) If there is a plea agreement between you and the District Attorney, do you understand that the Court is not bound by the agreement and does not have to accept it? _____
- (15) Do you understand that if the Court does not accept the plea agreement, you may withdraw your plea? _____
- (16) Do you understand that if the Court allows you to withdraw your plea, the Commonwealth would have 120 days to bring you to trial, if you are incarcerated on the present charges. If you are not incarcerated or are incarcerated on other charges, it is 365 days: _____
- (17) Do you fully understand the permissible range of sentence and/or fines that can be imposed for the crime (s) charged against you? _____
- (18) Has anyone told, promised or suggested to you in any manner what the actual sentence will be? _____
- (19) Has anyone made any promises to you or threatened you in any manner or done or said anything to induce you or pressure you to plead? _____
- (20) Do you understand that if you were to elect to go to trial:
- (a) You would be presumed innocent? _____
 - (b) The Commonwealth would have to prove each and every element of the charges against you beyond a reasonable doubt? _____
 - (c) You would not have to testify on your own behalf? _____
 - (d) You may testify, but you do not have to? _____
 - (e) You would not have to prove your innocence? _____
 - (f) You would have the right to help select your jury? _____
 - (g) For your jury, a group of people, picked at random and representing a cross-section of citizens of Northumberland County, would be brought into Court, placed under oath & sworn to tell the truth _____
 - (h) You would have the right through your attorney to ask them certain questions, as would the District Attorney? _____
 - (i) The purpose of the questions would be to decide if the prospective jurors could be fair & impartial? _____
 - (j) If the answers to the questions indicate a juror would not be fair and impartial, they would be dismissed for cause? _____
 - (k) There is no limit on dismissals of jurors for cause? _____
 - (l) You, through your attorney and the District Attorney, would have the right to eliminate or excuse additional jurors without giving any reason for their dismissal. These additional dismissals are peremptory challenges which results in you have a jury of twelve people and two alternates who would sit, hear, and decide your case? _____
 - (m) Do you understand that in order to be found guilty, the verdict of the jury must be unanimous? In other words, all twelve jurors must be convinced beyond a reasonable doubt of your guilt _____
- (21) Do you understand the jury selection process? _____ **INITIAL:** _____

- (22) Do you understand your right to assist in jury selection? _____
- (23) Do you understand that by pleading, you **waive** your right to a trial by jury? _____
- (24) Do you understand that if both you and District Attorney agree and the Court approves, you may have a trial by Judge. In other words, the Judge would decide your guilt or innocence? _____
- (25) Do you understand that by pleading, you **waive all** of the following rights:
- (a) Right to trial by jury? _____
 - (b) Right to trial by Judge? _____
 - (c) Right to have the Commonwealth prove you're guilty beyond a reasonable doubt. A reasonable doubt means a doubt that would cause an ordinary prudent person to hesitate, or restrain them from acting upon a matter of importance in their own affairs? _____
 - (d) Right to present any defenses to the crimes you are being charged with? _____
 - (e) Right to file pre and post trial motions and all motions currently pending before the Court? _____
 - (f) Right to confront & cross-examine any witnesses the Commonwealth may have called at trial? _____
- (26) Do you understand that by pleading, you **do not waive** your right to file a motion to withdraw your plea. However, this motion must be filed **before** sentencing and would present two issues for the Court. First, do you have a fair and just reason to withdraw you plea? Second, if the Court permits you to withdraw, your plea would result in substantial prejudice to the Commonwealth? If the Court decides both issues in your favor, the Court would allow you to withdraw your plea; otherwise, the Court will not allow it? _____
- (27) Do understand that you have a right to file a motion to withdraw your plea prior to sentencing? _____
- (28) Do you understand that by pleading, you do **not waive** your right to file a Post Sentence Motion with the Court or an appeal to a higher Court? _____
- (29) Do you understand that a Post Sentence Motion must be filed within ten (10) days of sentencing & may include a motion to modify sentence & motions challenging the validity of your plea, legality of your sentence, denial of your motion to withdraw your plea or challenging the jurisdiction of the Court. Any appeal must be filed within thirty (30) days of sentencing or within thirty (30) days of the denial of your Post Sentence Motion?: _____
- (30) Do you understand that by pleading guilty/nolo contendere, you **Do Not Waive** your right to file an appeal to a higher court? _____
- (31) Are you currently on probation or parole? _____ If yes, where? _____
- (32) Do you understand that if you are currently on probation or parole that your plea will mean a violation of your probation or parole and could result in the imposition of additional incarceration? _____
- (33) Do you understand that the decision to plead is yours alone and no one can force you to plead and give up the above listed rights? _____
- (34) If you plead nolo contendere, has your attorney explained the consequences & effect of an entry of the plea? _____
- (35) Do you understand that you have a right to plead NOT GUILTY? _____
- (36) Has your attorney fully discussed this entire form with you? _____
- (37) Are you fully satisfied with the advice and representation of your attorney? _____
- (38) Do you understand everything discussed on this form?: _____
- (39) If your plea is to the offense of Driving Under the Influence, how many prior charges of DUI have you previously been convicted of or pled guilty to during your lifetime? _____

I swear or affirm that I have read this entire document and that I understand its full meaning and I nevertheless want to enter a plea of guilty or nolo contendere to the offense or offenses specified.

Date: _____

Defendant: _____

ATTORNEY CERTIFICATION

I, _____, am the attorney for the defendant in the above case, who has expressed a desire to enter a plea of guilty or nolo contendere to one or more of the charges herein set forth and do hereby certify that:

I have thoroughly explained each paragraph of each page of the written plea colloquy to the defendant and I believe the defendant fully understands the entire written plea colloquy. I have thoroughly discussed all the facts and circumstances surrounding the filing of the charges against the defendant and I have thoroughly explained each element of each crime as well as all possible defenses to each charge to which the defendant has expressed a desire to enter a plea.

If the defendant enters a plea, I know of no reason why such a plea would not be made as a knowing, understanding, intelligent and voluntary act. Further, I know of no reason why the plea would not be valid and binding.

If the plea is nolo contendere, I have fully explained the consequences and effect thereof.

Date: _____

Attorney: _____