

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

COMMONWEALTH OF PENNSYLVANIA) CASE NUMBER (S): _____
)
VS) _____
) _____
) _____
_____) _____

GUILTY PLEA STATEMENT
(COLLOQUY)

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 the 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 understand, or if you do not think you fully understand the rights mentioned in this form, go to your attorney so that your attorney 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 be 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 initialing 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.

INITIALS: _____

I. PERSONAL

1. What is your full name? _____
2. Are you known by any other name (s)? _____
 - a. 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? _____

II. THE CHARGE(S) AGAINST YOU

6. Have you read the Information? _____
7. Do you understand that you have the right to plead not guilty? _____
8. Do you understand that you are presumed to be innocent? _____
9. Despite that right, 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? _____
10. Do you understand the nature of the charges to which you are pleading guilty?

11. Each crime has a number of elements or things that the Commonwealth would have to prove at trial. Do you understand each element of the crime or crimes to which you are pleading guilty? _____
12. Do you admit to committing the crime or crimes to which you are pleading guilty and to the legal elements making up those crimes? _____

INITIALS: _____

13. I have been told the maximum sentences and/or fines that can be imposed for each offense to which I am pleading guilty are as follows:

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

Initials: _____

14. I have reviewed the Sentencing Guideline Form attached hereto. _____

15. 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? _____

16. Are you aware that if the crime or crimes with which you are charged do not require a mandatory sentence under the law, the Court is not bound by the sentencing guidelines and may deviate from the guidelines? _____

17. If you are pleading guilty to multiple crimes, do you understand that the court has the authority to turn the sentences imposed for each crime consecutively (one after the other) or concurrently (at the same time)? _____

III. RIGHT TO TRIAL

18. 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 jury if the crime or crimes with which you are charged carries a maximum sentence of more than six (6) months? _____

19. 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? _____

20. Do you understand that a jury of twelve (12) people is randomly selected from people who live in Northampton County? _____

INITIALS: _____

21. 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? _____
22. 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? _____
23. If the crime or crimes with which you are charged carries a maximum sentence of six (6) months or less, or if both you and the Commonwealth agree to give up the right to a jury trial, you can have a trial before a Judge instead of 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 your guilt, beyond a reasonable doubt, of each element of the crime or crimes charged against you. Do you understand this? _____
24. Do you understand that by pleading guilty, you give up your right to a trial, either by a jury or before a Judge? _____
25. To convict you, the Commonwealth must prove you are guilty of each element of the crime or crimes charged against you beyond a reasonable doubt. A reasonable doubt is a doubt that you cause an ordinary and reasonable person to hesitate before going through with something important to him. Do you understand these things? _____
26. When you plead guilty, the Commonwealth is not required to present evidence or call witnesses. Instead, the prosecutor will be permitted to summarize the facts against you. Do you understand this? _____
27. 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. Do you understand each of these rights? _____
28. 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? _____

INITIALS: _____

IV. PRE-TRIAL RIGHTS

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

V. POST-SENTENCE RIGHTS

30. 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 but by pleading guilty you are giving up this right? _____

31. 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 the sentencing? _____

32. After your guilty plea is accepted by the Court, and you are sentenced, you still have the right to appeal your conviction. However, an appeal following 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 pled guilty;
2. That the Court did not have jurisdiction to accept your plea;
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 the attorney who represents you was incompetent or ineffective.

Do you understand this? _____

33. Do you understand that if your plea deal contains a negotiated sentence, you will not be able to challenge the discretionary aspects of sentencing on appeal? _____

34. If you wish to withdraw your guilty plea on any of these grounds, you must ask to withdraw your guilty plea within ten (10) days after you are sentenced. If the Court does withdraw your guilty plea, then you will have 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? _____

INITIALS: _____

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?_____

VI. VOLUNTARINESS OF PLEA

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

a. If yes, please explain.

38. Are you now being treated for a mental illness? _____

a. If yes, please explain.

39. 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? _____

40. Have you ever had any physical or mental illness that you would affect your ability to understand your rights or affect the voluntary nature of your plea? _____

a. If yes, please explain.

41. Are you presently taking any medications or drugs? _____

a. If yes, does it affect your ability to understand or your free will? _____

42. Have you consumed any drugs or alcohol in the last forty-eight (48) hours? _____

a. If yes, does it affect your ability to understand or your free will? _____

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

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

INITIALS:_____

45. Have any threats been made to get you to enter a plea of guilty? _____
46. 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? _____

VII. ATTORNEY REPRESENTATION (IF APPLICABLE)

47. Are you satisfied with the representation of your attorney? _____
48. Have you had sufficient time to consult with your attorney before reading this statement and entering your plea of guilty? _____
49. Has your attorney reviewed with you the possible defenses to these charges and the witnesses you might call on your behalf? _____
50. Have you asked your attorney to do anything for you in connection with the charges or your defense that he or she has not done? _____

VIII. CONSEQUENCES OF GUILTY PLEA

51. If, as part of your sentence, you are placed on probation or parole, you will have to obey certain conditions and rules. If you violate these conditions or rules, the Judge can re-sentence you, including to serve a period of incarceration. Do you understand this? _____
52. If you are currently 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 the sentences for your current charge and your probation or parole violation may be run consecutively? _____
53. Do you understand that if you are not a citizen of the United States, a plea of guilty to this crime may impact your immigration status and may result in deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States of America? _____

INITIALS: _____

IX. CONCLUSION

54. 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? _____
55. 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? _____
56. Do you have any questions about these proceedings or this statement? _____
57. In light of the above, do you still wish to give up your rights and enter a plea of guilty? _____

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 CRIME(S) SPECIFIED. I FURTHER AFFIRM THAT MY SIGNATURE AND INITIALS ON EACH PAGE OF THIS STATEMENT ARE TRUE AND CORRECT.

DEFENDANT: _____

DATE: _____

INITIALS: _____

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 THE DEFENDANT

DATE

I.D. NUMBER

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/SHE
UNDERSTOOD EACH OF THE QUESTIONS BEFORE ANSWERING THEM.

SIGNATURE

DATE