

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

COMMONWEALTH OF PENNSYLVANIA

: No. _____

V.

:

:

GUILTY PLEA STATEMENT INSTRUCTIONS

TO DEFENDANT:

If you choose to plead guilty or *nolo contendere*, this Guilty Plea Statement **MUST** be completed by you. By pleading *nolo contendere*, you are stating that you do not contest the fact that you committed the crimes. In criminal law, a plea of *nolo contendere* has the same effect as pleading guilty and therefore, everything contained in this Guilty Plea Statement also applies to a plea of *nolo contendere*. You must read this statement carefully and review it fully with your lawyer. It is **IMPORTANT** that you understand, agree with and answer truthfully everything contained in this Guilty Plea Statement. If you understand and agree with what is said in a paragraph of this statement, place your initials on the line provided. If you do not understand and agree with what is said in a paragraph, **DO NOT** place your initials on the line provided, and you **MUST** tell the judge what you do not agree with or understand.

TO DEFENDANT'S LAWYER:

You must fully explain the content and meaning of this Guilty Plea Statement to the Defendant. If, after your explanation, the Defendant does not understand or agree with something, he/she should not initial that paragraph and you **MUST** inform the judge of this fact. If the Defendant does not speak, understand, read or write the English language or suffers from some physical, emotional and/or mental problem, or is under the influence of any substance which affects his/her ability to understand the content of this Guilty Plea Statement, the Defendant should not complete the Guilty Plea Statement and the judge **MUST** be advised of this fact(s).

By placing my initials at the below place provided, I am stating that I have fully read, understood and followed these instructions.

DEFENDANT'S INITIALS

DEFENSE ATTORNEY'S INITIALS

GUILTY PLEA STATEMENT

ABILITY TO UNDERSTAND

- ____ 1. I, _____, the Defendant in this case, am _____ years old. I have gone to school for _____ years. I can read, write, speak and understand the English language.
- ____ 2. I do not have any physical, emotional or mental problems which affect my ability to understand what I am doing today, the rights which I have and the rights which I am giving up by pleading guilty or *nolo contendere*, and I am not now under the influence of any narcotics, drugs, alcohol and/or any other substance(s).

CONTACT WITH LAWYER

- ____ 3. I have fully discussed this case with my lawyer, including the facts and possible defenses I may have to these charges such as, but not limited to: I didn't commit the crimes charged; Mistaken identity; Alibi (I was someplace else when the crimes were committed); Insanity (At the time the crimes were committed, I had a mental disease or defect and, as a result, I was not capable of knowing what I was doing or, if I did, I was not capable of judging that it was wrong); Justification (Lawful self-defense, defense of property or others); and Any lawful excuse for my acts. I understand and my lawyer has explained to me all of the possible defenses I may have to these charges. I am satisfied that my lawyer knows all of the facts and law concerning this case.
- ____ 4. I am fully satisfied with what my lawyer has done for me in the past and what my lawyer is doing for me today concerning this case.
- ____ 5. I am fully satisfied that my lawyer is ready and able to defend me in this case if I do not plead guilty or *nolo contendere* to these charges.

RIGHT TO TRIAL

- ____ 6. I understand and my lawyer has explained to me that if I plead not guilty, I have a right to have a trial before a judge and a jury, or I may ask that my trial be before a judge alone without a jury.

TRIAL RIGHTS

I understand and my lawyer has explained to me that if I plead not guilty and have a trial:

- ____ 7. I am presumed to be innocent of these crimes and the Commonwealth has the burden of proving that I committed each of the elements of the crimes charged beyond a reasonable doubt and if the Commonwealth fails to do so, I cannot be found guilty of these crimes. A reasonable doubt is a doubt that would cause a reasonably careful and sensible person to hesitate before acting upon something that is important in his or her life or affairs.
- ____ 8. The Commonwealth must present evidence and witnesses who must testify under oath and I, or my lawyer, can cross-examine or ask questions of these witnesses.
- ____ 9. I do not have to testify or present any evidence and no one can force me to do so and if I choose not to testify or present any evidence, that cannot be used or held against me. However, if I want to testify and present evidence and witnesses, I may do so.
- ____ 10. I have the right to present evidence of any defense I may have to the charges such as, but not limited to, I didn't commit the crimes charged, mistaken identity, alibi, insanity, justification or any lawful excuse for my acts.

TRIAL BY JURY

I understand and my lawyer has explained to me that if I plead not guilty and I am tried before a judge and a jury:

- ____ 11. The jury would consist of 12 people who live in Delaware County, and I have the right to take part in selecting the jurors who would hear my case and these jurors would decide what the true facts are in my case.
- ____ 12. I can prevent any person from being a juror in my case if I can show that they would not be a fair juror or they were not chosen for jury duty in a fair manner.
- ____ 13. I can prevent a limited number of people from being jurors in my case without giving any reasons at all.
- ____ 14. I cannot be found guilty of the crimes charged unless all 12 of the jurors agree that the Commonwealth has proven that I committed each element of these crimes beyond a reasonable doubt.

TRIAL BY JUDGE

I understand and my lawyer has explained to me that if I plead not guilty and I am tried before a judge alone without a jury:

_____ 15. The judge will decide what law applies to my case, what the true facts are in this case, and whether the Commonwealth has proven that I committed each element of the crimes charged beyond a reasonable doubt.

MOTIONS BEFORE TRIAL

I understand and my lawyer has explained to me that if I plead not guilty, then before my trial begins:

_____ 16. I can file motions to insure that I get a fair trial. These motions may include, but are not limited to: A motion to prevent the Commonwealth from presenting improperly obtained evidence at my trial such as statements I made; Test(s) results; Identifications and/or items taken from me or from some place or thing. The Commonwealth has the burden of proving that this evidence can be lawfully presented at my trial.

_____ 17. I can file a motion to have the crimes charged dismissed if my trial was not begun within 365 days after the date the criminal complaint was filed against me, not counting any delays caused by me or my lawyer and, if the judge grants my motion, the Commonwealth cannot charge me with these crimes again.

I understand and my lawyer has explained to me that:

_____ 18. If I did file any motions before my trial that have not yet been decided, by pleading guilty or *nolo contendere*, I am now withdrawing them as if they had never been filed and I can never again raise any of the issues stated in these motions before any court. If the judge granted any motions filed by the Commonwealth or denied any motions filed by me, by pleading guilty or *nolo contendere*, I give up or lose my right to appeal the judge's decision to a higher court and I can never again raise any of the issues stated in these motions before any court.

EFFECT OF PLEA

I understand and my lawyer has explained to me that if I plead guilty or *nolo contendere* to any of these charges:

_____ 19. My plea(s) of guilty or *nolo contendere* will have the same effect in criminal law as if I had a trial and was convicted of the crimes to which I have pled guilty or *nolo contendere*.

_____ 20. If I was on probation or parole at the time the crimes to which I am pleading guilty or *nolo contendere* were committed, my plea(s) in this case mean that I have violated my probation or parole and I can be sentenced to jail for that violation in addition to any sentences which I may receive as a result of these pleas.

_____ 21. My plea(s) of guilty or *nolo contendere* will have the effect of limiting my direct appeal rights to a higher court reviewing only challenges to this court's jurisdiction; the legality of my sentence; and/or whether my plea(s) were voluntarily, knowingly and intelligently entered.

_____ 22. If I am not a United States citizen, my plea(s) of guilty or *nolo contendere* may subject me to **MANDATORY DEPORTATION** and other adverse immigration consequences. My attorney has answered, to my satisfaction, any questions I have had concerning adverse immigration consequences of this plea. I also acknowledge that I have had the opportunity to consult an attorney specializing in immigration-deportation law.

ADMISSION OF GUILT OR NO CONTEST (*NOLO CONTENDERE*) AND PENALTIES

_____ 23. I understand and agree that I am pleading guilty or *nolo contendere* to the crimes listed below. I understand and my lawyer has explained to me the elements of these crimes and the possible penalties for them. By pleading guilty, I agree and admit that I committed each element of these crimes or by pleading *nolo contendere*, I do not contest that I committed each element of these crimes. I agree that the Commonwealth can prove that I committed each element of these crimes beyond a reasonable doubt. I am pleading guilty _____, or *nolo contendere* _____ to the following crimes:

A) _____ a summary offense/
misdemeanor/felony of the _____ degree and the maximum penalty for this crime is _____ in jail and a \$ _____ fine. The mandatory minimum sentence for this crime is _____ in jail and a \$ _____ fine.

B) _____ a summary offense/
misdemeanor/felony of the _____ degree and the maximum penalty for this crime is _____ in jail and a \$ _____ fine. The mandatory minimum sentence for this crime is _____ in jail and a \$ _____ fine.

C) _____ a summary offense/
misdemeanor/felony of the _____ degree and the maximum penalty for this crime is _____ in jail and a \$ _____ fine. The mandatory minimum sentence for this crime is _____ in jail and a \$ _____ fine.

D) _____ a summary offense/
misdemeanor/felony of the _____ degree and the maximum penalty for this crime is _____ in jail and a
\$ _____ fine. The mandatory minimum sentence for this crime is _____ in jail and a \$ _____ fine.

I understand and my lawyer has explained to me that:

_____ 24. I could be sentenced to the maximum penalty for each of these crimes and the total maximum sentence I could receive is
_____ in jail and a \$ _____ fine.

_____ 25. Unless the crimes to which I am pleading guilty or *nolo contendere* are summary offenses or crimes which require a mandatory minimum sentence, the Pennsylvania Sentencing Guidelines must be considered by the judge in deciding what *MINIMUM* sentence(s) I will receive. My lawyer has told me what sentencing guidelines the judge must consider in deciding what *MINIMUM* sentence(s) I will receive.

PLEA AGREEMENT

_____ 26. I understand and my lawyer has explained to me that the judge is not bound to follow the terms of any plea agreement that I have with the Commonwealth or anyone else, but if the judge decides not to accept the plea agreement, I will be allowed to withdraw or take back my plea(s) of guilty or *nolo contendere*. I also understand that the judge has not taken part in any plea discussions or plea agreements.

LOSS OF RIGHTS

_____ 27. **I UNDERSTAND AND MY LAWYER HAS FULLY EXPLAINED TO ME ALL OF THE FACTS AND RIGHTS WHICH I HAVE THAT ARE CONTAINED IN THIS GUILTY PLEA STATEMENT AND THAT BY PLEADING GUILTY OR *NOLO CONTENDERE*, I GIVE UP OR LOSE ALL OF THESE RIGHTS.**

VOLUNTARY PLEA

_____ 28. I have not been pressured, forced or threatened in any way by anyone to plead guilty or *nolo contendere* to these charges, and I have not been promised anything by anyone in return for pleading guilty or *nolo contendere* other than the plea agreement, if any, which has been presented to the judge.

_____ 29. I have had enough time to fully discuss my case and my decision to plead guilty or *nolo contendere* and everything contained in this Guilty Plea Statement with my lawyer and by placing my initials on all of the lines provided and signing below, I am saying that I understand, agree with, and answered truthfully everything contained in this Guilty Plea Statement.

DATE

DEFENDANT'S SIGNATURE

STATEMENT OF DEFENDANT'S ATTORNEY

I, _____, Esquire, attorney for the Defendant, affirm that to my knowledge, the Defendant is not now suffering from any physical, emotional and/or mental problems which affect his/her ability to understand everything which has been said, read and done concerning these plea(s) of guilty or *nolo contendere* nor is the Defendant now under the influence of any narcotics, drugs, alcohol and/or any other substance(s); I have fully advised the Defendant of the content and meaning of this Guilty Plea Statement and the Defendant understands the content and meaning of the same; the Defendant knows what he/she is doing in entering these plea(s) of guilty or *nolo contendere*; I have fully discussed the Defendant's decision to plead guilty or *nolo contendere* with him/her; I am aware of and have discussed with the Defendant all of the facts and law concerning this case and any possible defenses which the Defendant may have; I have explained to the Defendant the elements of and the possible penalties for the crimes to which he/she is pleading guilty or *nolo contendere*; the Commonwealth has established a sufficient factual basis for the crimes to which the Defendant is pleading guilty or *nolo contendere*; I am prepared to try this case; and I am satisfied that the Defendant's plea(s) of guilty or *nolo contendere* are knowing, voluntary and intelligent.

ATTORNEY FOR DEFENDANT (PRINT NAME)

ATTORNEY FOR DEFENDANT (SIGNATURE)

ATTORNEY FOR DEFENDANT
IDENTIFICATION NUMBER