

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CRIMINAL ACTION - LAW

COMMONWEALTH OF PENNSYLVANIA

v

:
:
:
:
:

No.: _____

WRITTEN GUILTY PLEA COLLOQUY

You and your attorney have indicated that you wish to plead guilty to certain criminal charges that have been brought against you. In order for the Court to accept your plea of guilty, the Court must first determine whether you are pleading guilty knowingly and voluntarily. To enable the Court to make this determination, you must answer the questions in this guilty plea colloquy.

You should read this form carefully and answer each question truthfully. If you do not understand a question, ask your attorney or the Court for clarification. Please initial each page in the space provided at the bottom after you have answered all the questions on that page. Please sign and date the last page in the space provided when you have answered all the questions.

PERSONAL

1. What is your full name? _____
2. How old are you today? _____
3. How far did you go in school? _____
4. Can you read, write and understand the English Language? _____
Explain, if necessary _____

THE CHARGES

5. You have indicated a willingness to plead guilty to the following charges: _____

Do you understand that these are the charges to which you will be pleading guilty? _____

6. Each charge has elements. The elements of an offense are what the prosecution must prove in order for you to be found guilty. The charges to which you will be pleading guilty have the following elements:

Do you understand the elements of the charges? _____

Initials: _____
Defendant

Attorney

7. Each charge to which you are pleading guilty has the following possible maximum prison sentence and maximum fine: _____

Do you understand what the maximum prison sentence/fine is that could be imposed for each offense? _____

8. A criminal charge may have a mandatory minimum prison sentence and a mandatory minimum fine. In your case, the following charges carry mandatory minimum sentence: _____

Do you understand what the mandatory minimum prison sentence or fine is that must be imposed (if any)? _____

9. Do you understand the possible range of sentences and fines that could be imposed for each offense? _____

10. Do you understand the charges to which you are pleading guilty? _____

PLEA AGREEMENT

11. In exchange for your plea(s) of guilty to _____, the Commonwealth has agreed to the following: _____

Is this your understanding of the plea agreement? _____

12. If the judge refuses to accept your plea agreement, you will be allowed to withdraw your guilty plea, a new judge will be assigned to your case, and you may start again with an untried Information against you. Do you understand this? _____

RIGHTS AT TRIAL

13. You do not have to plead guilty, even if you committed the crimes. You have an absolute right to plead not guilty, and no one can force you to plead guilty. Do you understand this? _____

14. If the offense for which you are charged carries a maximum sentence of more than 6 months, you have an absolute right to a jury trial. Do you understand this? _____

15. If the offense for which you are charged carries a maximum sentence of 6 months or less, or if both you and the attorney for the Commonwealth agree to give up the right to a jury trial, you can have a trial in front of a judge instead of a jury. This is called a "non-jury trial," and in such a trial, the judge would decide the facts as well as the law. Do you understand this? _____

16. If you were to have a trial, the law protects you in the following ways:

- i. You would be presumed to be innocent. This means that you are considered to be innocent of the charges unless the Commonwealth proves that you committed the crimes;

Initials: _____
Defendant

Attorney

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- ii. To convict you, the Commonwealth would have to prove that you are guilty beyond a reasonable doubt. A reasonable doubt is the kind of doubt that would cause a normal, reasonably prudent person to hesitate before acting in a matter of great importance in his or her own affairs;
- iii. You have the right to remain silent. You cannot be forced to testify or to talk about your case. If you decide to remain silent at trial, no one can hold it against you;
- iv. You have the right to testify (tell your side of the story) at trial;
- v. You have the right to call other people to testify for you at trial;
- vi. Commonwealth witnesses would have to take an oath and testify against you;
- vii. Your lawyer could question Commonwealth witnesses to test whether they are telling the truth.

If you went to trial, you would have all of the rights and protections listed above in i. - vii. Do you understand this? _____

17. By pleading guilty, you are giving up the rights and protections set forth in question #16, above. Do you understand this? _____

18. By pleading guilty, the Commonwealth does not have to prove its case and does not have to present witnesses. Rather, the attorney for the Commonwealth may present to the Court a summary of what happened. Do you understand this? _____

19. In a jury trial, twelve (12) randomly-selected people from Centre County could be on the jury and would hear the facts of your case. Do you understand this? _____

20. For you to be found "guilty" at a jury trial, all twelve jurors would have to be convinced of your guilt beyond reasonable doubt. Do you understand this? _____

21. For you to be found "not guilty" at a jury trial, all twelve jurors would have to agree that the Commonwealth failed to prove you guilty beyond reasonable doubt. Do you understand this? _____

22. If all twelve jurors could not agree whether you are guilty or not guilty, you would not be convicted, but you might have another trial in front of a different jury. Do you understand this? _____

23. You can help pick your jurors. You can keep anyone off the jury who is shown to the judge to be prejudiced or unfair. Do you understand this? _____

24. You can also keep a number of people off of the jury without giving any reason at all, and so can the prosecutor. You and your lawyer would decide together which people to keep off the jury. Do you understand this? _____

25. By pleading guilty, you give up your right to a jury trial and you give up the possibility of a trial by a judge sitting without a jury. Do you understand this? _____

PRE-TRIAL RIGHTS

26. Under the law, you have the right to file certain pre-trial motions that might improve your chances of being found not guilty. These include the right to file a motion to suppress evidence to try to convince the judge that some of the evidence against you should not be used at trial. By pleading guilty you may give up some of your pre-trial rights. Do you understand this? _____

Initials: _____
 Defendant Attorney

27. If you have already had a hearing on pre-trial motions, by pleading guilty you give up your right to appeal the decisions on those motions. Do you understand this? _____

POST-SENTENCE RIGHTS

28. If you are found guilty at trial, you can file a post-sentence motion with the Court within ten (10) days of imposition of sentence. In a post-sentence motion, you can ask the Court for various forms of help, including asking the Court to overturn the verdict of "guilty", requesting a new trial due to irregularities in your trial, and asking the Court to modify whatever sentence it imposed on you. Do you understand this? _____

29. If you are found guilty at trial, you can also appeal your conviction to a higher Court within thirty (30) days of sentence. You can ask the higher Court to overturn your conviction because there was not enough evidence, because a mistake was made before or during the trial, because you did not get a speedy trial, or for other reasons. Do you understand this? _____

30. Do you understand that if you can not afford an attorney to assist you with these motions or appeals, the Court will, at your request, appoint an attorney to assist you? _____

31. By pleading guilty instead of having a trial, you give up almost all of your rights to appeal. Do you understand this? _____

32. After you plead guilty, you can appeal to a higher Court for only four (4) reasons:

- i. that you were in the wrong Court—the Court that sentenced you did not have jurisdiction over your case;
- ii. that the judge imposed an illegal or improper sentence on you;
- iii. that the attorney who represented you was incompetent or ineffective and
- iv. that you did not know what you were doing when you plead guilty, that someone forced you to plead guilty, or that your guilty plea was not entered knowingly, intelligently, and voluntarily.

Do you understand that when you plead guilty you can only appeal to a higher Court for one or more of the four reasons listed above? _____

CONSEQUENCES OF PLEADING GUILTY

33. If, as part of your sentence, you are placed on probation or parole, you will have to obey certain rules and regulations as part of your probation/parole. If you violate these rules or regulations, the judge can order that you serve time in prison. Do you understand this? _____

If, as part of your sentence, you are directed to pay fines costs or restitution, the Probation Department may obtain a judgment against you for any amounts owed, and the failure to pay these amounts may subject you to either a violation of your probation or parole conditions or a contempt proceeding for your failure to pay. Do you understand this? _____

34. If you are currently on probation or parole, pleading guilty to these charges may constitute a violation of your probation/parole and may result in revocation of your probation/parole and time in prison. Do you understand this? _____

35. If you are not a United States citizen, pleading guilty to the crime(s) charged against you might affect your immigration status and might result in deportation. Do you understand this? _____

Initials: _____
Defendant Attorney

36. Based on the crime(s) you are convicted of, this guilty plea may adversely affect your current License to Carry a Firearm and/or prohibit you from obtaining a License to Carry a Firearm in the future? Do you understand this? _____

37. Do you currently have a License to Carry a Firearm as issued by any Sheriff in the state of Pennsylvania? _____ YES _____ NO. If yes, from what County Sheriff? _____

38. If you are pleading guilty to multiple charges and if a plea agreement does not specify whether the sentence on those charges are to run concurrently (at the same time) or consecutively (one after the other), any sentence imposed could run consecutively (one after the other). Do you understand this? _____

39. If there is a plea agreement in your case, the judge is not bound by the terms of that agreement unless the judge accepts it. Do you understand this? _____

40. If there is a plea agreement in your case and the judge refuses to accept it, you will be permitted to withdraw your guilty plea, a new judge will be assigned to your case and you will begin again with an untried Information against you. Do you understand this? _____

VOLUNTARY NATURE OF YOUR GUILTY PLEA

41. Has anyone forced you to enter this plea of guilty? _____

42. Have any threats been made to you to cause you to plead guilty? _____

43. In exchange for your plea of guilty, has anything been promised to you other than what is in the plea agreement? _____

44. Are you pleading guilty because you believe that doing so is in your best interest? _____

45. Have you had enough time to consult with your attorney about your case? _____

46. Are you satisfied with your attorney's representation of you? _____

47. Have you ever had a mental illness that would affect your ability to understand your rights or these proceedings, or that would affect your ability to act voluntarily in entering this plea? _____

48. Are you presently taking medication that might cause you to not understand your rights or these proceedings, or that might affect your ability to act voluntarily? _____

49. Are you presently under the influence of alcohol or controlled substance? _____

FACTS ON YOUR CASE AND GIVING UP DEFENSES

50. In order for you to plead guilty, there must be a factual basis for your plea. Do you understand this? _____ Do you acknowledge that there is a factual basis for your plea? _____

51. By pleading guilty to the offenses listed in question #5, you are admitting that you committed those offenses. Do you understand this? _____

52. By pleading guilty, you are giving up the right to defend your case. The Court may proceed to sentence you immediately or it may order that a pre-sentence report be prepared for sentencing at a later date. Do you understand this? _____

53. Do you have any questions of your attorney or the Court? _____

54. Are you entering this plea of guilty of your own free will? _____

Initials: _____
Defendant Attorney

I affirm that I have read the above document in its entirety and I understand its full meaning, and I am still nevertheless willing to enter a plea of guilty to the offenses specified. I further affirm that my signature and initials on each page of this document are true and correct, and are evidence of my voluntary desire to plead guilty at this time.

Date

Defendant

As attorney for the defendant, I hereby certify that I have advised my client of his rights and of the meaning of the questions contained in this form.

Date

Attorney for Defendant

Revised 9/14

I affirm that I have read the above document in its entirety and I understand its full meaning, and I am still nevertheless willing to enter a plea of guilty to the offenses specified. I further affirm that my signature and initials on each page of this document are true and correct, and are evidence of my voluntary desire to plead guilty at this time.

Date

Defendant

As attorney for the defendant, I hereby certify that I have advised my client of his rights and of meaning of the questions contained in this form.

Date

Attorney for Defendant

Revised 9/14

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: _____

Signature: _____

Name: _____

Attorney No. (if applicable): _____