

IN THE COURT OF COMMON PLEAS OF GREENE COUNTY, PENNSYLVANIA
IN THE CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA) NO. _____ Criminal Sessions, _____
VS.) Charge: _____
)
_____)
Defendant.)

BEFORE THE HONORABLE _____:

I, _____, being charged by information or indictment in this Court on the charge(s) of:

being represented by counsel _____, and having been informed of my several legal and constitutional rights, and being of normal understanding, do now, without any duress, promises, or coercion, having been exercised, acknowledge that I committed the act or acts charged, and enter a now plea of guilty to the charge(s). Having read, considered, and having had an opportunity to consult concerning them with counsel, do answer the following questions, being now in open Court:

1. Are you known by any other name or alias? _____
If so, state the other names or aliases. _____
2. What school or grade level did you attain? _____
3. What is your age? _____
4. Can you read and comprehend the English language? _____
5. Have you ever been a patient in a mental institution or have you ever been treated for a mental illness? _____
6. Are you now under treatment for a mental disease? _____
If so, explain the details. _____
7. If you are presently being treated for a mental illness do you still feel that you have sufficient mental capacity to understand these questions and answer them correctly? _____
8. Are you presently under the influence of drugs, alcohol or medication? _____
9. Do you understand that you are here today to enter a plea of guilty to some or all of the charges against you? _____
10. Do you understand the nature of the charges contained in the information/indictment? _____

11. Are you aware that the elements of the charge(s) are: _____
12. Do you admit to committing the crimes to which you are pleading guilty and to the legal elements explained to you making up those crimes? _____
13. Do you know that the maximum penalty for the charge is: _____
14. Do you know that you have an absolute right to a trial by jury, if you desire? _____
15. Do you understand that a plea of guilty is a waiver of the right of a jury trial, and stands the same as a verdict of guilty by a jury? _____
16. Do you understand that by law, you are presumed innocent until the Commonwealth proves your guilt beyond a reasonable doubt? _____
17. Do you understand that a reasonable doubt is an honest doubt arising from the evidence presented or from the lack of evidence, and it is the kind of doubt that would cause a reasonably prudent person to pause or hesitate before acting in a matter of the highest importance to himself? _____
18. Do you understand that the Commonwealth has the burden of proving you guilty beyond a reasonable doubt, which means you can remain silent and nothing can be held against you for refusing to testify in your own defense? _____
19. Do you understand, however, that in either a jury trial or a non-jury trial before a judge, you have the right, if you so desire, to testify and to have witnesses testify on your behalf, and you would have the right to present any relevant evidence which would tend or help to substantiate your innocence and to contradict the evidence and testimony presented by the prosecution and you would have the right either yourself or through your attorney to cross-examine or question any witnesses presented by the Commonwealth in order to test their credibility and accuracy of their testimony? _____
20. By pleading guilty, you are waiving that right of confrontation and cross-examination. _____
21. Do you understand that the Judge is not bound by any plea agreement between your counsel and the District Attorney unless and until it is accepted by him in formal manner in open court at the time of sentence? _____

22. Do you realize that by pleading guilty, you are giving up your right to present any pretrial motions for consideration to this or a higher court in the event those motions were denied? _____
23. Do you realize 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 the trial court, and that this could result in your being awarded a new trial, or discharged, and that by pleading guilty, you are giving up this right? _____
24. Do you realize that you could also challenge whether the Commonwealth had presented enough evidence to prove you guilty beyond a reasonable doubt? _____
25. State briefly what you did which caused the charge to be filed. _____
26. Do you understand that a plea of guilty admits that you did the act or acts upon which the charge is based? _____
27. Do you understand that you can be tried by the Judge without a jury, and the same presumption of innocence if applicable to you and your case? _____
28. Do you understand that in a trial with a jury or without a jury, you need not take the witness stand, nor present any witnesses, and the Commonwealth must prove your guilty beyond a reasonable doubt, and that a plea waives a trial of either kind? _____
29. Do you understand that the right to trial by jury means that you can participate in the selection of a jury with your attorney; that the jury is randomly selected from the voter registration list of Greene County; and that the jury has to agree unanimously on your guilt before you can be convicted of the crimes with which you are charged? _____
30. Do you understand that both the defense and the prosecution would have the right to “challenge” members of the jury panel and that this means you and the prosecution would have the right to keep certain persons on the jury panel from being a member of the jury in your case? _____
31. Do you understand that both the defense and the prosecution would have as many challenges “for cause” as the court would approve? “For cause” means a good reason why the challenged person could not be an impartial juror in your case? _____

32. Do you understand that both you and the prosecution would each also have a number of “peremptory challenges”? A “peremptory challenge” is one in which no reason has to be given to prevent a prospective juror from being a member of your jury. If you are charged with felonies, both you and the prosecution each have seven “peremptory challenges.” If you are charged with misdemeanors, both you and the prosecution each have five “peremptory challenges.” _____

33. Do you understand that when this plea is accepted by the Court, you will be then sentenced? _____

34. After you enter your guilty plea and it is accepted by the Court, you still have a right to appeal your conviction. This appeal for a guilty plea is limited, however, to four grounds. They are: that your guilty plea was not knowing, intelligent, and voluntary; 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 Greene County); that the Court’s sentence is beyond the maximum penalty authorized by law; and that your attorney was in competent in representing you and advising you to enter a plea of guilty. Do you understand these four areas of appeal and what they mean? _____

35. In order to appeal your conviction by a plea of guilty, you must within 10 days file a written motion to withdraw your guilty plea and state any of the four above grounds as the basis for your petition to withdraw your guilty plea. This must be done within 10 days from the date you are sentenced. If you cannot afford a lawyer to represent you, or you are contending that your attorney who represented you at your guilty plea was incompetent, you have the right to have other counsel appointed for you to raise those four claims. If your petition to withdraw your guilty plea is denied, you then have 30 days after your guilty plea is denied, you give up your right to ever complain again of any of those four areas, including in competent counsel. Do you understand the meaning of the various appeal rights that have been explained to you? _____

36. 36. Do you understand that you have the right to the assistance of counsel in the process of taking an appeal? _____

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

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

39. Have any threats been made to you to enter a plea of guilty? _____
40. 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? _____
41. Is your plea now made voluntarily, knowingly, and without any promises or threats? _____
42. Are you satisfied with the services of your counsel as being effective? _____
43. Have you had ample opportunity to consult with your attorney before reading this document and entering your plea of guilty? _____
44. Has your attorney gone over with you the meaning of the terms in this document? _____
45. 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 attorney for the Commonwealth summarize the facts against you? _____
46. Do you understand that if your plea is accepted by this Honorable Court, you would 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. Since this is a plea agreement, are you willing to waive the preparation of the pre-sentence report? _____
47. Are you presently on probation or parole? _____
48. If you are on probation or parole, do you realize that your plea of guilty will mean a violation of that probation and parole and you can be sentenced to prison as a result of that violation caused by your guilty plea today? _____
49. Do you understand that the decision to enter 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? _____

I, the undersigned, have read and understand that foregoing questions, and have answered the same knowingly and with advice and assistance of counsel, and acknowledge the answers therein to be my own in careful response to each, and enter my plea of guilty accordingly, this _____ day of _____, 20 ____.

WITNESS

Defendant

Counsel for Defendant

District Attorney

APPENDIX (A) TO GUILTY PLEA COLLOQUY

(Use as an aid to Question No. 11)

The following are the elements of each listed crime:

1. BURGLARY:
 1. You unlawfully entered a building or an occupied structure;
 2. You intended to commit a crime therein;
 3. You had no right to be therein and it was not abandoned.

2. THEFT BY RECEIVING:
 1. You received, retained, or disposed of movable, stolen property of another;
 2. You did so intentionally;
 3. You knew it was stolen or probably was.

3. THEFT BY TAKING:
 1. You unlawfully took, transferred, or controlled movable property of another;
 2. You did so intending to deprive the owner of it, or to benefit yourself or another.

4. CRIMINAL TRESPASS:
 1. You unlawfully entered a building or an occupied structure;
 2. You had no permission or license to do so;
 3. It was not open to the public at the time;
 4. You had no reason to believe you had permission.

5. RAPE:
 1. You had sexual intercourse with another, not your spouse;
 2. It was accomplished by forcible compulsion, or threat of compulsion, preventing resistance by a person of reasonable resolution, or that the other person was unconscious or mentally deficient, and incapable of consent.

6. INVOLUNTARY MANSLAUGHTER:
 1. You unintentionally caused the death of another;
 2. Your act was either a lawful one or unlawful one done in a reckless or grossly negligent manner;
 3. The victim's conduct did not in any way diminish your responsibility for the death.

7. CORRUPTING THE MORALS OF A MINOR:
 1. You committed an act or acts which corrupted or tended to corrupt the morals of a minor, or;
 2. You aided, abetted, enticed, or encouraged a minor to commit a crime or violate their parole, or an order of court;
 3. That the minor was under eighteen (18).

8. DRIVING WHILE INTOXICATED:
 1. You unlawfully drove, operated, or were in actual physical control of a vehicle while under the influence of alcohol or drugs to a degree which made you an unsafe driver; or while your blood alcohol content exceeded an amount allowable by law; or while your blood contained any amount or metabolite of certain unprescribed controlled substances.

9. RECKLESSLY ENDANGERING:

You unlawfully engaged in conduct which placed or might reasonably have placed another in danger of death or serious bodily harm.

APPENDIX (B) TO GUILTY PLEA COLLOQUY

(Use as an aid to Question No. 13)

The maximum sentence for each crime is:

1. BURGLARY:

First Degree Felony. Imprisonment up to twenty (20) years, and a fine of up to \$25,000.00.

2 & 3. THEFT BY RECEIVING AND BY TAKING:

If value of property is over \$2,000.00, or property stolen is motor vehicle, firearm, airplane, motorboat it is a Felony of the Third Degree. Imprisonment up to seven (7) years, and fine up to \$15,000.00.

If value of property is under \$200.00 and more than \$50.00 it is a misdemeanor of Second Degree. Imprisonment up to two (2) years, and fine up to \$5,000.00.

If value is under \$50.00, it is a misdemeanor of Third Degree. Imprisonment up to one (1) year, and fine up to \$2,500.00.

All other is misdemeanor of First Degree. Imprisonment up to five (5) years, and fine up to \$10,000.00.

4. CRIMINAL TRESPASS:

Felony of the Second Degree. Imprisonment up to ten (10) years and fine up to \$25,000.00.

5. RAPE:

Felony of the First Degree. Imprisonment up to twenty (20) years, and fine up to \$25,000.00.

6. INVOLUNTARY MANSLAUGHTER:

Misdemeanor of First Degree. Imprisonment up to five (5) years, and fine up to \$10,000.00, except it is a Felony of the Second Degree, with imprisonment up to ten (10) years and fine up to \$25,000.00 when the victim was under 12 years of age and defendant had care, custody and control of the decedent.

7. CORRUPTING THE MORALS OF A MINOR:

Misdemeanor of First Degree. Imprisonment up to five (5) years, and fine up to \$10,000.00.

8. DRIVING WHILE INTOXICATED:

Classification of offense ranges from an Ungraded Misdemeanor, with sentence of up to 6 months probation and a fine of up to \$300, to a Misdemeanor of the First Degree, with Imprisonment up to five (5) years, and fine up to \$10,000.

9. RECKLESSLY ENDANGERING:

Misdemeanor of Second Degree. Imprisonment up to two (2) years, and fine up to \$5,000.00.