

GR-102-Guilty Plea

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

COMMONWEALTH OF PENNSYLVANIA)

vs.)

_____,)

Defendant)

NO. ____ Criminal Sessions, 20__

Charge: _____

BEFORE THE HONORABLE JUDGE OF SAID COURT:

I, _____, being under 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 now a 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, by whom? _____
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 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 the 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 guilt 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 that 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. The 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 incompetent 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 to file an appeal from that denial with the Superior Court of Pennsylvania. IF you do not file your petition within 10 days of your sentence or do not file a Notice of Appeal to the Superior Court within 30 days after your guilty plea is denied, you give up your right to ever complain again of any of those four areas, including incompetent counsel. Do you understand the meaning of the various appeal rights that have been explained to you?

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 lea bargain, 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 lea 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 the 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's Counsel

Defendant

WITNESS

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 an 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 operated a vehicle on a public highway under the influence of alcohol or drugs, to a degree which made you an unsafe driver.

9. RECKLESSLY ENDANGERING

1. 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, motor boat, if it is a Felony of 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 the First Degree. Imprisonment up to five (5) years, and fine up to \$10,000.00.

7. CORRUPTING THE MORALS OF A MINOR

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

8. DRIVING WHILE INTOXICATED

Misdemeanor of the Second Degree. Imprisonment up to two (2) years, and fine up to \$2,500.00

9. RECKLESSLY ENDANGERING

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