

CC/Probation Plea Colloquy

Swear in/Full Name/DOB

How far did you get in school?

Any history of mental illness?

Are you currently under the influence of any drugs, alcohol or medication?

You are charged w/ Violating your CC/Probation in Case #: _____.

State: If I find the Defendant violated his/her Probation, what sentence can I impose?

I understand you wish to Admit to the Violation in exchange for: **PLEA TERMS**

Is this correct?

Has anyone, including your attorney, promised you anything different if you admitted to the violation?

Has anyone promised you the exact amount of days you will serve in jail, other than to say it will not exceed the sentence I will impose?

NB: Exception for Revoking CC/Probation after Split Sentences (forfeiture of gain time).

Has anyone forced or threatened you to make this admission?

Waiver: You have a number of constitutional rights under the US Constitution. I need to make sure you understand them, and understand you are giving them up. You have the Right:

- * to continue pleading NG and have a VCCH/PVH
- * to be represented by atty at all stages of the proceedings
- * to appeal any mistakes I make during the hearing

Do you understand all of these rights?

Do you understand that by admitting the violation you give up these rights and I will not hold a hearing?

If Placing Back on Probation: Do you understand that you are being placed back on probation and if you violate any of the terms and conditions of your probation, which includes violating any laws, you could be sentenced up to the maximum period of time in jail allowable under each offense charged?

If imposing jail/prison sentence: Do you understand that this admission will subject you to involuntary civil commitment as a sexually violent predator upon completion of your sentence if the offense to which you are pleading is a sexually violent or motivated offense, or if you've been previously convicted of such an offense.

Waiver

Do you still wish to admit to the violation?

Are you admitting the violation because you did violate your probation (or because you believe it is in your best interest)?

Attorney:

- * Discussed admission with your atty?
- * Answered all your questions? #
- * Do you need more time to talk to your lawyer about this admission.
- * Are there any witnesses you would like your attorney to find or speak to, or documents you want your attorney to review before you make this admission.
- * Are you satisfied with your atty's services and advice?

DNA: Does the State, Defense Counsel or the Defendant know of any physical evidence containing DNA that could exonerate the Defendant?

Factual Basis: Do the State and the Defense Counsel stipulate there's factual basis for the Admission?

Findings: I have independently reviewed the affidavit and I find that:

- *there is factual basis for this admission.
- *you have entered this admission and waived your rights knowingly, voluntarily and intelligently.
- *you understand the nature of the charges against you and the consequences of this admission.
- *you have been represented by competent and effective assistance of counsel with whom you say you are satisfied.

Acceptance of Plea:

- * I therefore accept your admission
- * Find you guilty of violating your CC/probation
- ***IMPOSE SENTENCE***
- * Assess all court costs and impose all statutory & mandatory fines/surcharges