

Plea Colloquy (Circuit)

Swear in

What is your full name?

What is your date of birth?

What's the last grade you finished in school?

Have you ever been diagnosed with a mental illness?

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

Do you understand you are charged with \_\_\_\_\_, which is punishable by up to \_\_\_\_\_? And has a minimum/mandatory sentence of \_\_\_\_\_?

State: What does s/he score?

I understand you wish to plead guilty in exchange for a sentence of: **PLEA TERMS**

Is this correct?

Has anyone, including your attorney, promised you anything different than what I just said?

Has anyone promised you the exact date when you will be released from jail or prison? Do you understand that no one can promise you that you will be released from jail or prison early?

Has anyone forced or threatened you to accept this offer?

Do you understand that if you are not a U.S. Citizen, the entry of your plea **will** subject you to deportation?

**IF YOU HAVE ANY REASON TO BELIEVE DEFENDANT IS NOT US CITIZEN:**

Have you discussed the deportation consequences of this plea with your lawyer?

Do you need additional time to consult with an immigration lawyer about the deportation consequences of this plea?

Has anyone promised you that you will not be deported as a result of this plea?

Would you enter this plea even if it means that tomorrow morning you will be deported as a result of pleading guilty in this case?

Waiver: You have a number of constitutional rights under the US Constitution, including the Right:

- \* to continue pleading NG and go to trial
- \* to be represented by atty at all stages of the proceedings
- \* to confront and CX all witnesses against you
- \* to compel the attendance of witnesses on your behalf
- \* to not testify, and to have me tell the jury that they cannot hold it against you
- \* to have the State prove its case beyond and to the exclusion of every reasonable doubt, AND
- \* to appeal any mistakes which take place during the trial, and the jury's verdict if you're found guilty.

Do you understand all of these rights?

Do you have any questions about any of them?

Do you understand that by pleading guilty you are giving up these rights and you will not go to trial?

Do you understand that this plea may subject you to

- \* enhanced penalties if you are convicted of any future criminal offenses

\* **If Sentencing to any Jail Time:** 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.

\* **DL suspension** [if pleading to grand theft auto or any drug possession case] This plea subjects you to a mandatory driver's license suspension or revocation.

\* **If Placing on Probation:** You will be on probation for \_\_\_ years. If you violate the terms & conditions of your probation, including by committing any new crimes, you could be sentenced up to \_\_\_ years in prison?

Do you still wish to plead guilty? Are you pleading guilty because you are guilty?

**Attorney:**

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

**DNA:** Has Defense Counsel reviewed all discovery disclosed by the State with the Defendant?

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

**PSI:** Does Defense Counsel waive PSI?

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

**Findings:** I have reviewed the arrest affidavit and I find that:

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

**Acceptance of Plea/Sentence:**

- \* I therefore accept your plea of guilty (or no contest)
  - \* Find you guilty
  - \* Adjudicate you guilty (or Withhold Adj.)
- \*\*\*IMPOSE SENTENCE\*\*\***
- \* Assess all court costs and impose all statutory & mandatory fines/surcharges
  - \* Order fingerprints to be taken
  - \* Is there DNA on file (not needed if booked in 2019 or later)?