

b. I have a right to have these charges tried before a jury of twelve individuals who are indiscriminately selected from people of Westmoreland County who are my peers.

c. If these charges are tried before a jury, I understand that I would have the following rights relative to the jury trial:

1. To find me guilty, all twelve of the jurors must unanimously agree that I have been proven guilty beyond a reasonable doubt.
2. I, with the assistance of my attorney, would have the right to participate in the selection of the jury from people who are my peers.
3. I could exclude from the jury all persons who I could demonstrate through questioning were prejudiced or biased regarding the case or for some reason would deny me a fair trial. I could also exclude up to _____ (5 for misdemeanors, 7 for felonies) jurors without giving any reason.

I I understand the Commonwealth has the same right to challenges as do.

d. I have the right to request that these charges be tried before a judge without a jury in which case the judge would act as the judge and jury; and the judge himself would decide whether I have been proven guilty. I also understand that the judge in such trials would be bound by the same law and rules of evidence as would apply in a jury trial.

e. In a trial before a jury or before a judge without a jury, I have the following rights:

1. I have the right to confront my accusers which means that I have the right to see, hear and face in open court all witnesses called to testify against me and I would have the right to cross examine all the Commonwealth's witnesses.
2. I have the right to use the power and process of the court to compel the production of evidence, including the attendance of witnesses in my favor. But I have no duty to call witnesses or present any evidence on my own behalf.
3. I have the right to have the assistance of a lawyer at all stages of these criminal proceedings and in the event I could not afford to pay for a lawyer, a lawyer would be appointed by the court to represent me free of charge. I am satisfied with the advise and representation of my counsel.
4. I have the right against self-incrimination, which means that I could not be compelled to testify against myself. I would have the right to testify; however only if I voluntarily decide to do so. If I do not take the witness stand and testify, the jury will be told that this may not be held against me. I understand that by pleading guilty I am incriminating myself and I am admitting that I have done what I am charged with in the District Attorney's Information which I have read with my attorney.

f. I understand I have the right to a speedy public trial. My lawyer has explained to me my rights under Rule 1100 of the Pa. Rules of Criminal Procedures.

5. I understand that by pleading GUILTY, I am waiving all of the above rights.

6. I also understand that if I plead GUILTY, to the charges, the court may impose the same punishment as if I had pled NOT GUILTY, stood trial and been found guilty.

7. I know that if I plead GUILTY to these charges, the maximum possible sentences are as follows:

a. _____

b.

c.

I have been advised that the Pennsylvania Sentencing Guidelines require the judge to consider certain ranges of sentences relative to the crimes to which I am pleading Guilty. These Guidelines take into consideration the seriousness of the crimes and any prior criminal record.

My lawyer has _____ (has not _____) reviewed with me my prior record score, the offense gravity score, and the possible ranges of sentences applicable to each crime with which I am charged.

8. I understand that the sentence is to be decided by the court. I also understand that the court is not bound by any agreement I or my attorney may have with the district attorney's office, however, it is my understanding that I and my attorney and the district attorney's office have arrived at a pleas bargaining agreement, which is as follows:

It is also my understanding that if the court does not agree to this sentence as set forth above in the plea bargaining agreement, I will have the opportunity to withdraw my plea of "Guilty" and reinstate my plea of NOT GUILTY.

I understand that I have the right to a pre-sentence investigation which would include information regarding the circumstances of the offense and my character and I waive my right to any pre-sentence investigation.

9. I have been convicted of the following crimes:

<u>CRIME</u>	<u>DATE</u>	<u>COUNTY OR STATE</u>	<u>SENTENCE OR DISPOSITION</u>
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10. I am _____(am not_____) presently on probation or parole. I understand that by pleading GUILTY in this case may cause revocation of my probation or parole, and that this could result in an additional sentence for violation of my probation or parole. I further understand that if my parole or probation is revoked, any sentence resulting may be consecutive to, or in addition to, any sentence in the case.

11. a. I am _____ years of age;

b. My _____ address
is _____

c. I have attended the following schools:

SCHOOL	GRADE COMPLETED
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I can _____ (cannot _____) read, write and understand the English language.

d. I have _____ (have not _____) been treated for any mental or emotional illness. If you have been so treated, list places, dates, discharge or other disposition.

12. My physical and mental health is presently satisfactory, except as follows:

I do _____ (do not _____) have sufficient mental capacity to understand these questions and answer them correctly.

13. At this time, I am not under the influence of any medications, drugs or intoxicants, except as follows:

Any medication I am taking does _____ (does not _____) interfere with my ability to understand that I am here today for the purpose of entering my plea of guilty.

14. No promises other than set forth in Paragraph 8 have been given or made upon me for the purpose of causing me to plead GUILTY. No threats have been made against me for the purpose of causing me to plead guilty.

15. By pleading guilty I am admitting that I did those things with which I am charged in the district attorney's information which I read with my attorney.

16. I stipulate that the facts as they are set forth in the District Attorney's Information form a factual basis for my plea and the District Attorney need not call any witnesses.

17. I am pleading guilty for the following reasons:

18. I understand that my attorney has filed the following pretrial motions on my behalf:

- a.
- b.
- c.

19. I understand that by entering a plea of guilty I will be waiving or withdrawing these pretrial motions and that I will not be able to appeal the court's rulings on any motions that have already been denied.

20. I understand that at anytime before sentence, the court in its discretion, may permit me to withdraw my plea of guilty.

21. I understand I have the right to file a Post-Sentence Motion within ten (10) days from today. This Motion must be a single written motion which states with specificity and particularity all requests for relief. I may choose to raise some but not all issues in the Post-Sentence Motion, but the time limit for the filing of an Appeal on all issues is triggered by the Court's decision on the Post-Sentence Motion or its denial by operation of law. This Motion may include a Motion challenging the validity of my plea of guilty or nolo contendere or the denial of any prior Motion to withdraw a plea of guilty or nolo contendere, a Motion to Modify Sentence, a Motion challenging the legality of my sentence, a Motion challenging the jurisdiction of this Court.

22. I understand I could file a Supplemental Post-Sentence Motion so long as the Court's decision of this Supplemental Motion can be made within 120 days of the date of my sentence.

23. This Court will decide any Motion I may file within 120 days of the date I have filed the original Motion. In the event that this Court fails to decide my Motion within 120 days or to grant an extension, my Motion shall be deemed to have been denied. I would have 30 days from the denial of my Motion to appeal to the Superior or Supreme Court of Pennsylvania.

24. I understand that it is not necessary for me to file a Post-Sentence Motion in order for any issues to be preserved for appeal to the Superior Court. Therefore, I may elect not to file a Post-Sentence Motion with this Court but rather appeal directly to Superior Court. If I choose to file an appeal directly to the Superior Court, my Appeal to the Superior Court is to be filed within 30 days from today.

25. I understand I have the right to assistance of counsel in the preparation of any Post-Sentence Motion or of any Appeal to the Superior Court. If I cannot afford counsel, counsel will be appointed to represent me free of charge.

26. I OFFER MY PLEA OF GUILTY FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND FREE WILL AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE DISTRICT ATTORNEY'S INFORMATION AND IN THIS PETITION AND IN THE CERTIFICATE OF MY LAWYER WHICH FOLLOWS:

I REQUEST TO ENTER MY PLEA OF GUILTY.

Signed by me in the presence of my attorney this _____ day of

_____.

(DEFENDANT)

(Attorney)

CERTIFICATE OF COUNSEL

The undersigned, as lawyer and counselor for the above defendant hereby certifies:

1. I have read and fully explained to the defendant the allegations contained in the district attorney's information in this case.

2. To the best of my knowledge and belief the statements, representations and declarations made by the defendant in the foregoing petition are in all respects accurate and true.

3. I have explained the maximum penalty for each count to the defendant, and consider him competent to understand the charges against him and the effect of his petition to enter a plea of GUILTY.

4. The plea of GUILTY offered by the defendant in the petition to enter plea of guilty accords with my understanding of the facts he related to me and is consistent with my advise to the defendant.

5. In my opinion the plea of GUILTY as offered by the defendant in the petition to enter plea of guilty is voluntarily and understandingly made. I recommend that the court accept the plea of GUILTY.

6. Having discussed this matter carefully with the defendant, I am satisfied, and I hereby certify, in my opinion, that he is mentally and physically competent; there is no mental or physical condition which would affect his understanding of these proceedings; further, I state that I have no reason to believe that he is presently operating under the influence of drugs or intoxicants. (Any exceptions to this should be stated by counsel on the record.)

Signed by me in the presence of the defendant above named and after full discussion of the contents of this certificate with the defendant, this _____day of _____.

Attorney for the Defendant

CERTIFICATE OF DISTRICT ATTORNEY

I have advised the prosecutor and victim of the terms of this plea and I certify that they are in agreement with the same.

District Attorney

