

**PLEA OF GUILTY TO A FELONY PURSUANT TO NORTH CAROLINA V. ALFORD, 400 U.S. 25 (1970)**

- (1) My name is \_\_\_\_\_ . My date of birth is \_\_\_\_\_ .  
I am \_\_\_\_\_ years old.
- (2) I am represented by Counsel whose name is \_\_\_\_\_ and I am entirely satisfied with the services of my attorney.
- (3) I have received a copy of the warrant or indictment before being called upon to plead and have read and discussed it with my attorney. I fully understand the charge against me. I am the person named in the indictment. I have discussed the charge and its elements with my lawyer and I understand what the Commonwealth must prove before I may be found guilty. I have had enough time to discuss with my lawyer any possible defenses that I may have had to this charge.
- (4) I have discussed with my lawyer whether I should plead guilty or not guilty. After that discussion, I decided for myself that I should plead guilty. I am entering the plea of guilty freely and voluntarily. I am entering this plea of guilty pursuant to North Carolina v. Alford, 400 U.S. 25 (1970) because while I do not admit that I committed the crime charged, I understand that evidence against me is sufficient for a conviction and it is in my interest not to go to trial.
- (5) My attorney has advised me that the punishment which the law provides is as follows: A maximum of \_\_\_\_\_ year(s) imprisonment and a minimum of \_\_\_\_\_ years(s) imprisonment, or in the discretion of the Jury or the Judge sitting without a jury, up to \_\_\_\_\_ months in jail and a fine of not more that \_\_\_\_\_ or both, and also that probation may or may not be granted; and that if I plead guilty to more than one offense, the Court may order the sentences to be served consecutively, that is, one after another. I understand that there is a mandatory punishment of \_\_\_\_\_ for this crime.
- (5a) I understand that if the court sentences me to a term of incarceration, it may impose an additional term of not less than six months nor more than three years, all of which shall be suspended, conditional upon successful completion of a period of post release supervision.
- (6) I understand that by pleading guilty, I am waiving the following rights at trial: (a) the right to a trial by jury; (b) the right not to incriminate myself; (c) the right to confront and cross-examine all witnesses against me; and (d) the right to defend myself including the right to use the power of the court to obtain evidence and the attendance of witnesses on my behalf.
- (7) I understand that by pleading guilty I may waive my right to an appeal and that the only issue to be decided by the Court is punishment.
- (8) The following plea agreement is the full and complete agreement between me, my attorney, and the Commonwealth's Attorney:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (9) No one connected with my arrest and prosecution, such as the police, Commonwealth's Attorney, Sheriff, or any other person, has threatened me or forced me to plead guilty or made any promises concerning my plea of guilty, other than stated in paragraph 8.
- (10) I understand that the Court may accept or reject the agreement, and may defer its decision as to the acceptance or rejection until there has been an opportunity to consider the pre-sentence report and other evidence.
- (11) I understand that if I am not a United States citizen, a plea of guilty may result in deportation, the exclusion from admission to this country, the denial of naturalization under federal law, or adverse immigration consequences.

(12) After having discussed the matter with my attorney, I do freely and voluntarily enter this plea of guilty pursuant to North Carolina v. Alford to the offense of \_\_\_\_\_, Criminal No. \_\_\_\_\_, and waive my right to trial by jury and request the Court to hear all matters of law and fact.

(13) I do not have any questions to ask the Court before the Court decides to accept my plea of guilty pursuant to North Carolina v. Alford.

Read and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Defendant

CERTIFICATE OF DEFENDANT'S COUNSEL

The undersigned attorney for the above-named Defendant, after having made a thorough investigation of the law and the facts relating to this case, do certify that I have explained to the Defendant the charges in this case and that the Defendant's plea of guilty is voluntarily and understandingly made.

\_\_\_\_\_  
Attorney for Defendant

CERTIFICATE OF COMMONWEALTH'S ATTORNEY

The above accords with my understanding of the facts in this case.

\_\_\_\_\_  
Attorney for the Commonwealth

The Court finds that the evidence against the Defendant is overwhelming and substantially negates any claim of innocence. The Court being of the opinion that the plea of guilty and waiver of jury trial are voluntarily made with an understanding of the nature of the charges and the consequences of said plea of guilty and waiver, does accept the plea and waiver.

Filed and made a part of the record this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE