

PLEA OF GUILTY OR NOLO CONTENDERE TO A MISDEMEANOR

- (1) My name is _____. My date of birth is _____.
I am _____ years old.
- (2) I fully understand the charge against me.
- (3) I am represented by Counsel whose name is _____ and I am entirely satisfied with his/her services as my attorney.
- (3a) If I am unrepresented by a lawyer, I understand that I have the right to be represented by a lawyer. I further understand that if I do not have the financial ability to hire a lawyer, that I can request to be interviewed to determine if I qualify for a court-appointed attorney to represent me, and if I qualify, the Court will appoint an attorney to represent me. I do not want to be represented by an attorney and I do not want to be interviewed to see if I qualify for court-appointed counsel. It is my desire to give up my right to counsel and to proceed today without an attorney.
- (3b) I understand that I have the right to plead not guilty and the right to have my case heard by a jury. I do not want my case to be heard by a jury and I wish to proceed to have my case heard today by a judge without a jury.
- (4) I have received a copy of the summons, warrant, or indictment before being called upon to plead. I fully understand the charge against me in this case. I am the person named in the summons, warrant, or indictment.
- (5) I understand that the maximum punishment which the law provides is: _____ months in jail and a fine of \$_____. I understand that there is a mandatory jail sentence of _____ for this crime plus Court costs and all restitution ordered by the Court. I understand 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, for a maximum punishment of _____ month(s) in jail.
- (6) I understand that by pleading guilty or nolo contendere I am waiving: (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 or nolo contendere I may waive my right to an appeal and that I am giving up my right to a trial 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 if I have one, and the Commonwealth's Attorney:

- (9) No one connected with my arrest and prosecution, such as the police, Commonwealth's Attorney, or any other person, has threatened me or forced me to plead guilty or nolo contendere or made any promises concerning my plea of guilty or nolo contendere, 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 a pre-sentence report and other evidence.
- (11) I understand that if I am not a United States citizen, a plea of guilty or nolo contendere may result in deportation, the exclusion from admission to this country, the denial of naturalization under federal law, or adverse immigration consequences.
- (12) I do freely and voluntarily plead guilty or nolo contendere to the misdemeanor 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 or nolo contendere.

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 or nolo contendere 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 being of the opinion that the plea of guilty or nolo contendere 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 or nolo contendere and waiver, does accept the plea and waiver.

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

JUDGE