

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
 : OF BERKS COUNTY, PENNSYLVANIA
 :
 VS. : CRIMINAL DIVISION
 :
 Defendant : Docket No. _____

STATEMENT ACCOMPANYING DEFENDANT'S REQUEST TO ENTER A GUILTY PLEA

THE DEFENDANT DESIRES TO PLEAD GUILTY TO THE FOLLOWING OFFENSES:

COUNT	OFFENSE	MAXIMUM PERMISSABLE SENTENCE	PLEA/CHARGE AGREEMENT/OPEN PLEA

1. My full legal name is _____
2. I have used the following other names or aliases in my life _____
3. I am _____ years of age. My date of birth is _____.
 The highest educational grade or level I completed is _____

Defendant's signature: _____

4. I am am not a citizen of the United States. If I am not a citizen of the United States, I understand that by pleading guilty, I will be subject to immigration review which will result in my deportation. I further understand that by pleading guilty I am giving up my right to challenge my plea, either on direct or collateral appeal, based on any possible immigration consequences. This paragraph is consistent with the advice I received from my lawyer.
5. I am am not currently on probation or parole. If I am on probation or parole, I understand that by pleading guilty, I may face further penalties as a probation or parole violator, including incarceration, that are separate from any sentence imposed as a result of this/these guilty plea(s).
6. I read, write, speak and understand the following language _____
7. I have have not consumed alcohol, medication, or illegal drugs in the last 48 hours. Explain all consumption: _____
8. I do do not currently suffer from mental illness. Explain any current illness: _____
9. I have have not previously suffered from, or been treated for mental illness. Explain all previous illness and treatment: _____
10. I understand that I am presumed to be innocent, unless and until the Commonwealth proves that I am guilty of the offenses with which I am charged, beyond a reasonable doubt.
11. I understand I have the right to a jury trial in this case. The jury would consist of 12 principal jurors and may include alternates. Before the jury could reach a verdict, all 12 jurors would have to unanimously agree on whether I am guilty or not guilty.
12. I understand that by pleading guilty I am giving up my right to go to trial, including my right to request a trial before a Judge and not a jury.
13. I understand that by pleading guilty I am giving up my right to file pre-trial motions, including but not limited to a motion for a *writ of habeas corpus* to dismiss the charges, and a motion for suppression of evidence.
14. I understand the nature of the charges to which I am pleading guilty.

Defendant's signature: _____

15. No one has forced me to plead guilty or threatened me to do so. I am pleading guilty of my own free will to the offenses listed on page one because I committed them.

16. The factual basis for my guilty plea(s) is as follows: _____

17. I understand that the Judge does not have to follow the plea agreement listed on page one (if any), but if the Judge does not follow it, I can withdraw my guilty plea and go to trial.

18. I understand the maximum permissible sentence for each of the charges against me, and I understand that if this is an open plea or a charge agreement, the Judge may sentence me to the maximum sentence allowed by law, and may impose the sentence for each count which I am pleading guilty consecutively, for a total possible sentence of: _____

19. I understand that even after I plead guilty and I am sentence, I still have the following limited Rights:

- a. The right to file a motion asking the Court to modify the sentence imposed;
- b. The right to challenge the validity of my guilty plea;
- c. The right to challenge the Court's jurisdiction over me;
- d. The right to challenge any illegal sentence imposed by the Court;
- e. The right to assert that my attorney was not effective in representing me, and that his/her ineffectiveness cause me to enter an involuntary or unknowing guilty plea.

20. I am satisfied with the services of my attorney.

21. I understand that if I plead guilty to a crime of Domestic Violence, I must surrender all firearms that I own to the police department that filed my charges or to a licensed dealer within 24 hours of my conviction. Attached is a complete list of all my firearms.

22. I understand that by pleading guilty to a crime that is punishable by more than 1 year, I cannot possess any firearm.

23. If an applicable case, I understand that a DNA sample shall be taken from me.

24. If applicable I waive my presence in open Court and Consent to proceeding via Use of Two Way Simultaneous Video Communication pursuant to Pennsylvania Rule of Criminal Procedure 119 and 312.

Defendant's signature: _____

I understand my rights contained in this statement. The answers contained here are my answers, and they are true. I desire to plead guilty of my own free will, because I committed the offenses listed. This statement contains the entire agreement between myself and the Commonwealth of Pennsylvania, and I understand that I am bound by the statements which I have made here.

Date

Defendant

I have explained the defendant's rights as contained in this statement to him/her. I certify to the Court, that to the best of my knowledge and belief, the defendant understands his/her rights, and has made an intelligent, knowing and voluntary decision to plead guilty.

Date

Attorney for Defendant

The plea agreement or charge agreement contained on page one was offered by me and it is my recommendation on behalf of the Commonwealth of Pennsylvania that the Court follow the plea/charge agreement.

Date

Attorney for the Commonwealth of Pennsylvania

I have made a true and correct interpretation from English to _____, to the defendant of his/her rights contained in this statement, and the answers contained herein are his/her answers.

Date

Interpreter

WHEN SENTENCING IS TO BE DEFERRED

Pages 1-4 of this guilty plea statement set forth the plea agreement between the Defendant and the Commonwealth. The defendant, by entering into this plea agreement, agrees that he/she **MAY**

NOT withdraw this plea of guilty, unless the sentencing Court does not accept this plea agreement. The defendant understands that the sentence imposed will be as set forth within the guilty plea statement, unless the sentencing Court does not accept this plea agreement.

Defendant

Date

Attorney for Defendant

Date

Assistant District Attorney

Date