

**IN THE COURT OF COMMON PLEAS
OF SUSQUEHANNA COUNTY, PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA, :

VS. : FILE NO. _____

:

GUILTY PLEA COLLOQUY

TO THE DEFENDANT: PLACE YOUR INITIALS AT THE END OF THE NUMBERED PARAGRAPHS ON THE LINES TO INDICATE YOUR UNDERSTANDING OF WHAT YOU ARE READING. DO NOT INITIAL ANYTHING THAT IS INCORRECT OR THAT YOU DO NOT UNDERSTAND AND CONSULT YOUR ATTORNEY IMMEDIATELY.

TO DEFENSE COUNSEL: IT IS YOUR RESPONSIBILITY TO SEE THAT THIS FORM IS PROPERLY PREPARED FOR YOUR CLIENT'S COMPLETION.

1. My name is _____ and I am _____ years old today. _____
2. I have completed _____ years of school. _____
3. I can understand, read and write the English Language. _____
4. I am not now, and have not been, within the past twenty four (24) hours, under the influence of any drugs, alcohol, or medication, except that I have drank alcohol, or taken drugs or medication as follows: _____

5. I have never been treated for mental illness, except as follows: _____

6. I understand that I have a right to go to trial on all of the charges brought against me by the Commonwealth. _____

7. I understand that I am presumed to be innocent and that it is the Commonwealth's burden to prove me guilty beyond a reasonable doubt of all of the elements of any charge or charges before I would be found guilty of that charge or charges. _____

8. I understand that I have a privilege against self-incrimination guaranteed by the Pennsylvania and United States Constitutions, that I do not have to offer any evidence against myself, that I do not have to assist in seeking my own conviction and that I do not have to testify against myself. _____

9. I understand that I do have a right to testify, to present evidence on my own behalf, including offering material witnesses and alibi witnesses, as long as timely and proper notice of the alibi is given to the Commonwealth, and I may also present witnesses as to my good reputation in the community. _____

10. I understand that a reasonable doubt is the kind of doubt that would cause an ordinary sensible, cautious person to pause or hesitate in a matter of highest importance or interest to himself or herself. I understand that the burden is upon the Commonwealth to prove me guilty beyond a reasonable doubt. _____

11. I understand that the Commonwealth must, at a trial present the prosecution witnesses and evidence. I, through my lawyer, would have the right to cross-examine any prosecution witnesses and ask them questions about their testimony. I would also have the right to make timely objections to the testimony or evidence before it goes on the record. _____.

12. I understand that in pleading guilty there will be just a summarization of the facts in my case; no witnesses will be offered. _____

13. I understand that I have a right to have a jury trial. _____

14. I understand that I would participate, along with my lawyer, in the jury selection process. I would have a number of preemptory challenges, in my case five (5) / seven (7). I could exclude from sitting on the jury any five (5) / seven (7) individuals for any reason, or no reason, whatsoever. _____

15. I understand that I would have an unlimited number of challenges for cause. If I thought potential jurors might be biased or prejudiced against me or my cause, I could ask the court to exclude them from sitting on the jury, and the court would do so if it were convinced of their biased or prejudiced nature towards me or my cause. _____

16. I understand that with my participation, my lawyer's, the district attorney's and with that of the prosecuting officer in this matter, twelve (12) people from the jury panel comprised of persons from the Susquehanna County Community would be selected to serve and act as the main jurors. An additional two (2) people from the community would be selected to act as alternate jurors. All fourteen (14) of these people would be sworn in to constitute the jury in my case. _____

17. I understand that the jurors would listen to the testimony and view the evidence as it went onto the record. Based upon that, the opening and closing statements and arguments of my lawyer and the district attorney, the opening and closing charge of the court (where the court informs the jury of what the law is with respect to my case), twelve (12) of those fourteen (14) jurors would deliberate my case with a view towards reaching verdicts on all of the charges submitted to them for their consideration. _____

18. I understand that if all twelve (12) of the deliberating jurors found that the Commonwealth had sustained its burden to prove me guilty beyond a reasonable doubt of

all of the elements of any charge or charges, I would no longer be presumed innocent of that charge or charges, but rather I would be found guilty of that charge or charges. _____

19. I understand that if all twelve (12) of the jurors found that the Commonwealth had not sustained its burden to prove me guilty beyond a reasonable doubt of all of the elements of any charge or charges, I would be found not guilty of that charge or charges, and if I were found not guilty of all the charges I would be released from any further custody or control by the court. _____

20. I understand that I give up all of my trial rights by pleading guilty. _____

21. I understand that if the jury deliberating upon my case could not decide in a unanimous fashion (all twelve (12) of them) as to either my guilty or innocence, this would constitute a hung jury. In the case of a hung jury on any particular charge or charges the Commonwealth generally has the right to retry me on any hung jury charge or charges, although I may not be retried on any not guilty finding or findings rendered by the jury. _____

22. I understand that by pleading guilty I give up the right to have a bench trial. A bench trial is where the judge sits by himself or herself, without a jury, and decides whether or not I am innocent as presumed or guilty as charged. In such a trial I would have all the rights discussed above, except those pertaining only and specifically to juries, such as the jury selection process and the unanimity requirement concerning verdicts. _____

23. I understand that I give up any and all rights to file any motions or suppress any evidence. All pretrial motions I filed, or could have filed, will not be heard by the court and will not be decided by the court. _____

24. I understand that once I plead guilty, my right of appeal is limited to three (3) general areas. They are as follows: (1) the voluntariness of my plea or pleas (whether or not it is knowingly and willingly given); (2) the jurisdiction of this court (whether or not the court has any authority over me and my case), and; (3) the legality of the sentence eventually handed down to me (whether or not it is within the limits allowed by law). ____

25. I understand that I give up any and all legal defenses, justifications or excuses for my behavior in this matter as it relates to the following crime or crimes; _____
_____.

26. I understand that in this particular matter, as to the crime of _____, it carries a maximum fine of \$_____ and a maximum period of incarceration of _____ days / years. I understand that the mandatory minimum sentence in this matter is _____ days / years incarceration. I understand that the mandatory minimum fine in this matter is \$_____. _____

27. I understand that in this particular matter, as to the crime of _____, it carries a maximum fine of \$_____ and a maximum period of incarceration of _____ days / years. I understand that the mandatory minimum sentence in this matter is _____ days / years incarceration. I understand that the mandatory minimum fine in this matter is \$_____. _____

28. I understand that in this particular matter, as to the crime of _____, it carries a maximum fine of \$_____ and a maximum period of incarceration of _____ days / years. I understand that the mandatory minimum sentence in this matter is _____ days / years incarceration. I understand that the mandatory minimum fine in this matter is \$_____. _____

29. I understand that in this particular matter, as to the crime of _____, it carries a maximum fine of \$_____ and a maximum period of incarceration of _____ days / years. I understand that the mandatory minimum sentence in this matter is _____ days / years incarceration. I understand that the mandatory minimum fine in this matter is \$_____. _____

30. I understand that if I am on probation or parole, the judge who sentenced me on any other matter or matters I have been convicted of may by reason of my new conviction or convictions, revoke my probation or parole and order me to serve time in jail. _____

31. I have not been forced or threatened in any way to exact this guilty plea or pleas from me. _____

32. I am making this guilty plea or pleas of my own free will. _____

33. I have not been made any promises or representations as to what my sentence might be in return for my guilty plea or pleas, except that have been promised that the following, and only the following, will occur. _____

34. I understand that if any other promises or representations have been made to me, and if they are not on the record and the court has not agreed to them, the court is not bound by them. _____

35. I am satisfied with the representation I have received from _____
_____. _____

36. I have read what is attached hereto as Exhibit "A" (affidavit of probable cause). Despite the presumption of innocence, I now admit to the facts recited in Exhibit "A" as they support the charges to which I am pleading guilty. This is what occurred in

respect to the charges to which I am pleading guilty. _____

37. I have read what is attached hereto as Exhibit "B" (information or informations). I have been explained and understand the elements of the crime or crimes to which I am pleading guilty. I understand the nature of charge or charges to which I am pleading guilty. _____

38. I understand that the court in its discretion may, anytime prior to sentencing, allow me to withdraw my guilty plea or pleas and substitute a not guilty plea or pleas. _____

I, the undersigned defendant, do hereby verify that the representations made in the foregoing guilty plea colloquy are true and correct to the best of my knowledge, information and belief. I understand that any false representations are subject to the penalties of 18 Pa. C.S.A. section 4904, relating to unsworn falsification to authorities.

DEFENDANT (PRINT NAME)

DEFENDANT (SIGN NAME)

DATE

TO BE COMPLETED BY DEFENSE COUNSEL:

1. I have discussed with the defendant his or her right to have a trial.
2. I believe that the defendant understands that he or she is giving up his or her trial rights by pleading guilty.
3. I believe that the defendant understands those trial rights.
4. I believe that the defendant is voluntarily pleading guilty.

DEFENSE COUNSEL (PRINT NAME)

DEFENSE COUNSEL (SIGN NAME)

DATE