

IN THE COURT OF COMMON PLEAS OF ARMSTRONG COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

vs.

: No. CP-03-CR-000 \_\_\_\_\_ - \_\_\_\_\_  
: No. CP-03-CR-000 \_\_\_\_\_ - \_\_\_\_\_  
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: No. CP-03-CR-000 \_\_\_\_\_ - \_\_\_\_\_  
: No. CP-03-CR-000 \_\_\_\_\_ - \_\_\_\_\_

**GUILTY PLEA QUESTIONNAIRE**

Please answer all the questions. Most can be answered with a "yes" or "no".

**PERSONAL**

- 1. What is your name? \_\_\_\_\_
- 2. Address? \_\_\_\_\_
- 3. Age? \_\_\_\_\_ years
- 4. How far did you go in school? \_\_\_\_\_
- 5. Can you read, write, and understand English? Yes \_\_\_\_ No \_\_\_\_
- 6. Have you ever seen or been treated by a doctor or been in a hospital for any mental health problems? Yes \_\_\_\_ No \_\_\_\_
- 7. Are you now under the influence of drugs or alcohol? Yes \_\_\_\_ No \_\_\_\_
- 8. Have you taken any medicine in the last 24 hours? Yes \_\_\_\_ No \_\_\_\_  
(a) List medicine taken:

**NOTE: IF YOU DO NOT HAVE A LAWYER, SKIP TO QUESTION 15.**

**THE CHARGE(S) AND POSSIBLE PENALTIES**

9. List each felony, misdemeanor and summary offense to which you are pleading guilty. You must be section specific, i.e., you must show the specific section and subsection of the statute.

CHARGE	SECTION & SUBSECTION (e.g. 18 Pa.C.S. §3126(a)(7))	GRADING	MAXIMUM CONFINEMENT	MAXIMUM FINE	MANDATORY MINIMUM	MANDATORY LOSS OF DRIVER'S LICENSE
				\$	Yes/No	Yes/No
				\$	Yes/No	Yes/No
				\$	Yes/No	Yes/No
				\$	Yes/No	Yes/No
				\$	Yes/No	Yes/No
				\$	Yes/No	Yes/No
				\$	Yes/No	Yes/No
TOTAL MAXIMUM SENTENCE POSSIBLE				\$		

9.1 If any of the charges in No. 9 is a DUI:

- A. What was your BAC? (If refusal, mark "refused.") \_\_\_\_\_
- B. Was there an accident? Yes \_\_\_\_ No \_\_\_\_
- C. How many DUI convictions/ARDS have you had in the ten (10) years immediately prior to your arrest on this charge? \_\_\_\_\_

10. List each charge from No. 9 that carries a mandatory minimum sentence.

CHARGE	MANDATORY MINIMUM CONFINEMENT	MANDATORY MINIMUM FINE
		\$
		\$
		\$

11. List each charge from No. 9 that carries a mandatory loss of driver's license.

CHARGE	LENGTH OF MANDATORY SUSPENSION

12. List each charge from No. 9 that falls within the registration requirements of Megan's Law (42 Pa.C.S. §9791, et seq.).

CHARGE(S)	

13. Did your lawyer tell you what the elements of each crime listed in No. 9 are and that these elements are what the District Attorney must prove in order to convict you? Yes \_\_\_\_\_ No \_\_\_\_\_

14. Do you understand that, if you are pleading guilty to DUI and it is at least your second lifetime DUI offense, or you have had your operating privileges suspended in the past pursuant to 75 Pa.C.S.A. §1547(b.1) or §3808(c) you will be required to install an ignition interlock device at your own expense on all motor vehicles owned by you? Yes \_\_\_\_\_ No \_\_\_\_\_

**NO PROMISES OR THREATS**

15. Has anybody, other than the District Attorney in a signed plea agreement, promised you anything or has anybody threatened you or forced you to plead guilty? Yes \_\_\_\_\_ No \_\_\_\_\_

16. Have you yourself decided to plead guilty? Yes \_\_\_\_\_ No \_\_\_\_\_

**PLEA AGREEMENT**

17. Is there a plea agreement of any kind? Yes \_\_\_\_\_ No \_\_\_\_\_

18. Attach a photocopy of the signed plea agreement.

19. Do you understand completely the terms of the plea agreement? Yes \_\_\_\_\_ No \_\_\_\_\_

20. Do you know that the judge does not have to go along with any sentencing recommendation or plea agreement made by the District Attorney? Yes \_\_\_\_\_ No \_\_\_\_\_

**RIGHTS AT TRIAL**

- 21. Do you know that you do not have to plead guilty, even if you committed the crime(s); you have an absolute right to plead not guilty and have a trial; you can have a jury trial, or if you give up your jury trial rights, you can have a trial by a judge alone; when you plead guilty, you give up your rights to have a trial; if you went to trial, you would have all the rights listed below plus others? Yes \_\_\_\_\_ No \_\_\_\_\_
  
- 22. Do you know that you are presumed to be innocent, which means you start out innocent - and stay innocent until the District Attorney proves you committed the crime(s); you do not have to prove anything? Yes \_\_\_\_\_ No \_\_\_\_\_
  
- 23. Do you know that to convict you, the District Attorney must prove more than that you probably committed the crime(s); the District Attorney has to prove you guilty "beyond a reasonable doubt"; a reasonable doubt is the kind of doubt which would cause a normal, reasonable person to hesitate or halt or refuse to take any action at all in something very important? Yes \_\_\_\_\_ No \_\_\_\_\_
  
- 24. Do you know that you have the right to remain silent; nobody can make you testify or talk about the case; no one can hold it against you if you remain silent? Yes \_\_\_\_\_ No \_\_\_\_\_
  
- 25. Do you know that, if you want to, you can testify (tell your story) at the trial; you may call other people who can be your witnesses and testify for you? Yes \_\_\_\_\_ No \_\_\_\_\_
  
- 26. Do you know if you plead guilty you give up all your rights at trial? Yes \_\_\_\_\_ No \_\_\_\_\_
  
- 27. Do you know you give up many important rights if you plead guilty? (For example, if you do not plead guilty and have a trial, all the witnesses for the District Attorney must come to Court and testify under oath. Your lawyer may cross-examine them. Your lawyer can ask them questions to see if they are telling the truth and if what they say is correct? You give up this right to confront and cross-examine witnesses and many other rights if you plead

guilty. The witnesses do not have to come in to Court -- the District Attorney just reads to the judge a summary of what happened.)

Yes \_\_\_\_\_ No \_\_\_\_\_

**JURY TRIAL OR TRIAL BY JUDGE**

28. Do you know that you have a right to a jury trial; nobody can take that right from you; at a jury trial, 12 people, all from Armstrong County, would be on the jury and hear testimony about your case?

Yes \_\_\_\_\_ No \_\_\_\_\_

29. Do you know that all 12 must be convinced beyond a reasonable doubt before you can be found guilty?

Yes \_\_\_\_\_ No \_\_\_\_\_

30. Do you know that, if all 12 could not agree, you would not be convicted, although you might have another trial before a different jury?

Yes \_\_\_\_\_ No \_\_\_\_\_

31. Do you know that you can help pick your jurors; the possible jurors would be questioned to make sure they would be fair; you can keep anyone off the jury who is shown to the judge to be unfair?

Yes \_\_\_\_\_ No \_\_\_\_\_

32. Do you know you can also keep five (5) people (seven (7) people in felony cases) off the jury without giving any reason why you don't want them on the jury, and so can the District Attorney; your lawyer and you would decide together which people you want to keep off the jury?

Yes \_\_\_\_\_ No \_\_\_\_\_

33. Do you know that if you and the District Attorney both do not want a jury trial, you will be tried by a judge without a jury; the same rules would apply, except the judge decides whether or not you have been proven guilty beyond a reasonable doubt?

Yes \_\_\_\_\_ No \_\_\_\_\_

34. Do you know that if you plead guilty, you give up your rights to a jury trial and your right to a trial by a judge?

Yes \_\_\_\_\_ No \_\_\_\_\_

35. Do you know that you also give up your pre-trial rights when you plead guilty; before trial your lawyer could file motions, such as motions to keep out or "suppress" evidence (that means your lawyer could try to convince the judge that some

of the evidence against you cannot be used at trial. This includes statements you made to the police or other people, identifications people made of you, and anything that the police or others seized to use against you)?

Yes \_\_\_\_\_ No \_\_\_\_\_

36. Do you know that if you plead guilty, you also give up speedy trial rights and your right under Rule 600 to be tried within 365 days (sometimes within 180 days) from the filing of the Complaint?

Yes \_\_\_\_\_ No \_\_\_\_\_

37. Do you know you also give up all other pre-trial rights you may have?

Yes \_\_\_\_\_ No \_\_\_\_\_

38. Do you know that if you already had a hearing on pre-trial motions, when you plead guilty you give up your right to appeal the decisions on those motions?

Yes \_\_\_\_\_ No \_\_\_\_\_

**WITHDRAWAL OF PLEA**

39. Do you know you can ask the Court to withdraw your plea of guilty anytime before you are sentenced, but it is up to the judge to decide whether or not you should be permitted to do so?

Yes \_\_\_\_\_ No \_\_\_\_\_

40. Do you know if your request to withdraw your guilty plea is denied, you may challenge that denial by filing with the trial court a post-sentence motion within ten (10) days after you are sentenced or, you may challenge that denial by filing an appeal directly with the Superior Court but you must do so within thirty (30) days after you are sentenced?

Yes \_\_\_\_\_ No \_\_\_\_\_

**APPEAL RIGHTS**

41. Do you know that if you are found guilty at a trial, you can appeal to a higher court; you can ask to have your conviction overturned and your case discharged because there was not enough evidence, because you did not get a speedy trial or for other reasons; you can ask for a new trial because a mistake was made before or during the trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

42. Do you understand that if you plead guilty instead of having a trial, you give up almost

all of your rights to appeal; if you plead guilty, your appeal rights will be very limited? Yes \_\_\_\_\_ No \_\_\_\_\_

43. Do you know that after you plead guilty, you can only appeal if:
- A. You did not know what you were doing when you pleaded guilty, or somebody forced you to do it - it was not voluntary;
  - B. You were in the wrong court - the court did not have jurisdiction over your case;
  - C. The sentence the judge gave you was for some reason illegal or improper; or
  - D. Your lawyer was incompetent or ineffective in representing you.
- Yes \_\_\_\_\_ No \_\_\_\_\_
44. Do you know that, if you plead guilty, you can appeal for one or more of these four reasons directly to the Superior Court within thirty (30) days after you are sentenced? Yes \_\_\_\_\_ No \_\_\_\_\_
45. Do you know that before you appeal, you may (but do not have to) ask this Court to declare your plea invalid or to modify your sentence by filing a post-sentence motion within ten (10) days of the date you are sentenced? Yes \_\_\_\_\_ No \_\_\_\_\_
46. Do you know that if you do file with the trial court a post-sentence motion challenging the denial of your motion to withdraw your guilty plea or challenging the validity of your guilty plea, and your post-sentence motion is denied, you may file an appeal with the Superior Court within thirty (30) days from the date of the entry of the order denying your post-sentence motion? Yes \_\_\_\_\_ No \_\_\_\_\_

**NOTE: IF YOU ARE NOT NOW ON PROBATION OR PAROLE, SKIP TO QUESTION 48.**

**PROBATION OR PAROLE**

47. Do you know that a guilty plea has the same effect as if you went to trial and were found guilty; the guilty plea will violate your probation or parole; in addition to your sentence in this case, you can get more time in jail for a violation of your probation or parole? Yes \_\_\_\_\_ No \_\_\_\_\_

**NOTE: IF YOU DO NOT HAVE A LAWYER, SKIP TO QUESTION 52.**

**SATISFIED WITH MY LAWYER**

48. Are you satisfied with the advice and service you received from your lawyer? Yes \_\_\_\_\_ No \_\_\_\_\_

49. Did your lawyer spend enough time on your case and did you have enough time to talk with your lawyer about the case? Yes \_\_\_\_\_ No \_\_\_\_\_

50. Did your lawyer leave the final decision to you and did you decide yourself to plead guilty? Yes \_\_\_\_\_ No \_\_\_\_\_

51. Do you have any complaints about how your lawyer represented you? Yes \_\_\_\_\_ No \_\_\_\_\_

**ADMISSION**

52. Did you commit each crime that you intend to plead guilty to and is that why you are pleading guilty? Yes \_\_\_\_\_ No \_\_\_\_\_

53. Do you know what you say today is final? Yes \_\_\_\_\_ No \_\_\_\_\_

**GIVING UP DEFENSES**

54. Do you know that if you plead guilty, you are giving up the right to defend your case; you cannot come back to court later and say that you are not guilty; you can no longer complain that you were innocent and did not commit the crime? Yes \_\_\_\_\_ No \_\_\_\_\_

**DOMESTIC VIOLENCE MISDEMEANORS**

55. Do you know that if you are convicted of a misdemeanor crime involving violence where you are or were a spouse, intimate partner, parent or guardian of the victim, or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. §922(g)(9) and/or state, tribal, territorial, or local law. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney. Yes \_\_\_\_\_ No \_\_\_\_\_

**UNITED STATES CITIZEN**

56. Do you know that if you are not a United States citizen:

a. Your plea could result in your detention or deportation, or could prevent you from returning to the United States if you were to leave, from ever being able to get legal status in the United States, or from ever becoming a United States citizen; Yes \_\_\_\_\_ No \_\_\_\_\_

b. In some cases your plea will result in mandatory deportation from the United States, with no opportunity to explain to a judge why you should not be deported; and Yes \_\_\_\_\_ No \_\_\_\_\_

c. You have the right to obtain information from your defense counsel about the immigration consequences of your plea? Yes \_\_\_\_\_ No \_\_\_\_\_

I HAVE READ ALL OF THE ABOVE, OR MY LAWYER HAS READ IT TO ME. I UNDERSTAND IT COMPLETELY. MY ANSWERS ARE ALL TRUE AND CORRECT.

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Sign Name

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Print Name

Also, write your initials on each page at the lower right corner.

**CERTIFICATION OF DEFENSE COUNSEL**

RE: Commonwealth v. \_\_\_\_\_

No. CP-03-CR-000\_\_\_\_\_ - \_\_\_\_\_

I certify that:

1. I am an attorney admitted to the Supreme Court of Pennsylvania.
2. I represent the Defendant herein.
3. I know no reason why the Defendant cannot fully understand everything that is being said and done here today.
4. The Defendant read the above form in my presence and appeared to fully understand. I have gone over the form completely with the Defendant, explained all of the items on the form, and answered any questions he had. The Defendant understands the information and my explanation.
5. I see no reason why the Defendant cannot knowingly, intelligently, and voluntarily give up his or her rights to trial and plead guilty.
6. In my opinion, the Defendant is entering this plea freely, and voluntarily and of his own free will.
7. On the basis of my investigation of the facts, my knowledge of the law, and my experience, I concur in the entry of a guilty plea in this case.
8. I made no promises to the Defendant other than those listed on this form below; nor have I given the Defendant any indications of what the judge's sentence will be or whether it will be concurrent or consecutive to any other sentences, other than those listed on this form below:

Date: \_\_\_\_\_

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

\_\_\_\_\_  
Print Name