

BLIND PLEA OF GUILTY

By Judge Bob Miller

How old are you?

**How far
have you
gone in school?**

**Are you able to
read and write?**

Do you suffer from any
sort of Mental or
Physical Impairment
that affects your ability to
proceed in court?

**Are you under the
influence of any
drugs or alcohol?**

Have you had the
opportunity to discuss
these matters
with your attorney?

QUESTION FOR THE ATTORNEYS

**To what charges will the defendant
be pleading guilty?**

{Review minimum and maximum penalties}

**You are pleading
guilty without an
agreement with the
State's Attorney.**

**That means that the
State's Attorney is
free to ask for the
maximum sentence.**

**Your attorney is free
to ask for the
minimum sentence.**

**Since there is no agreement,
I can agree with the State's
Attorney, or agree with your
attorney, or sentence you to
a term between the two
extremes.**

ONLY DOMESTIC BATTERY FIREARM ADMONITION

You are advised that an individual convicted of domestic battery may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition in violation of the Federal Gun Control Act of 1968.

**Is that your
understanding
of this plea?**

**Is that how you want
to proceed?**

If you are not a citizen of the United States, you are advised that a conviction for this offense may have the consequence of deportation, exclusion from the United States, or denial of naturalization under the laws of the United States.

You have the right to persist
in your plea of NOT GUILTY
and to proceed to trial, by
either a judge or a jury of
twelve people.

The State would need
to prove that you are
guilty beyond a
reasonable doubt.

You would have the
right to cross-examine
witnesses and to call
witnesses in your own
behalf.

You would have
the right to testify
or to remain silent.

Do you understand that
by pleading guilty you
are waiving
all of these rights?

Has anyone threatened
you in any way to cause
you to plead guilty?

Has anyone offered
you anything other
than what has
been stated here
in open court?

Are you doing this
of your own
free will?

**State's Attorney,
please provide a
factual basis.**

Does the Defense
have anything to
add to the
factual basis?

I find that a factual
basis exists to
support the charge.

I will accept the plea as
knowingly,
understandably,
and voluntarily made.

What is the
State's Attorney's
request for sentencing
and why?

What is the Defense's
recommendation for
sentencing and why?

**Does the Defendant
wish to make a
statement regarding
sentencing?**

I have considered all the expected evidence, arguments of counsel, (the statement of the Defendant) applicable case and statutory law, and the relevant portions of the Illinois Criminal Code, including Factors in Aggravation and Factors in Mitigation.

**I have considered the
circumstances of the
offense, as well as
the history, character,
and condition of the
defendant.**

I have considered the likelihood that the defendant will commit further crimes, how the defendant and the public would best be served, and the interests of justice.

THE COURT SENTENCES THE DEFENDANT AS FOLLOWS:

- _____ days jail.
- Day for day credit to apply
- _____ Days credit for time served
- _____ years Probation
- _____ years Conditional Discharge
- _____ years Court Supervision
- No contact with _____
- _____ days SWAP
- _____ Public Service Work
- _____ Fine + Court Costs
- _____ Counseling per evaluation

You have a right to
appeal.

Prior to taking an appeal you must file in this court within 30 days of today, a written motion asking to have the sentence reconsidered or to have the judgment vacated and for permission to withdraw your plea.

Your motion must
set forth all the
grounds or reasons
for the motion.

If your motion is granted,
the sentence will be
modified, or the plea of
guilty, sentence and
judgment will be vacated.

A trial date
will then be set.

If the Motion to Reconsider Sentence or Vacate Judgment is denied and you still desire to appeal, you must file your Notice of Appeal within 30 days of the date that motion was denied.

If the State amended or dismissed any of the charges as part of the plea, the original charges will be reinstated.

If you are indigent, a copy of the transcript of the proceedings at the time of the plea and sentence will be provided without cost. Also, counsel will be appointed to assist you with the preparation of the motions.

If any appeal is taken from the judgment on the plea of guilty - any issue or claim of error not raised in the motion to vacate the judgment and to withdraw the plea - shall be deemed waived.

Do you understand
these rights?