

PLEA OF GUILTY - DOMESTIC BATTERY

What are terms?

Age - Education - Read - Write

Mental or Physical Impairment affect ability to proceed?

Under the influence of any drugs or alcohol?

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

The Charge to which you intend to plead guilty is _____ .

Are you pleading guilty to that charge? (those charges)

MISDEMEANOR DOMESTIC BATTERY

CLASS	JAIL	FINE	PROBATION, COND DISCHARGE, CT. SUP.
A	1 Year Jail No Day For Day Credit if Def. Caused Bodily Harm	\$2,500	2 years

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 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.

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

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, or offered you anything other than what has been stated here in open court?

Are you doing this of your own free will?

Factual Basis? (Find that a factual basis exists to support the charge)

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

The defendant is convicted and sentenced as agreed.

Additional Fines:

\$10 Fine for Domestic Violence Shelter fund per 730 ILCS 5/5-9-1.6

\$200 Domestic Violence Assessment per 730 ILCS 5/5-9-1.5

\$20 Assess. for Viol. of an Order of Prot. per 730 ILCS 5/5-9-1.11

\$200 Protective Order Violation Fee per 730 ILCS 5/5-9-1.16

APPEAL RIGHTS - NEGOTIATED PLEA

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 judgment vacated and for permission to withdraw your plea. Your motion must set forth all the grounds or reasons for the motion. As a negotiated plea, you do not have a right to request that the sentence be reconsidered.

If your motion is granted, the plea of guilty, sentence and judgment will be vacated. A trial date will then be set.

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?

NEGOTIATED PLEA - APPEAL

Judge Miller

APPEAL RIGHTS - OPEN PLEA

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 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.

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

Do you understand these rights?

OPEN PLEA - APPEAL

Judge Miller