

SENTENCING - DOMESTIC BATTERY

I have considered all the evidence presented, arguments of counsel, applicable case and statutory law, and the relevant portions of the Illinois Criminal Code, including Factors in Aggravation and Factors in Mitigation. I have also considered the weight and quality of the evidence presented. I have considered the circumstances of the offense, 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, 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

HISTORY

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. (720 ILCS 5/12-3.2)

Domestic Battery	\$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
VOOP	\$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?

APPEAL - NEGOTIATED PLEA

Judge Miller

APPEAL RIGHTS - OPEN PLEA

You a 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?

APPEAL - OPEN PLEA

Judge Miller

APPEAL - FOLLOWING TRIAL

Your right to appeal the judgment of conviction, excluding the sentence imposed, will be preserved only if a notice of appeal is filed in this court within thirty (30) days from the date on which sentence is imposed.

Prior to taking an appeal, if you seek to challenge the correctness of the sentence, or any aspect of the sentencing hearing, you must file in the trial court within 30 days of the date on which sentence is imposed - a written motion asking to have the trial court reconsider the sentence imposed, - or consider any challenges to the sentencing hearing, - setting forth in the motion all issues or claims of error regarding the sentence imposed or the sentencing hearing.

Any issue or claim of error regarding the sentence imposed or any aspect of the sentencing hearing not raised in the written motion shall be deemed waived.

In order to preserve the right to appeal following the disposition of the motion to reconsider sentence, - or any challenges regarding the sentencing hearing, - you must file a notice of appeal in the trial court within 30 days from the entry of the order disposing of your motion to reconsider sentence or order disposing of any challenges to the sentencing hearing.

You have the right to request the clerk to prepare and file a notice of appeal, and the right, if indigent, to be furnished without cost, with a transcript of the proceedings at the trial or hearing. You also have the right to have counsel appointed on appeal.

APPEAL - TRIAL

Judge Miller