

# FELONY SENTENCING - OPEN PLEA

I have considered all the evidence expected to be presented, the Pre-Sentence report 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 also considered the weight and quality of the evidence expected to be 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:

- The Court finds that imprisonment or periodic imprisonment is necessary for the protection of the public
- That Probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice.
- The average annual cost of incarceration in the Department of Corrections is \$26,331.
- \_\_\_\_\_ Department of Corrections
- \_\_\_\_\_ MSR
- \_\_\_\_\_ DNA Indexing + \$250 cost

\*\*\*\*\*

- \_\_\_\_\_ jail
- Day for day credit to apply
- \_\_\_\_\_ Days credit for time served
- \_\_\_\_\_ years  Probation  Cond. Disch.  Court Sup.
- No contact with \_\_\_\_\_
- \_\_\_\_\_ Days SWAP
- \_\_\_\_\_ Public Service Work
- \_\_\_\_\_ Fine + Court Costs
- \_\_\_\_\_ Counseling per Evaluation
- \_\_\_\_\_ Restitution

## 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- Version 1.2.2019