

NEGOTIATED 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}

**The terms of the
negotiated agreement
are:**

ONLY DOMESTIC BATTERY FIREARM ADMONITION

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 the agreement?**

**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?**

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 and
sentencing agreement as
knowingly,
understandably,
and voluntarily made.

**The Defendant is
sentenced as
agreed.**

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 Motion to Vacate the Judgment and Withdraw your Plea of Guilty 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?