

# **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:**

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# **ONLY DOMESTIC BATTERY FIREARM ADMONITION**

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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 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 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?