

# ADMISSION TO PTR

What are terms?

Age - Education - Read - Write

Mental or Physical Impairment affect ability to proceed in Court?

Under the influence of any drugs or alcohol?

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

The Allegation to which you are Admitting is \_\_\_\_\_ .

Are you admitting that allegation?

	PRISON	EXTENDED TERM	MSR	FINE	PROBATION OR COND DIS
MURDER	20-60	60-100	3 Years	\$25,000	
X	6-30	30-60	3 Years	\$25,000	
1	4-15	15-30	2 Years	\$25,000	4 years
2	3-7	7-14	2 Years	\$25,000	4 years
3	2-5	5-10	1 Year	\$25,000	30 Months
4	1-3	3-6	1 Year	\$25,000	30 Months
A	1 Year Jail			\$2,500	2 Years
B	6 Months Jail			\$1,500	2 Years
C	30 Days Jail			\$1,500	2 Years

The original charge is a Class \_\_\_\_\_ (felony or misdemeanor) with a possible sentence of up to \_\_\_\_\_ .

Do you understand that by admitting the PTR, the Court could impose any sentence available at the initial sentencing.

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 denial and proceed to trial.

The State would need to prove that you are guilty by preponderance of the evidence.

You would have the right to cross-examine witnesses and to call witnesses in your own behalf.

You would have the right to testify.

You would have the right to remain silent if asked questions tending to incriminate you in any other proceedings.

Do you understand that by admitting the Petition 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?

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

The defendant is convicted and sentenced as agreed.

**APPEAL RIGHTS**

Judge Miller - Version 1.2 2019

## APPEAL RIGHTS - PTR - OPEN ADMISSION

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 admission. Your motion must set forth all the grounds or reasons for the request.

If your motion is granted, the sentence will be modified or the admission, sentence and judgment will be vacated. A hearing date will then be set.

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 admission to the Petition - **any issue or claim of error not raised in the motion to reconsider the sentence or to vacate the judgment and to withdraw the admission** - shall be deemed waived.

Do you understand these rights?

**PTR APPEAL - OPEN ADMISSION**

Judge Miller - Version 1.2, 2019

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

If your motion is granted, the admission, sentence and judgment will be vacated. A hearing date will then be set. If the motion to vacate the judgment and to withdraw your admission 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 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 admission to the Petition - **any issue or claim of error not raised in the motion to vacate the judgment and to withdraw the admission** - shall be deemed waived.

Do you understand these rights?