

PETITION TO REVOKE

NEGOTIATED ADMISSION

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 allegations will
the defendant be
admitting?**

**{Review the minimum
and maximum
penalties for the
underlying charge}**

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

**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
Denial and to
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?**

Has anyone 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
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 admission.

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 admission, sentence
and judgment will be
vacated.

A hearing date
will then be set.

If the Motion to Vacate the Judgment and 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 admission 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 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?