PETITION TO REVOKE

BLIND ADMISSION

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?

To what allegations will the defendant be admitting?

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

You are admitting the Petition to Revoke without an agreement with the State's Attorney.

That means that the State's Attorney is free to ask for the maximum sentence.

Your attorney is free to ask for the minimum sentence.

Since there is no agreement, I can agree with the State's Attorney, or agree with your attorney, or sentence you to a term between the two extremes.

Is that your understanding of this admission?

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 beyond 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.

What is the State's Attorney's request for sentencing and why?

What is the Defense's recommendation for sentencing and why?

Does the Defendant wish to make a statement regarding sentencing?

I have considered all the evidence presented, 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 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, and the interests of justice.

THE COURT SENTENCES THE DEFENDANT AS FOLLOWS:

- ☐ _____ days jail.
- ☐ Day for day credit to apply
- ☐ _____ Days credit for time served
- ☐ _____ years Probation
- ☐ _____ years Conditional Discharge
- ☐ _____ years Court Supervision
- ☐ No contact with _____
- ☐ _____ days SWAP
- ☐ _____ Public Service Work
- ☐ _____ Fine + Court Costs
- ☐ _____ Counseling per evaluation

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 motion.

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 the Motion to Reconsider Sentence or Vacate Judgment 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?