

**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?**

QUESTION FOR THE ATTORNEYS

**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 to
cause you to make the
admission?

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?