

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,

VS.

: Atty. \_\_\_\_\_  
: C.A. # \_\_\_\_\_  
: Def. In Jail: Yes No  
: Trial List # \_\_\_\_\_  
Sentence deferred: Yes No  
If DUI, what offense: \_\_\_\_\_

**NOLO CONTENDERE COLLOQUY FORM**

You are present before this Court because you or your attorney has indicated a desire to plead nolo contendere to some or all of the criminal charges against you. Before you plead nolo contendere, you must read each question carefully and write your answers in the spaces provided. If you do not understand any question on this form, place a question mark (?) in the space after that question. You should, of course, discuss with your lawyer any questions that you do not understand.

Please sign and date each page at the bottom. Then give the form to your lawyer. If you still have questions about this form, please tell your lawyer, the Assistant District Attorney or the Judge so that the Judge can give you a full explanation.

1. What is your full name?

Answer: \_\_\_\_\_

2. Are you known by any other name(s) or alias(es)?

Answer: \_\_\_\_\_

3. If the answer to Number 2 is yes, state the other names or aliases.

Answer: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Defendant)

4. What is your date of birth?  
Answer: \_\_\_\_\_

5. How far did you go in school?  
Answer: \_\_\_\_\_

6. Can you read, write, speak and understand the English language?  
Answer: \_\_\_\_\_

7. Have you ever been a patient in a mental institution or have you ever suffered from or been treated for a mental illness, disease or defect of any kind?  
Answer: \_\_\_\_\_

8. If the answer to Number 7 is yes, please explain the details.  
Answer: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Are you now being treated for a mental illness?  
Answer: \_\_\_\_\_

10. If the answer to Number 9 is yes, please explain the details.  
Answer: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Defendant)

11. If the answer to Number 7 or Number 9 is yes, do you still feel that you have sufficient mental capacity to understand this questionnaire and the answers that you are giving?

Answer: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Have you taken or consumed any alcoholic beverage within the last 24 hours?

Answer: \_\_\_\_\_

13. Have you taken or consumed any drug, narcotic, or other medication within the last 48 hours?

Answer: \_\_\_\_\_

14. If the answer to Number 12 or 13 is yes, please state what was consumed, the amount, and when.

Answer: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Do you wish to plead nolo contendere to some or all of the charges against you?

Answer: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Defendant)

15a. Do you understand that you have been charged with the offense of \_\_\_\_\_ at case number \_\_\_\_\_.

Answer: \_\_\_\_\_

15b. And do you understand that by pleading nolo contendere to this offense you could be punished with a sentence of imprisonment for a period not to exceed \_\_\_\_\_, and/or a fine not to exceed \_\_\_\_\_.

Answer: \_\_\_\_\_

15a. Do you understand that you have been charged with the offense of \_\_\_\_\_ at case number \_\_\_\_\_.

Answer: \_\_\_\_\_

15b. And do you understand that by pleading nolo contendere to this offense you could be punished with a sentence of imprisonment for a period not to exceed \_\_\_\_\_, and/or a fine not to exceed \_\_\_\_\_.

Answer: \_\_\_\_\_

15a. Do you understand that you have been charged with the offense of \_\_\_\_\_ at case number \_\_\_\_\_.

Answer: \_\_\_\_\_

15b. And do you understand that by pleading nolo contendere to this offense you could be punished with a sentence of imprisonment for a period not to exceed \_\_\_\_\_, and/or a fine not to exceed \_\_\_\_\_.

Answer: \_\_\_\_\_

15a. Do you understand that you have been charged with the offense of \_\_\_\_\_ at case number \_\_\_\_\_.

Answer: \_\_\_\_\_

15b. And do you understand that by pleading nolo contendere to this offense you could be punished with a sentence of imprisonment for a period not to exceed \_\_\_\_\_, and/or a fine not to exceed \_\_\_\_\_.

Answer: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Defendant)

15c. Do you understand that the total sentence of imprisonment you may face will be \_\_\_\_\_ and/or total fine of \_\_\_\_\_  
Answer: \_\_\_\_\_

16a. Has your lawyer explained to you the nature of those charges to which you are pleading nolo contendere?  
Answer: \_\_\_\_\_

b. Has your lawyer explained to you the elements of the criminal offenses to which you are pleading nolo contendere?  
Answer: \_\_\_\_\_

c. Has your lawyer explained the possible sentences and/or fines that can be imposed for the offenses charged?  
Answer: \_\_\_\_\_

17. Do you understand that you have the right to plead not guilty and to demand a trial by jury on the charges against you?  
Answer: \_\_\_\_\_

18. Do you understand that the right to a trial by jury means that you can participate with your lawyer in the selection of the jury from a larger panel of citizens from Blair County?  
Answer: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Defendant)

19. Do you understand that all twelve (12) jurors must agree on your guilt before you can be convicted of the crimes with which you are charged?  
Answer: \_\_\_\_\_
20. Do you understand that you also have the right to plead not guilty and be tried by a Judge without a jury?  
Answer: \_\_\_\_\_
21. Do you understand that in a trial by judge without a jury, the judge would hear all the evidence and would have to follow the same rules as a jury, but it would be the judges' decision alone whether you are guilty or not guilty?  
Answer: \_\_\_\_\_
22. Do you understand that at a trial before a judge or jury you would be presumed to be innocent, and the Commonwealth must prove your guilt beyond a reasonable doubt before you can be convicted?  
Answer: \_\_\_\_\_
23. Do you understand that in order for you to be found guilty at a trial, the commonwealth would have to prove beyond a reasonable doubt all of the elements of the offenses charged?  
Answer: \_\_\_\_\_
24. Do you understand that at a trial, you have the right to remain silent and nothing can be held against you for choosing not to testify?  
Answer: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Defendant)

25. Do you understand that at a trial, the Commonwealth can prove you are guilty only by putting witnesses on the witness stand and/or by presenting other types of evidence?

Answer: \_\_\_\_\_

26. Do you understand that at trial, you would have the right to have your lawyer cross – examine any witnesses the Commonwealth presents in order to test their believability and the accuracy of their testimony?

Answer: \_\_\_\_\_

27. Do you understand that by pleading nolo contendere you are giving up your right to a trial by judge or by a jury, as well as all the other rights described in this colloquy form?

Answer: \_\_\_\_\_

28a. Do you understand that by pleading nolo contendere, you are giving up your right to present any pre-trial motions for consideration by this Court or to appeal to a higher Court in the event those motions are denied?

Answer: \_\_\_\_\_

b. Do you understand that by pleading nolo contendere, you are giving up your right to pursue any pre-trial motions which you have already filed?

Answer: \_\_\_\_\_

29. Do you understand that if you were convicted after a trial, you could appeal the verdict to a higher court and raise any errors that were committed in this court which could result in your being awarded a new trial or discharged and that by pleading guilty you are giving up that right?

Answer: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Defendant)

30a. Do you understand that if your nolo contendere is accepted, your right to appeal to a higher court will be limited?

Answer: \_\_\_\_\_

b. Do you understand that if your plea of nolo contendere is accepted, you will be able to appeal on only four grounds?

1. That your plea of nolo contendere was not made knowingly, intelligently, and voluntarily;
2. That this Court did not have jurisdiction to accept your plea.
3. That this Court's sentence was beyond the maximum penalty authorized by law or was too harsh under the circumstances; or
4. That your lawyer was incompetent in representing you and advising you to plead guilty?

Answer: \_\_\_\_\_

31. Do you understand that you do not have to plead nolo contendere and give up these rights and that no one can force you to do so?

Answer: \_\_\_\_\_

32. Has any force or threat been used against you by anyone to have you plead nolo contendere?

Answer: \_\_\_\_\_

33. Are you entering this nolo contendere plea on your own free will?

Answer: \_\_\_\_\_

34. Have any promises been made to you or deals made with you in connection with your plea of nolo contendere?

Answer: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Defendant)



35. If the answer to Number 34 is yes, please state what these promises of deals are:

Answer: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

36. Do you understand that the Court is not bound by the terms of any plea agreement entered into between you, your lawyer, and the District Attorney's Office, unless or until the Court accepts the plea agreement?  
Answer: \_\_\_\_\_

37. Do you understand that if the Court does not accept the plea agreement, you will have the right to withdraw your nolo contendere plea and be tried before another Judge with or without a jury as you request?  
Answer: \_\_\_\_\_

38a. Are you satisfied with your lawyer's representation of you?  
Answer: \_\_\_\_\_

b. Are you satisfied that you have had sufficient time to discuss the case with your lawyer, and consider the advantages and disadvantages of entering a plea of nolo contendere instead of going to trial?  
Answer: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Defendant)

39a. Are you presently on probation or parole?

Answer: \_\_\_\_\_

b. Do you understand that, if you are on probation or parole your nolo contendere plea could mean violation of our probation or parole and you may be sentenced or returned to prison as a result of that violation?

Answer: \_\_\_\_\_

40. If you have been sentenced previously to jail or prison on any other case(s) at the time of sentencing in the case(s) before the Court today, do you understand that the maximum possible prison sentence for the charges before the Court today could be made to run consecutively to, or in addition to, any other jail or prison sentences on any other charges?

Answer: \_\_\_\_\_

41. Do you understand that at any time before sentencing, you have the right to request permission to withdraw your nolo contendere plea, and if this Court denies your request, you would have the right to appeal that denial?

Answer: \_\_\_\_\_

42. Do you agree that the Judge who hears and accepts your plea of nolo contendere may not be the same Judge who imposes sentence in your case?

Answer: \_\_\_\_\_

43. Do you understand that if you are not a U.S. Citizen, pleading nolo contendere could adversely affect your ability to remain in the United States, and in fact you could be removed or deported from the United States because of your plea?

Answer: \_\_\_\_\_

44. Understanding this do you still want to plead guilty/nolo contendere?

Answer: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Defendant)

I affirm that I have read, or had read to me, this Nolo Contendere Plea Colloquy Form in its entirety and I understand its contents. My answers to the questions are true and correct.

Signature of Defendant \_\_\_\_\_  
Date: \_\_\_\_\_

I, \_\_\_\_\_, Esquire,  
Attorney for \_\_\_\_\_, state that I have reviewed this questionnaire in its entirety with my client; that it is my belief that my client fully understands what is set forth above; and that my client fully understand the import and ramifications of his/her nolo contendere plea.

Attorney for Defendant \_\_\_\_\_  
Date: \_\_\_\_\_

