

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: _____

GUILTY PLEA COLLOQUY FORM

You are present before this Court because you or your attorney has indicated a desire to plead guilty to some or all of the criminal charges against you. Before you can plead guilty, 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 guilty 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 guilty 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 guilty 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 guilty 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 guilty 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 guilty?
Answer: _____

b. Has your lawyer explained to you the elements of the criminal offenses to which you are pleading guilty?
Answer: _____

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

17. Do you admit to committing each of the criminal offenses to which you are pleading guilty?
Answer: _____

18. 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: _____

19. 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)

20. 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: _____
21. Do you understand that you also have the right to plead not guilty and be tried by a Judge without a jury?
Answer: _____
22. 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: _____
23. 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: _____
24. 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: _____
25. 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)

26. 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: _____

27. 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: _____

28. Do you understand that by pleading guilty 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: _____

29a. Do you understand that by pleading guilty, 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 guilty, you are giving up your right to pursue any pre-trial motions which you have already filed?

Answer: _____

30. 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)

31a. Do you understand that if your guilty plea is accepted, your right to appeal to a higher court will be limited?

Answer: _____

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

1. That your guilty plea 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: _____

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

Answer: _____

33. Has any force or threat been used against you by anyone to have you plead guilty?

Answer: _____

34. Are you entering this guilty plea on your own free will?

Answer: _____

35. Have any promises been made to you or deals made with you in connection with your guilty plea?

Answer: _____

Date: _____

(Signature of Defendant)

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

37. 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: _____
38. Do you understand that if the Court does not accept the plea agreement, you will have the right to withdraw your guilty plea and be tried before another Judge with or without a jury as you request?
Answer: _____
- 39a. 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 guilty instead of going to trial?
Answer: _____

Date: _____

(Signature of Defendant)

40a. Are you presently on probation or parole?

Answer: _____

b. Do you understand that, if you are on probation or parole your guilty 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: _____

41. 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: _____

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

Answer: _____

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

Answer: _____

44. Do you understand that if you are not a U.S. Citizen, pleading guilty or 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: _____

45. 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 Guilty 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 guilty plea.

Attorney for Defendant _____
Date: _____

