COURT OF COMMON PLEAS OF LEHIGH COUNTY
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA	)	
	)	
V.	)	Case No. _____
	)	
_____	)	

GUILTY PLEA COLLOQUY

You or your attorney has indicated that you may want to plead guilty to some or all of the crimes charged against you. This paper lists questions connected with your guilty plea. Many of the questions go over your rights under the law as a person charged with a crime or with crimes. By pleading guilty, you give up many of these rights. It is important, then, that you understand your rights before pleading guilty. Please read each question carefully and then answer the question. If you do not understand the question, mark that down by the question. When you have finished answering the questions on a page, put your initials in the space at the bottom of the page. When you have finished all of the questions, sign the last page.

If there are questions that you do not understand, or if you do not believe you understand the rights mentioned in this paper, go to your attorney so that he/she can explain the question or your rights to you. You may also ask the judge to explain your rights to you when you go before him or her.

1. What is your full name? _____

2. How old are you today? _____

3. What is your highest level of education? _____

4. Have you discussed your citizenship status with your attorney?

Yes_____ No_____

5. If you are <u>not</u> a U.S. citizen, by pleading guilty your immigration status may be affected and you may be subject to removal from the United States. Do you understand this?

Yes_____ No_____

6. Can you read, write, speak and understand the English Language?

Yes_____ No_____

7. Are you now being treated for a mental illness?

Yes_____ No_____

8. If the answer to Number 7 is yes, explain the details. If the answer is no, go to question 10.

_____

_____

9. If you are now being treated for a mental illness, do you still feel that you are able to understand what you are doing today?

Yes_____ No _____

Initials_____

10. Do you know what crime or crimes are charged against you?

Yes_____ No _____

11. Each crime has a number of elements to it. Did your attorney (your lawyer) explain to you the elements of the crime or crimes that you are pleading guilty to?

Yes_____ No_____

12. When a person is charged with a crime, he has a right to defend himself in a trial by a jury. Do you understand this?

Yes_____ No_____

13. To defend yourself in a trial by jury, you would have to plead not guilty. Do you understand this?

Yes_____ No_____

14. By pleading guilty you admit you committed the crime or crimes charged and you give up your right to a trial by jury. Do you understand this?

Yes_____ No_____

15. If you want a trial by jury, you have the right to help select the jury with your attorney and you can remove any potential juror who cannot be fair and impartial. Twelve people must be selected to be your jury. Do you understand this?

Yes_____ No_____

Initials_____

16. Those people who may be in your jury are randomly selected by computer from people who are licensed drivers in Lehigh County or who have an official ID card issued by the Department of Transportation. Do you understand this?

Yes_____ No_____

17. If you have a trial by jury, the jury determines whether you are guilty or not guilty of the crimes charged against you. Do you understand this?

Yes_____ No_____

18. In a jury trial, the jury must presume that you are innocent until you are proven guilty. The Commonwealth of Pennsylvania, represented by the District Attorney, must prove every element of each crime or crimes charged against you and that you have committed such crime or crimes beyond a reasonable doubt before you can be found guilty. Do you understand these things?

Yes_____ No_____

19. In a jury trial you do not have to say anything at trial or do anything to defend yourself. If you do not say anything at trial, this cannot be held or used against you and the court will instruct the jury that this is the law which they are obligated to follow. Do you understand this?

Yes_____ No_____

20. In order for a jury to find you guilty, all twelve people on the jury must agree that you are guilty <u>beyond a reasonable doubt</u>. Do you understand this?

Yes_____ No_____

Initials_____

21. If you wish to defend yourself and plead not guilty, you may also request a trial before a judge instead of by a jury. In that case, there is no jury, and the judge decides whether you are guilty or not guilty. As in a jury trial, the District Attorney must prove you guilty of each element of the crime or crimes charged against you beyond a reasonable doubt. Do you understand your right to a non-jury trial?

Yes_____ No_____

22. Do you understand that by pleading guilty you give up your right to a trial, either by jury or before a judge?

Yes_____ No_____

23. By pleading guilty, you also give up the right to challenge the evidence the District Attorney wants to bring against you. If the District Attorney has physical objects or other evidence it has taken from you, or if you made any statements or confessions to the police, or if there are witnesses who identified you to the police you can challenge the use of this evidence at a hearing before the trial starts.

The District Attorney has the burden of showing that it may use this evidence against you. Do you understand that when you plead guilty, you give up this right to challenge the use of the evidence against you?

Yes_____ No_____

24. If you go to trial and are convicted you have the right to appeal the verdict to a higher court. Do you understand this?

Yes_____ No_____

Initials_____

25. If you are successful in appealing a verdict of guilty after the trial, the verdict could be overturned and either you would be set free or you would be able to have another trial. Do you understand this and that you would be giving up these rights by pleading guilty?

Yes_____ No_____

26. But if you plead guilty, you give up your right to appeal your guilty plea except on three grounds:

1) That the guilty plea was not made voluntarily or you did not understand what you were doing when you pled guilty.

2) That the court could not accept your guilty plea because the crime or crimes did not occur in Lehigh County.

3) That the judge's sentence is unlawful or improper.

Do you understand these three grounds of appeal?

Yes_____ No_____

27. You may also appeal your guilty plea if you believe your attorney was incompetent in representing you or otherwise acted improperly in advising you to plead guilty. Do you understand this?

Yes_____ No_____

28. If you wish to appeal your guilty plea based on these grounds, you must petition the court to withdraw your guilty plea either before you are sentenced or within 10 days after you are sentenced. If the court does allow you to withdraw your guilty plea, then you will go to trial on the charges against you. If the court

Initials_____

does not allow you to withdraw your guilty plea, you may appeal the decision to the Superior Court within 30 days after you are sentenced. Do you understand this?

Yes_____ No_____

29. Has your attorney or anyone else told you what sentences you can receive for the crimes charged against you?

Yes_____ No_____

30. If you are pleading guilty as a part of a plea bargain, you should know that the judge does not have to accept the plea bargain if he or she feels it is improper. If the judge rejects the plea bargain, you will be able to withdraw your guilty plea and go to trial where your guilty plea cannot be mentioned. Do you understand this?

Yes_____ No_____

31. If the judge accepts the plea bargain, you will be sentenced according to the plea bargain. Do you understand this?

Yes_____ No_____

32. If you had gone to trial instead of pleading guilty, you would have had the right to have witnesses testify for you, and you would have had the right to confront (face) and cross-examine all of the prosecution witnesses against you. But if you plead guilty, the District Attorney will be able to briefly give its evidence against you, and the judge will accept this as true. Do you understand this?

Yes_____ No_____

Initials_____

33. Now that you have been informed of these rights do you now wish to plead guilty to some or all of the crimes charged against you?

Yes_____ No_____

34. Has anybody forced you to enter this plea of guilty?

Yes_____ No_____

35. Are you doing this of your own free will?

Yes_____ No_____

36. Have any threats been made to you to enter a plea of guilty?

Yes_____ No_____

37. Have any promises been made to you to enter a plea of guilty other than any plea bargain made by you or your attorney?

Yes_____ No_____

38. Are you satisfied with the representation of your attorney?

Yes_____ No_____

39. Have you had enough time to talk with your attorney before reading this paper and entering your plea of guilty?

Yes_____ No_____

40. Has your attorney gone over with you the meaning of the questions in this paper?

Yes_____ No_____

41. Has your attorney explained to you the questions you didn't understand?

Yes_____ No_____

Initials_____

42. Are you presently on probation or parole?

Yes_____ No_____

43. If you are on probation or parole do you realize that your plea of guilty will trigger a violation of that probation or parole and you could be sentenced to prison as a result of that violation caused by your guilty plea today?

Yes_____ No_____

44. Do you understand that the decision to enter a guilty plea is yours and yours alone; that you do not have to enter a plea of guilty and give up all your rights as previously explained to you; and that no one can force you to enter a guilty plea?

Yes_____ No_____

Initials_____

I AFFIRM THAT I HAVE READ THE ABOVE PAPER COMPLETELY AND I UNDERSTAND ITS FULL MEANING AND I STILL WANT TO ENTER A PLEA OF GUILTY TO THE CRIMES SPECIFIED. I FURTHER AFFIRM THAT MY ANSWERS TO THE QUESTIONS ARE TRUTHFUL, AND THAT MY SIGNATURE AND INITIALS ON EACH PAGE OF THIS DOCUMENT ARE TRUE AND CORRECT.

MY CURRENT ADDRESS IS_____,

AND THE TELEPHONE NUMBER WHERE I CAN BE REACHED IS_____.

_____

Signature of Defendant

DATED: _____

I,_____, Attorney for

_____, state that I have advised my client of the meaning of the document; that it is my belief that he/she comprehends and understands the questions and what is set forth above; that I am prepared to try this case; and that the defendant understands what he/she is doing by pleading guilty.

_____

Attorney for Defendant

Initials_____