

Most of these questions are designed to be answered "Yes" or "No". Where general information is asked for, however, please answer fully.

1. What is your full name? _____
2. How old are you today? _____
3. How far did you go in school? _____
4. Can you read, write and understand the English language? Yes___ No___
5. If your answer to Number 4 is "No", is this *nolo contendere* plea being read to you in a language you do understand? Yes___ No___
6. Have you ever been treated for a mental illness? Yes___ No___
7. To your knowledge do you now suffer from any mental or emotional disability? Yes___ No___
8. Are you now under the influence of any intoxicants or drugs that affect your understanding of what you are doing? Yes___ No___
9. Do you understand the nature of the charge or charges to which you are pleading *nolo contendere*? Yes___ No___
10. Has your lawyer explained to you the elements of the criminal offense or offenses to which you are pleading *nolo contendere*? Yes___ No___
 - a. Have you read or had read to you the copy of the Criminal Information which is attached to this *Nolo Contendere* Plea? Yes___ No___
 - b. List the offenses described in the Criminal Information, which are listed on page 1 of this *Nolo Contendere* Plea, to which you are pleading guilty:

11. Do you understand that by pleading *nolo contendere* to the charges presented you are stating you have no defense to the charges? Yes___ No___
12. Do you understand that you have a right to a trial by jury? Yes___ No___

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13. Do you understand that the right to a jury trial means that you, together with your attorney, can participate in the selection of a jury; that a jury consists of 12 people selected at random from the citizens of Lebanon County; at that trial you have the right to confront and cross-examine all of the Commonwealth's witnesses in your case who are necessary to prove your guilt; and that the jury has to agree unanimously that you are guilty beyond a reasonable doubt before you can be convicted of the crime or crimes with which you are charged; and do you understand you are presumed to be innocent until found guilty? Yes___ No___
14. Do you understand that the Commonwealth has the burden of proving you guilty beyond a reasonable doubt, which means you can remain silent and nothing can be held against you for refusing to testify in your own defense and the jury will be so instructed? Yes___ No___
- a. Do you realize that by pleading no contest you are giving up your right to present any pretrial motions for consideration to this or a higher court in the event those motions were denied? Yes___ No___
- b. Do you realize 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 the trial court, and that this could result in your being awarded a new trial or discharged, and that by pleading no contest you are giving up these rights? Yes___ No___
- c. Do you realize that by pleading no contest you would be giving up your right, after trial, to challenge whether the Commonwealth had presented enough evidence to prove you guilty beyond a reasonable doubt? Yes___ No___
- d. Do you realize that by pleading no contest you waive, that is, give up, whatever defense you have to the charge/charges and in addition you may lose the right to complain on appeal about rulings which the Court may have previously made in your case? Yes___ No___
15. Are you aware of the permissible range of sentences and/or fines that can be imposed for the offense/offenses charged as set forth on page 1? Yes___ No___
16. Do you understand that the decision to enter a no contest plea is yours and yours alone; that you do not have to enter a plea of no contest and give up all your rights as previously explained to you; and that no one can force you to enter a no contest plea? Yes___ No___

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17. Is your plea of no contest being given freely and voluntarily, without any force, threats, pressure or intimidation? Yes___ No___

18. Other than any plea agreement that has been negotiated for you by yourself or your attorney and/or any recommendation by the Commonwealth, have any promises been made to you to persuade you to enter a plea of no contest? Yes___ No___

19. Are you satisfied with the representation of your attorney? Yes___ No___

20. Have you had ample opportunity to consult with your attorney before reading this document and entering your plea of no contest? Yes___ No___

21. Has your attorney gone over the meaning of the terms of this document with you? Yes___ No___

22. If you are now on probation or parole, do you realize that your plea of *nolo contendere* will mean a violation of that probation or parole and you can be sentenced to prison as a result of that violation caused by your no contest plea today? Yes___ No___

23. Do you understand that you may be sentenced by any of the Judges who sit in Lebanon County? Yes___ No___

24. Do you realize you have a right to plead not guilty as well as no contest? Yes___ No___

25. Do you understand that Pennsylvania Rule of Criminal Procedure 704(A)(1) provides that sentence normally shall be imposed within 90 days after conviction or the entry of a plea of no contest? Yes___ No___

a. Do you agree to waive the provisions of Rule 704(A)(1)? This waiver shall extend for an additional 90 days beyond the original 90-day period set forth in Rule 704(A)(1). Yes___ No___

26. After you enter your *nolo contendere* plea and it is accepted by the Court, you still have a right to appeal your conviction to the Superior Court within 30 days after the date of sentencing. The appeal of your plea is limited, however, to four grounds: They are:

- a. that your no contest plea was not knowing, intelligent and voluntary;
- b. that the Court did not have jurisdiction to accept your plea (in other words, the crime or crimes for which you are pleading no contest did not occur in Lebanon County);
- c. that the Court's sentence is beyond the maximum penalty authorized by law; and
- d. that your attorney was ineffective in representing you.

Do you understand these four areas of appeal and what they mean? Yes___ No___

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27. You have the following rights: after sentencing you have (10) days within which to file two motions, which may be combined: the first is a challenge to the validity of your no contest plea, or the denial of a motion to withdraw your no contest plea if you file one before sentencing; the second is a challenge to the propriety of your sentence or sentences, or requesting modification of it or them. "Propriety of sentence" refers to whether or not the sentencing judge considered all the appropriate and requisite factors in determining the sentence or sentences imposed. If the Court denies either or both motions you may appeal to the Superior Court within (30) days after the date of that denial. The "10 days motions" must be in writing and only claims or reasons set forth therein would be considered by us and preserved for review by the Superior Court. Claims not raised here will not be heard by the Superior court. You are entitled to counsel to assist you in filing these motions and appeals and if you are unable to afford counsel, one would be appointed for you, upon your application, to represent you free of charge.

Do you understand these rights? Yes___ No___

28. Do you understand that you have the right to be represented by counsel to assist you in your appeal to the Superior Court and you have the right to proceed without paying any costs and be provided free counsel if you can't afford to pay for one?

Yes___ No___

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TO BE ANSWERED IF YOU HAVE A NEGOTIATED PLEA AGREEMENT

29. Please state the terms of your plea agreement in full:

30. Do you understand the terms of your plea agreement? Yes___ No___

31. Do you understand that if any term of your plea agreement refers to a sentence within the standard range, only the MINIMUM part of your sentence is affected and the Sentencing Judge will fix the maximum? Yes_____ No_____

32. Are you aware that the Court is not bound by the terms of any plea agreement entered into between you, your counsel, and the attorney for the Commonwealth, until the Court accepts such plea agreement, and do you understand that you can withdraw your plea if the Court rejects the plea agreement? Yes___ No___

33. Understanding everything outlined above, do you agree to accept your plea agreement? Yes ___ No_____

I affirm that I have read this six page document in its entirety and I understand its full meaning and I still, nevertheless, want to enter a plea of *nolo contendere* to the offense or offenses specified.

DATE: _____ DEFENDANT: _____

I, _____, Esquire, Attorney for _____, state that I have advised my client of the contents and meaning of this document; that it is my belief that he/she comprehends and understands 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 *nolo contendere*.

Attorney for Defendant

Initials_____

TO BE USED IN THE EVENT OF AN OPEN PLEA

- 29. Do you understand you are entering an open plea of guilty; this means that there is no binding plea agreement between yourself and the Commonwealth? Yes___ No___

- 30. Do you understand that you could be sentenced to anything up to the maximum penalty allowed by law? Yes___ No___

- 31. Do you understand that your sentence will be determined entirely at the discretion of the Sentencing Judge? Yes___ No___

- 32. If the Commonwealth has agreed to make a recommendation at the time of sentencing, please state the terms of the recommendation in full:

(In lieu of writing the recommendation, attach a copy of the recommendation form and write "see attached" above.)

- 33. Do you understand that the Commonwealth's recommendation is not binding on the Court and that the Court is free to impose any sentence it deems appropriate, including a sentence that exceeds the one recommended by the Commonwealth? Yes___ No___

- 34. Understanding all of the above, is it still your desire to enter an open plea of guilty? Yes___ No___

I affirm that I have read this seven page document in its entirety and I understand its full meaning and I still, nevertheless, want to enter a plea of guilty to the offense or offenses specified.

DATE: _____ DEFENDANT: _____

I, _____, Esquire, Attorney for _____, state that I have advised my client of the contents and meaning of this document; that it is my belief that he/she comprehends and understands 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 *nolo contendere*..

Attorney for Defendant

Initials _____

