

COMMONWEALTH OF PENNSYLVANIA) No. _____
vs.)
)
)
)

(Defendant))

GUILTY PLEA PETITION

1. My full, true name is _____

and I am also known as _____
and I request that all proceedings against me be in my true name.

2. I WISH TO PLEAD GUILTY to the following counts of the above numbered information(s):

3. I have told my lawyer all the facts and circumstances known to me about these charges. I believe that my lawyer is fully informed on all such matters. My lawyer has counseled and advised me on:

- the nature the charges;
- each element of each offense that must be proven beyond a reasonable doubt;
- any and all lesser included charges;
- all possible defenses that I might have in this case;
- my legal rights as a person charged with a crime; and
- the possible consequences of entering my plea of GUILTY.

4. I understand that I may plead NOT GUILTY to any offense charged against me. If I choose to plead NOT GUILTY, the law guarantees that I have the following rights as a person accused of a crime.

- a. I understand that I am presumed to be innocent; and before I could be found guilty of these crimes, the Commonwealth, through the district attorney's office, must prove every element of each of the crimes charged beyond a reasonable doubt. I would have no responsibility to prove myself innocent.
- b. I have a right to have these charges tried before a jury of twelve individuals who are indiscriminately selected from people of Westmoreland County who are my peers.
- c. If these charges are tried before a jury, I understand that I would have the following rights relative to the jury trial:
 - 1. To find me guilty, all twelve of the jurors must unanimously agree that I have been proven guilty beyond a reasonable doubt.
 - 2. I, with the assistance of my attorney, would have the right to participate in the selection of the jury from people who are my peers.
 - 3. I could exclude from the jury all persons who I could demonstrate through questioning were prejudiced or biased regarding the case or for some reason would deny me a fair trial. I could also exclude up to _____ (5 for misdemeanors, 7 for felonies) jurors without giving any reason.

I understand the Commonwealth has the same right to challenges as I do.

- d. I have the right to request that these charges be tried before a judge

without a jury in which case the judge would act as the judge and jury; and the judge himself would decide whether I have been proven guilty. I also understand that the judge in such trials would be bound by the same law and rules of evidence as would apply in a jury trial.

e. In a trial before a jury or before a judge without a jury, I have the following rights:

1. I have the right to confront my accusers which means that I have the right to see, hear and face in open court all witnesses called to testify against me and I would have the right to cross examine all the Commonwealth's witnesses.
2. I have the right to use the power and process of the court to compel the production of evidence, including the attendance of witnesses in my favor. But I have no duty to call witnesses or present any evidence on my own behalf.
3. I have the right to have the assistance of a lawyer at all stages of these criminal proceedings and in the event I could not afford to pay for a lawyer, a lawyer would be appointed by the court to represent me free of charge. I am satisfied with the advise and representation of my counsel.
4. I have the right against self-incrimination, which means that I could not be compelled to testify against myself. I would have the right to testify; however only if I voluntarily decide to do so. If I do not take the witness stand and testify, the jury will be told that this may not be held against me. I understand that by pleading guilty I am incriminating myself and I am admitting that I have done what I am charged with in the District Attorney's Information which I have read with my attorney.

f. I understand I have the right to a speedy public trial. My lawyer has explained to me my rights under Rule 600 of the Pa. Rules of Criminal Procedures.

5. I understand that by pleading GUILTY, I am waiving all of the above rights.

6. I also understand that if I plead GUILTY, to the charges, the court may impose the same punishment as if I had pled NOT GUILTY, stood trial and been found guilty.

7. I know that if I plead GUILTY to these charges, the maximum possible sentences are as follows:

- a. _____

- b. _____

- c. _____

I have been advised that these sentences can be imposed consecutively.

I have been advised that the Pennsylvania Sentencing Guidelines require the judge to consider certain ranges of sentences relative to the crimes to which I am pleading Guilty. These Guidelines take into consideration the seriousness of the crimes and any prior criminal record.

My lawyer has _____ (has not _____) reviewed with me my prior record score, the offense gravity score, and the possible ranges of sentences applicable to each crime with which I am charged.

8. I understand that the sentence is to be decided by the court. I also understand that the court is not bound by any agreement I or my attorney may have with the district attorney's office, however, it is my understanding that I and my attorney and the district attorney's office have arrived at a plea bargaining agreement, which is as follows:

It is also my understanding that if the court does not agree to this sentence as set forth above in the plea bargaining agreement, I will have the opportunity to withdraw my plea of "Guilty" and reinstate my plea of NOT GUILTY.

I understand that I have the right to a pre-sentence investigation which would include information regarding the circumstances of the offense and my character and I waive my right to any pre-sentence investigation.

9. I have been convicted of the following crimes:

<u>CRIME</u>	<u>DATE</u>	<u>COUNTY OR STATE</u>	<u>SENTENCE OR DISPOSITION</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

10. I am _____ (am not _____) presently on probation or parole. I understand that by pleading GUILTY in this case may cause revocation of my probation or parole, and that this could result in an additional sentence for violation of my probation or parole. I further understand that if my parole or probation is revoked, any sentence resulting may be consecutive to, or in addition to, any sentence in this case.

11. a. I am _____ years of age;
b. My address is _____

c. I have attended the following schools:

<u>SCHOOL</u>	<u>GRADE COMPLETED</u>
_____	_____
_____	_____
_____	_____
_____	_____

I can _____ (cannot _____) read, write and understand the English language.

d. I have _____ (have not _____) been treated for any mental or emotional illness. (If you have been so treated, list places, dates, discharge or other disposition.

12. My physical and mental health is _____ (is not _____) presently satisfactory, except as follows:

13. At this time, I am not under the influence of any medications, drugs or intoxicants, except as follows:

Any medication I am taking does _____ (does not _____) interfere with my ability to understand that I am here today for the purpose of entering my plea of guilty.

14. No promises other than set forth in Paragraph 8 have been given or made upon me for the purpose of causing me to plead GUILTY. No threats have been made against me for the purpose of causing me to plead guilty.

15. By pleading guilty I am admitting that I did those things with which I am charged in the district attorney's information which I read with my attorney.

16. I stipulate that the facts as they are set forth in the District Attorney's Information form a factual basis for my plea and the District Attorney need not call any witnesses.

17. I am pleading guilty for the following reasons:

18. I understand that my attorney has filed the following pretrial motions on my behalf:

- a. _____
- b. _____
- c. _____

19. I understand that by entering a plea of guilty I will be waiving or withdrawing these pretrial motions and that I will not be able to appeal the court's rulings on any motions that have already been denied.

20. I understand that at anytime before sentence, the court in its discretion, may permit me to withdraw my plea of guilty.

21. I understand I have the right to file a Post-Sentence Motion within ten (10) days from today. This Motion must be a single written motion which states with specificity and particularity all requests for relief. I may choose to raise some but not all issues in the Post-Sentence Motion, but the time limit for the filing of an Appeal on all issues is triggered by the Court's decision on the Post-Sentence Motion or its denial by operation of law. This Motion may include a Motion challenging the validity of my plea of guilty or nolo contendere or the denial of any prior Motion to withdraw a plea of guilty or nolo contendere, a Motion to Modify Sentence, a Motion challenging the legality of my sentence, a Motion challenging the

jurisdiction of this Court.

22. I understand I could file a Supplemental Post-Sentence Motion so long as the Court's decision of this Supplemental Motion can be made within 120 days of the date of my sentence.

23. This Court will decide any Motion I may file within 120 days of the date I have filed the original Motion. In the event that this Court fails to decide my Motion within 120 days or to grant an extension, my Motion shall be deemed to have been denied. I would have 30 days from the denial of my Motion to appeal to the Superior or Supreme Court of Pennsylvania.

24. I understand that it is not necessary for me to file a Post-Sentence Motion in order for any issues to be preserved for appeal to the Superior Court. Therefore, I may elect not to file a Post-Sentence Motion with this Court but rather appeal directly to Superior Court. If I choose to file an appeal directly to the Superior Court, my Appeal to the Superior Court is to be filed within 30 days from today.

25. I understand I have the right to assistance of counsel in the preparation of any Post-Sentence Motion or of any Appeal to the Superior Court. If I cannot afford counsel, counsel will be appointed to represent me free of charge.

26. I have been advised, if I am not a citizen of the United States, pleading guilty may be grounds for deportation.

27. I OFFER MY PLEA OF GUILTY FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND FREE WILL AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE DISTRICT ATTORNEY'S INFORMATION AND IN THIS PETITION AND IN THE CERTIFICATE OF MY LAWYER WHICH FOLLOWS:

I REQUEST TO ENTER MY PLEA OF GUILTY.

Signed by me in the presence of my attorney this _____ day of

_____.

(DEFENDANT)

(Attorney)

Order regarding Conditions of Probation and Parole

Com vs. _____ **Case Number(s):** _____

The Court of Common Pleas of Westmoreland County has released you on probation/parole under the supervision of the Westmoreland County Adult Probation and Parole Department until the expiration of your sentence or further order of the Court. Your supervision is subject to the following conditions:

1. You shall refrain from all violations of the law. You must notify your Probation Officer within 72 hours of any arrest, citation, summons, or investigation by a law enforcement agency.
2. You shall follow all verbal and written instructions and report as directed by your Probation Officer.
3. You will reside at your approved residence and will notify your Probation Officer prior to changing your residence and/or phone number, and before leaving your home for more than 72 hours.
4. You shall not leave the Commonwealth of Pennsylvania without written permission from your Probation Officer.
5. You will make every effort to work regularly at a lawful occupation and meet your family responsibilities unless excused by your Probation Officer for school, treatment, or other acceptable reasons. You must notify your Probation Officer within 72 hours of any change or loss of employment. You will engage in an active job search during periods of unemployment and provide verification as directed by your Probation Officer.
6. You shall refrain from the excessive use of alcohol and submit to a breathalyzer test when directed by your Probation Officer. If directed by the Court to participate in any substance abuse program, you may not possess or consume alcohol during your term of supervision.
7. You shall abstain from the unlawful possession or sale of narcotics and dangerous drugs and you shall abstain from the use of controlled substances without a valid prescription. You shall not frequent places where controlled substances are illegally sold, used, distributed, or administered. You must submit to urinalysis testing when directed by your Probation Officer.
8. By law you are subject to the search of your person and property without a warrant by officers of the Westmoreland County Adult Probation and Parole Department. Any items, the possession of which constitutes a violation of probation or parole, shall be subject to seizure, and may be used as evidence in the probation or parole revocation process.
9. You shall not possess any type of firearm or other dangerous weapon for any reason unless authorized by the Court or your Probation Officer.
10. You shall refrain from any assaultive or threatening behavior.
11. You shall pay to the Westmoreland County Clerk of Courts restitution, supervision fees, fines, and costs as ordered by the Court and as agreed upon in the Payment Agreement.
12. You shall comply with all Special Conditions imposed by the Court.
13. If you are serving a sentence that includes home electronic monitoring, you are not to leave your residence while on HEM unless your leave request has been approved and confirmed by your Officer. Authorized periods of leave from your residence must be scheduled and approved by your Officer, no less than 48 hours in advance. You may only leave your residence for the approved purpose.

X _____
Defendant

BY THE COURT:
