

**IN THE COURT OF COMMON PLEAS OF MONROE
COUNTY FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA : _____ **CR** _____
:
: **v.** :
:
:
: _____
: **Defendant** :

**GUILTY PLEA AND
COLLOQUY**

1. I INTEND TO PLEAD GUILTY to the following criminal offense(s):

Count	Charges	Offense Grading	Maximum Penalty

2. The offense listed at Count _____ above IS _____ IS NOT _____ a MCDV.

(a) I _____ AM _____AM NOT previously prohibited, by law, from possessing, using, manufacturing, owning or transferring a firearm pursuant to 18 Pa. C.S.A. § 6105.

If you answer is YES please skip questions (b) and (c). Please be advised, however, that if you are in possession of a firearm, as it is defined in 18 Pa. C.S.A. § 6105(i), you MUST relinquish any and all firearms to an appropriate law enforcement agency, within 24 hours, unless good cause is shown, and pursuant to the conditions found in 18 Pa. C.S.A. § 6105.2(b)(1)-(3).

(b) The Defendant DOES _____ DOES NOT _____ possess firearms or ammunition.

If answer is YES, attach a list of all firearms and ammunition to be relinquished.

(c) The Defendant DOES _____ DOES NOT _____ possess a permit to carry a concealed weapon.

If answer is YES, the COUNTY of ISSUE for the permit is _____.

I understand that the statements made in this subsection are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Defendant's Signature

3. SENTENCING GUIDELINES FOR THE OFFENSE(S):

Gravity Score	Prior Record Score	Mitigated	Standard	Aggravated

4. ELEMENTS OF THE OFFENSE(S). I understand all of the elements of each offense listed above and am guilty of them because I did the following:

5. PROSECUTION AGREEMENT(S). In return for this guilty plea, the Commonwealth has agreed to the following things:

6. THE MAXIMUM POSSIBLE SENTENCE. I am aware that the penalties for each of the above criminal offenses can be added together by the Court at sentencing for a possible total maximum sentence in this case of:

7. THE MANDATORY MINIMUM SENTENCE. I realize that the following mandatory minimum sentences apply in this case:

8. THINGS THAT COULD AUTOMATICALLY INCREASE MY SENTENCE. I realize that there may be increases to my sentence because a weapon was possessed or used, or because of the age of the victim, or the location of my crime as follows:

9. NO SENTENCING AGREEMENT. I acknowledge that there are no agreements for sentencing except as may be set forth in paragraph 4 above. I understand that any agreement for sentencing is not binding on the Court and I have not been guaranteed a specific sentence in exchange for this plea. The Court retains the power to decide my sentence.

10. THE RIGHTS I GIVE UP BY ENTERING A PLEA OF GUILTY. I understand that the law presumes me innocent and requires proof beyond a reasonable doubt to convict me of any crime. I understand that by entering a guilty plea I am no longer presumed innocent, I am convicting myself of the charges to which I am pleading guilty, and I will be presumed guilty of those charges beyond a reasonable doubt. Furthermore, I acknowledge the additional rights I possess which are listed below, and give them up as part of my plea

- To have a trial by jury of 12 people from the community, or by a judge alone.
- To participate in the selection of a jury, and to challenge any juror for cause, and exercise any peremptory challenges that I am entitled to.
- To require the Commonwealth to prove my guilt beyond a reasonable doubt as to each and every element of the offenses charged.
- To cross-examine Commonwealth witnesses, to compel any witness to testify on my behalf, to testify myself or choose to remain silent at trial. If I remain silent, the judge would tell the jury they cannot infer guilt because of it.
- To have my attorney file and litigate pre-trial motions as necessary, including those challenging illegal evidence, or seeking dismissal of the case on legal grounds, or to challenge anything that may have been improper in the investigation and prosecution of my case by the Commonwealth.

11. OTHER IMPORTANT CONSEQUENCES OF MY GUILTY PLEA. I understand that by pleading guilty I will be convicted of crime[s] and there may be some collateral consequences of this criminal conviction. Collateral consequences include the ability of the prosecution to hold this conviction against me in the future if I am charged with other crimes. The consequences also include but are not limited to the loss or restriction of a professional license, loss of voting rights, ineligibility for jury duty, ineligibility for public funds including welfare benefits and student loans, and could be a factor to be considered when

determining custody of my children. Immigrants, including those who, while not U.S. citizens, hold permanent resident status may undergo deportation or be refused reentry into the United States. Lawmakers may in the future add further collateral consequences to criminal conviction that we have no way to predict now.

12. I KNOW WHAT I AM DOING AND IT IS VOLUNTARY. I am not mentally disabled or under the influence of any drugs or alcohol. I am not suffering from any disability which affects my own free will, and am free of duress. I am giving up my trial rights knowingly, voluntarily and intelligently.

13. MY APPEAL RIGHTS ARE LIMITED AFTER A PLEA. I retain the right to contest only the following things on appeal after I am sentenced:

- a. Jurisdiction of the Court
- b. Legality of the sentence
- c. Validity of this plea, including claims involving my constitutional right to effective counsel

14. I HAVE CONFERRED WITH MY ATTORNEY BEFORE THIS PLEA. I have had an opportunity to discuss this plea agreement with my attorney, with whom I am satisfied.

15. THE COURT CAN REFUSE TO ACCEPT THE PROPOSED PLEA. I understand that the Court is not required to accept this plea agreement. If it does not, then the proposed plea does not become final and I retain my rights to a trial.

PLEA OF GUILTY

I SWEAR & AFFIRM THAT I HAVE READ THIS DOCUMENT IN ITS ENTIRETY OR HAD IT EXPLAINED TO ME, UNDERSTAND IT COMPLETELY, AND BELIEVE THIS PLEA IS IN MY BEST INTEREST.

BY SIGNATURE BELOW I ENTER A PLEA OF GUILTY TO THE OFFENSE(S) SPECIFIED IN PARAGRAPH 1 OF THIS PLEA COLLOQUY FORM, WHICH IS FINAL WHEN ACCEPTED BY THE COURT.

Defendant's Signature _____ Date _____

DEFENSE ATTORNEY CERTIFICATION. I certify with this Defendant that: (1) I have explained this plea agreement and the Defendant's rights to the Defendant; (2) he/she wishes to plead guilty; (3) I have discussed the facts and the law of this case with the Defendant; and (4) I believe the Defendant understands the consequences of pleading guilty.

Attorney for Defendant _____ Date _____

Approved by

Assistant District Attorney _____ Date _____