

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 VS. : NO. \_\_\_\_\_  
 :  
 \_\_\_\_\_ :  
 :

GUILTY PLEA COLLOQUY  
EXPLANATION OF DEFENDANT’S RIGHTS

You or your attorney have indicated to the officers of this Court that you wish to plead guilty or nolo contendere to certain specific criminal charges which the Commonwealth of Pennsylvania has brought against you.

In order to have your plea accepted by this Court here today, you must waive your right to confront the prosecution witnesses against you and agree to permit an Assistant District Attorney to summarize the Commonwealth’s evidence against you. You must agree to stipulate to the authenticity and accuracy of any Crime Laboratory reports presented by the Commonwealth’s evidence involved in your case.

You must fully understand that your plea must be voluntary and no clemency is being promised in exchange for your plea, with the exception of any plea bargain or arrangement previously agree to between your attorney and the Assistant District Attorney assigned to your case.

By pleading guilty to any charge, you are admitting that you committed that offense. By pleading nolo contendere, you are stating that you do not contest the charges against you. In either case, the Commonwealth would not have to prove each and every element of the crimes with which you are charged as would be required in a jury or non-jury trial.

Please be advised that you must fully understand that the Constitution of the United States of America and the Constitution of the Commonwealth of Pennsylvania give to you an absolute right to have a trial by jury.

If you intend to waive your Constitutional right to a trial by jury, please answer all the questions on this form. Most of the questions are designed to be answered “yes” or “no”. Where general information is requested, please answer the question as fully as possible.

If you do not understand the questions, you should say so in writing on the form. You should also tell your lawyer and the judge who hears your case so they can explain it to you. You must fully understand all of your rights before your plea can be accepted by the judge.

You should initial each page at the bottom after you have read, understood, and completed your answers to the questions on that page. When you have finished all of the questions, you must sign the form at the end.

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? \_\_\_\_\_
5. Do you understand that because you have been charged with more than one offense, the Court may impose a separate or consecutive sentence for each offense? \_\_\_\_\_
6. Have you discussed with your attorney the elements of each charged offense? \_\_\_\_\_
7. Have you discussed with your attorney the factual basis of each charged offense? \_\_\_\_\_
8. Have you discussed with your attorney how the facts in your case prove the elements of each charged offense? \_\_\_\_\_
9. Do you understand that both the Constitution of the United States of American and the Constitution of the Commonwealth of Pennsylvania give you an absolute right to a trial by jury? \_\_\_\_\_
10. Do you understand that if you want a jury trial, you would take part in the selection of the jury along with your attorney and with the Assistant District Attorney assigned to prosecute your case? \_\_\_\_\_
11. Do you understand that you and your attorney and the Assistant District Attorney assigned to prosecute your case would select a jury from a panel of jurors randomly picked by computer from the PA Drivers License lists and other legally-approved lists of citizens of Washington County? \_\_\_\_\_
12. Do you understand that both the defense and prosecution would have the right to “challenge” members of the jury panel and that this means you and the prosecution would have the right to keep certain persons on the jury panel from being a member of the jury panel in your case? \_\_\_\_\_
13. Both you and the prosecution would have as many challenges “for cause” as the Court would approve. “For cause” means a good reason why the challenged person could not be an impartial juror in your case. Do you fully understand this? \_\_\_\_\_

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14. Both you and the prosecution would each also have a number of “preemptory challenges”. A “preemptory challenge” is one in which no reason has to be given to present a prospective juror from being a member of your jury. If you are charged with felonies, both you and the prosecution each have seven “preemptory challenges”. If you are charged only with misdemeanors, both you and the prosecution each have five “preemptory challenges”. Do you fully understand this? \_\_\_\_\_
15. All twelve members of the jury finally selected would have to be satisfied that the Commonwealth had proven your guilt beyond a reasonable doubt on each charge, that is, the vote of all twelve must be guilty before you could be found guilty. Do you fully understand this? \_\_\_\_\_
16. You also may choose to be tried before a judge without a jury in what is called a “non-jury” trial, and that the judge, in addition to ruling on legal questions and defining the law as in jury trials would also sit as a trier of fact, much like a jury does in a jury trial; and it would be the judge who determines from the evidence presented whether the Commonwealth has proven you guilty beyond a reasonable doubt. Do you fully understand this? \_\_\_\_\_
17. In either the jury trial or non-jury trial before a judge, you enter the courtroom clothed with the presumption of innocence, and that presumption remains with you until such time, if ever, that a jury in a jury trial or judge in a non-jury trial would find you guilty beyond a reasonable doubt. Do you fully understand this? \_\_\_\_\_
18. In either a jury trial or a non-jury trial before a judge, it is the burden of the Commonwealth to prove you guilty “beyond a reasonable doubt”, and to do this, the Commonwealth must prove each and every element of the crime or crimes with which you are charged “beyond a reasonable doubt” to the satisfaction of all twelve jurors in a jury trial or to the satisfaction of the judge in a non-jury trial. Do you fully understand this? \_\_\_\_\_
19. A reasonable doubt is an honest doubt arising from the evidence presented or from the lack of evidence and it is the kind of doubt that would cause a reasonable, prudent person to pause or to hesitate before acting in a matter of the highest personal importance. Do you fully understand this? \_\_\_\_\_
20. In either a jury trial or a non-jury trial before a judge, you have the absolute right to remain silent and need not present any evidence in your own behalf and there is no burden placed on you to prove your own innocence, or, for the matter, to prove anything since the burden is always on the Commonwealth to prove you guilty beyond a reasonable doubt. Do you fully understand this? \_\_\_\_\_

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21. However, in either a jury trial or a non-jury trial before a judge, you have the right, if you so desire, to testify and to have witnesses testify on your behalf and you would have the right to present any relevant evidence which you would tend or help to prove your innocence and to challenge the evidence and testimony presented by the prosecution. You also would have the right either yourself or your attorney to cross-examine or question any witnesses presented by the Commonwealth in order to test their credibility and the truthfulness of their testimony. Do you fully understand this?  
\_\_\_\_\_
22. By pleading guilty or nolo contendere you are giving up all of these rights described in the previous questions. Do you fully understand this? \_\_\_\_\_
23. When you plead guilty or nolo contendere , the Commonwealth would not have to prove each and every element of the crime or crimes with which you are charged by the presentation of witnesses and/or other evidence but the Assistant District Attorney could simply present a summary of the evidence against you. Do you fully understand this?  
\_\_\_\_\_
24. By pleading guilty, you are admitting you committed the crime or by pleading nolo contendere, you are stating that you do not challenge or dispute the charges against you. Do you fully understand this? \_\_\_\_\_\
25. By pleading guilty or nolo contendere, you give up the right not only to file pre-trial motions, but also you abandon or give up any pre-trial motions already filed and not yet decided and any pre-trial motions in which decisions were already made. Do you fully understand this? \_\_\_\_\_
26. Do you understand that by pleading guilty or nolo contendere, you also give-up the right to present or assert any defenses on your behalf? \_\_\_\_\_
27. If you were convicted after a jury trial or non-jury trial before a judge, you could appeal the verdict to a higher court and raise any errors that were committed in the trial court and this could result in a new trial or a dismissal. By pleading guilty, you are giving up this right. Do you fully understand this? \_\_\_\_\_
28. Do you fully understand that if you were convicted after a jury trial or a non-jury trial before a judge, you could challenge in this Court and in the appellate courts whether the Commonwealth had presented enough evidence to prove you guilty beyond a reasonable doubt? \_\_\_\_\_

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29. By pleading guilty or nolo contendere, you give up certain rights of appeal, in a jury trial or a non-jury trial before a judge, you would have the right to appeal any errors that might arise in your case to the Superior Court of Pennsylvania. However, when you plead guilty or nolo contendere, you limit the grounds for those appeals to four specific reasons:

1. that this Court did not have jurisdiction in your case. With rare exceptions, this Court only has jurisdiction where the crime was committed in Washington County;
2. that the sentence or probation imposed by this Court is illegal;
3. that your plea was not knowingly, intelligently, and voluntarily made; and
4. the incompetence or ineffectiveness of the attorney who represents you.

All other grounds for appeal are given up. Do you fully understand this? \_\_\_\_\_

30. In order to appeal the conviction that results from you plea of guilty or nolo contendere, you must, within ten (10) days from the date your sentence was imposed, file a written motion to withdraw your plea and state one of the four grounds listed below as the basis for your petition to withdraw your plea:

1. your plea was not knowingly, intelligent, or voluntary;
2. that your crime was not committed within the jurisdiction of this Court, i.e. not committed in Washington County;
3. that the sentence of this Court is illegal;
4. that your attorney was ineffectual or incompetent.

If you do not file this motion within 10 days from the date of your sentence, you will have given up this right. Do you fully understand this? \_\_\_\_\_

31. If your petition to withdraw your plea would be denied by this Court, you would have thirty (30 days) from the date your sentence was imposed to appeal the denial of your petition to withdraw your plea to the Superior Court of Pennsylvania, but if you fail to file the appeal within this thirty-day allotted time period, you will have given up this right forever. Do you fully understand this? \_\_\_\_\_

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32. If you wish to file any of these motions with this Court or an appeal to the Superior Court of Pennsylvania and cannot afford an attorney to assist you to do so, this Court will appoint an attorney for you at no cost to you. Do you fully understand this? \_\_\_\_\_
33. When you plead guilty or nolo contendere, and your plea is accepted by this Court, all that remains is for the judge to sentence you on the charges to which you are pleading; but if your plea is rejected, your case will be sent back for reassignment to another courtroom and another judge for trial. Do you fully understand this? \_\_\_\_\_
34. If there is a mandatory minimum sentence applicable and this mandatory sentence is sought by the Commonwealth, then this Court has no discretion to impose a lesser sentence and must impose at least the minimum sentence that is required by law. Do you fully understand this? \_\_\_\_\_
35. Are you aware that if the offenses with which you are charged do not require a mandatory sentence under the statutory law of Pennsylvania, this Court is not bound by the sentencing guidelines and may deviate from the guidelines, however, if the Court does so, both the District Attorney and you would have a right to appeal such deviation? \_\_\_\_\_
36. Do you understand that any term of imprisonment imposed as a result of your plea may be imposed separately, or consecutively, with any other state or federal term of imprisonment you are currently serving? \_\_\_\_\_
37. Do you understand that the conviction that will result from your plea may serve as a violation of any term of state or federal probation or parole? \_\_\_\_\_
38. Do you understand that a violation of your state or federal probation or parole could result in the imposition of further separate or consecutive term of imprisonment? \_\_\_\_\_
39. Your plea must be voluntary and your rights must be voluntarily, knowingly and intelligently waived. If anyone has promised you anything other than the terms of a plea bargain, your plea will be rejected. If anyone has forced you or attempted to force you in any way to plead guilty or nolo contendere, your pleas will be rejected. Do you fully understand this? \_\_\_\_\_
40. Has anybody forced you to enter this plea? \_\_\_\_\_
41. Are you doing this of your own free will? \_\_\_\_\_
42. Have any threats been made to you to enter a plea? \_\_\_\_\_

\_\_\_\_\_  
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43. Do you understand that if there is a plea bargain in this case, the terms of the plea bargain will be stated on the record before the judge and that you will be bound by the terms of the plea bargain as they appear of record? \_\_\_\_\_
44. Do you understand that this Court is not bound by any plea bargain entered into by you and the District Attorney? \_\_\_\_\_
45. If the Court rejects the plea bargain after hearing a summary of the evidence, you would then have the right to withdraw your plea and your case would be reassigned to another judge before whom you would have the option of entering a straight plea with no plea bargain involved or have your case heard by that judge in a non-jury trial and, of course, you would still have the right to a trial by judge if you so desire. Do you fully understand this? \_\_\_\_\_
46. Are you satisfied with the legal advice and legal representation of your attorney? \_\_\_\_\_
47. Have you had ample opportunity to consult with your attorney before entering your plea, and are you satisfied that your attorney knows all of the facts of your case and has had enough time within which to check any questions of fact or law which either you or your attorney may have about the case? \_\_\_\_\_
48. Has your attorney gone over with you the meaning of the terms of this document? \_\_\_\_\_
49. Have you ever had any physical or mental illness that would affect your ability to understand these rights or affect the voluntary nature of your plea? \_\_\_\_\_
50. Are you presently taking any medication which might affect your thinking or your free will? \_\_\_\_\_
51. Have you had any narcotics or alcohol in the last 48 hours? \_\_\_\_\_
52. A. If you are entering a plea of guilty, you admit that you committed the crime(s) with which you are charged and to which you are pleading guilty. Do you fully understand this? \_\_\_\_\_
- B. If you are entering a plea of nolo contendere, do you admit that you are not challenging the charges against you? \_\_\_\_\_
53. Have you discussed with your attorney or are you aware of the permissible range of sentences and/or fines that can be imposed for the offenses charged? \_\_\_\_\_

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54 Have any promises been made to you to enter a plea of guilty other than any plea agreement that has been negotiated for you by yourself or your attorney? \_\_\_\_\_

55 Do you understand that you will have a right to request that your plea be withdrawn at any time prior to sentence and you will have ten (10) days after your sentence to challenge the validity of your plea, however, if you would fail to do so within these time periods, you would forever give up these rights? \_\_\_\_\_

56 Do you understand your rights? \_\_\_\_\_

\_\_\_\_\_  
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THE FOLLOWING IS TO BE FILLED OUT WHEN MEGAN'S LAW IS APPLICABLE

If you (PLEAD GUILTY TO) or (ARE CONVICTED OF) \_\_\_\_\_

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There are some additional consequences you should be aware of:

This is an identical written version of what the Court will go over with you when your plea is entered. Each line has a place for you to place your initials if you understand it.

First, do you understand that the (offense) or (one of the offenses) that you are (pleading to) or (may be convicted of) is called a sexually violent offense, and that means that you will be considered a sex offender \_\_\_\_\_(initials)

Under the law of Pennsylvania all sex offenders are required to register their current addresses with the Pennsylvania State Police for a period of ten (10) years. If you do not register your address, you will be committing a Felony of the third degree. If you are incarcerated, you will not be released at the minimum, until your registration information has been received \_\_\_\_\_(initials)

/Second, this Court must decide whether you are what is known as a sexually violent predator. That means that this Court will have to decide whether you are more likely to commit a sexually-violent offense against another person, because of a specific mental abnormality or personality disorder you may have \_\_\_\_\_(initials)

Prior to sentencing you on the offense(s) you have (pled guilty to) or (were convicted of), the Court must order that you be assessed by the State Sexual Offender Assessment Board. This Board was established by the Legislature, and it is mandatory that the Court order the assessment. The Board will review a number of factors, including but not limited to:

- your age,
- your past criminal record,
- the age of the victim,
- whether this offense involved more than one victim,
- your drug use, if any,
- any prior sex offender programs or sentences you have completed,
- any mental illness or disability you may have,
- the nature of the sexual contact with the victim,
- the nature of the offense
- any behavioral characteristics you may have which contribute to your conduct.

The Board will then make a recommendation to the Court. \_\_\_\_\_(initials)

Do you understand that the Commonwealth must prove by clear and convincing evidence that you are a sexually violent predator. You will have the opportunity at a hearing to present evidence to convince the Court that you are not a sexually-violent predator. Both you and the District Attorney have the right to be heard, to call witnesses, to call expert witnesses, and to cross-examine witnesses. You have the right to an attorney at this hearing, and if you cannot afford an attorney, one will be appointed for you. \_\_\_\_\_(initials)

The Court must be convinced by the legal standard of clear and convincing evidence that you are a sexually-violent predator. The standard means that the testimony presented must be so clear, direct, weighty and convincing, as to enable the Court to come to a clear conviction, without hesitation, of the fact that you are a sexually-violent offender. \_\_\_\_\_(initials)

Do you understand that should the Court find that you are not a sexually-violent predator and you have not been convicted of the following crimes: Rape, Involuntary Deviate Sexual Intercourse, Sexual Assault, Aggravated Indecent Assault and Incest with a Victim Under Twelve, the only requirement is that you register your current addresses for a period of ten (10) years, as the Court explained to you earlier? \_\_\_\_\_(initials)

Do you understand that should the Court find that you are a sexually-violent predator, you will have to register your current address for life. You will also have to verify your address every 90 days. If you fail to register or fail to verify your address, you will be committing a felony of the third degree? \_\_\_\_\_(initials)

Do you understand that you will be required to attend counseling sessions at least once a month in a program approved by the Board. You may also be required to attend counseling more than once a month. You will have to pay any fees charged for this counseling. However, if you can prove that you cannot afford the fees, you will still have to attend counseling, but the fees will be paid by the state? \_\_\_\_\_(initials)

Do you understand that one year before your release from a state or county correctional facility and/or in five-year intervals after your release, you may petition this Court to reconsider its determination that you are a sexually-violent predator? \_\_\_\_\_(initials)

**The appointments with the Sexual Offender Assessment Board are scheduled at the convenience of the Board. You must notify the Board, District Attorney and defense attorney of any change of address and will state for the record your current address, phone number, and emergency contact number.**

**FULL NAME** \_\_\_\_\_

**CURRENT ADDRESS** \_\_\_\_\_

**PHONE NUMBER** \_\_\_\_\_

**EMERGENCY CONTACT NUMBER** \_\_\_\_\_

I AFFIRM THAT I HAVE READ THE ABOVE DOCUMENT IN ITS ENTIRETY. I UNDERSTAND ITS FULL MEANING, AND I AM STILL NEVERTHELESS WILLING TO ENTER A PLEA TO THE OFFENSES SPECIFIED. I FURTHER AFFIRM THAT MY SIGNATURE AND INITIALS ON EACH PAGE OF THIS DOCUMENT ARE TRUE AND CORRECT.

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DATE

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SIGNATURE OF DEFENDANT

**CERTIFICATION OF DEFENSE COUNSEL**

I certify that:

1. I am an attorney admitted to the Supreme Court of Pennsylvania.
2. I represent the defendant herein.
3. I know no reason why the defendant cannot fully understand everything that is being said and done here today.
4. The defendant read the above form in my presence and appeared to fully understand it. I have gone over the form completely with the defendant, explained all of the items on the form, and answered any questions he or she had.
5. I see no reason why the defendant cannot and is not knowingly, intelligently and voluntarily giving up his or her rights to trial and pleading guilty.
6. I made no promises to the defendant other than any that appear of record in this case.

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DATE

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ATTORNEY FOR DEFENDANT

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

:  
:  
:  
:  
:  
:  
:

Criminal Action No.: \_\_\_\_\_

\_\_\_\_\_

Defendant.

**PLEA OF GUILTY**

I, the above named Defendant, hereby enter my plea of guilty on the charge of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

And represent that I do this knowingly, voluntarily and intelligently.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

No. \_\_\_\_\_ of \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone No.: \_\_\_\_\_

APPLICATION FOR CONTINUANCE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2011, Defense Attorney  
\_\_\_\_\_ hereby requests continuance of the above captioned case for the  
reason that \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant

WAIVER OF PROMPT TRIAL UNDER PA. RULE OF CRIMINAL PROCEDURE 600

I, the undersigned, having been informed and understanding my rights under Pa. Rule of Criminal Procedure 600, which provides that I must be brought to trial on the charges against me within 180 days of the date that the Complaint was filed if I am incarcerated, or within 365 days from the date that the Complaint was filed if I am at liberty on bail, and if trial has not commenced within that time, I, or my attorney, may apply to the Court for an Order either granting me release from incarceration on nominal bond or dismissing the charges with prejudice and discharging me so that I could never be brought to trial again on the same charges, do nevertheless HEREBY WAIVE MY RIGHTS UNDER RULE 600 AND MY RIGHTS TO A SPEEDY TRIAL, and join in the aforesaid Application for Continuance.

Date of Complaint: \_\_\_\_\_  
Defendant

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2011, upon presentation of the  
above Application and Waiver, the continuance is hereby ( ) Granted ( ) Denied. The above captioned  
matter is hereby continued until the next criminal trial session beginning \_\_\_\_\_  
\_\_\_\_\_, 2011, at \_\_\_\_\_ o'clock \_\_\_\_\_ m. in Courtroom No. 5.

\_\_\_\_\_ Assign Trial Judge      \_\_\_\_\_ Consolidate Cases