

IN THE COURT OF COMMON PLEAS
BRADFORD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. CP-08-CR-0000 _____
 V. : NO. CP-08-CR-0000 _____
 _____ : NO. CP-08-CR-0000 _____
 NO. CP-08-CR-0000 _____

: : : : : : : : : : : : : : :

PLEA COLLOQUY

1. With your attorney’s help, list below the case number(s), charges(s), statutory citation of the charge(s), and grading of each offense to which you are tendering a plea of guilty.

<u>Case#(s)</u>	<u>Charge(s)</u>	<u>Statutory Citation</u>	<u>Grading</u>
Example: (CR0000001-2001)	Simple Assault	18 Pa. C.S. §2701(a)(1)	Misdemeanor 2)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

1(a) Set forth any plea agreement that has been reached or attach a copy of written agreement:

- 2. Are you known by any other name or alias? Yes_____ No_____
- 3. How old are you? _____
- 4. How far did you go in school? _____
- 5. Can you read, write, and understand the English language? Yes_____ No_____

6. Do you now suffer, or have you ever suffered, from any emotional problem or mental defect of any kind? **Yes**_____ **No**_____

7. Are you right now under the influence of any drugs or alcohol including any medications that may be prescribed for you? **Yes**_____ **No**_____

8. If you are appearing by advanced communication technology (e.g. Zoom), do you agree to waive your right to be physically present in the courtroom for the purposes of this plea hearing and also for sentencing?

N/A_____ **Yes**_____ **No**_____

9. Do you understand that when you plead guilty, you give up the right to remain silent and you can be questioned about the facts of the case(s)?

Yes_____ **No**_____

10. Do you understand that you have an absolute right to go to trial on the charges against you?

Yes_____ **No**_____

11. Do you understand that if you went to trial you would not have to prove that you are innocent?

Yes_____ **No**_____

12. Not having to prove that you are innocent means that you would not have to take the witness stand and testify yourself, you would not have to call any witnesses to testify for you, you would not have to present any evidence, you would not have to do anything at all and none of that could be held against you.

Do you understand this?

Yes_____ **No**_____

13. In other words, you are presumed to be innocent unless and until you are proven guilty.

Do you understand that?

Yes_____ **No**_____

14. It is always the Prosecuting Attorney's responsibility to prove you guilty and he or she has to prove you guilty beyond a reasonable doubt.

Do you understand that?

Yes_____ **No**_____

15. In order to prove you guilty beyond a reasonable doubt, the Prosecuting Attorney would be required to bring the witnesses against you into court and place them on the witness stand, under oath, to tell the truth.

Do you understand that?

Yes _____ **No** _____

16. You would have the right, through your attorney, to cross-examine those witnesses, that is, to question them, to determine whether they were testifying truthfully and accurately.

Do you understand that? **Yes**_____ **No**_____

17. You would have the right to take the witness stand and testify yourself, to call other witnesses to testify for you, and to present other evidence on your behalf but you would not be required to do any of that, and, if you chose not to, the fact that you chose not to could not be used against you in any way whatsoever.

Do you understand that? **Yes**_____ **No**_____

18. You have the right to request a trial by a Judge sitting without a jury instead of a trial by jury.

Do you understand that? **N/A**_____ **Yes**_____ **No**_____

19. Do you understand that if you are charged with a crime for which the maximum penalty is greater than six (6) months and you elected to be tried by a jury, the jury would be selected from a panel of prospective jurors, all drawn at random from the adult residents of Bradford County. You would have the right, with the assistance of your attorney, to question the prospective jurors beforehand to make sure that they are fair and impartial. Then, with the help of your attorney, you could participate in the selection of that jury.

Do you understand that? **N/A**_____ **Yes**_____ **No**_____

20. If you were tried by a jury, you could not be convicted unless all twelve jurors were convinced, beyond a reasonable doubt, that you were guilty.

Do you understand that? **N/A**_____ **Yes**_____ **No**_____

21. If you were tried by a Judge sitting without a jury, you would have all the same rights that you would have at a jury trial except that the Judge alone would decide whether or not you were guilty.

Do you understand that? **Yes**_____ **No**_____

22. When you plead guilty you give up the right to raise certain questions by pre-trial motion. If you had gone to trial, before your trial began, your lawyer could have filed a pre-trial motion raising any issues or questions he or she thought applied to your case that might entitle you to some relief even before your trial began. For example, in such a motion your lawyer might have asked the Judge to rule that certain kinds of evidence could not be used against you perhaps because that evidence had

been obtained by the police unconstitutionally or otherwise illegally, or your lawyer might have asked the Judge to dismiss the charges against you on any one of more of the number of grounds, or your lawyer might have raised any other issues or questions. When you plead guilty, you give up the right to raise such issues or questions in this or any other court at any time.

Do you understand that? **Yes** _____ **No** _____

23. In addition, when you plead guilty you give up most of your rights on appeal. After you plead guilty, you can still appeal to a higher court but only on any one or more of the following three grounds:

First, whether this Court had jurisdiction to try your case(s);

Second, whether the sentence of the court is legal, and;

Third, whether your plea is valid.

Do you understand that? **Yes** _____ **No** _____

24. Do you understand that the Judge is not bound by the terms of any plea agreement reached between your attorney and the Commonwealth?

Yes _____ **No** _____

25. Do you understand that when it comes time for the court to sentence you on this (these) offense(s) if at that time you are subject to or are serving any prior sentence, the sentence imposed for this offense can be added to or made consecutive to any prior sentence. Further, if you are pleading guilty to more than one offense today, the sentences imposed can be added together or made consecutive to each.

Do you understand that? **Yes** _____ **No** _____

26. Has anybody promised you anything to get you to plead guilty? **Yes** _____ **No** _____

27. Has anybody used any force or threats to get you to plead guilty? **Yes** _____ **No** _____

28. Have you thoroughly discussed your case(s) with your attorney? **Yes** _____ **No** _____

29. Has your attorney discussed with you any possible defenses you may have in your case were you to go to trial?

Yes _____ **No** _____

30. Are you satisfied that your attorney knows everything the he or she needs to know about your case(s) and about your situation in general?

Yes _____ No _____

31. Are you satisfied with your attorney's representation of you in your case(s)?

Yes _____ No _____

I hereby certify that I have read all of this Plea Colloquy, that my attorney has discussed each of the above matters with me, that the responses indicated are mine, and that they are truthful and accurate.

Dated: _____

Defendant

I hereby certify that I have explained each of the matters contained in this Plea Colloquy to my client, the Defendant, that I have discussed each matter with the Defendant, individually, that the responses indicated are genuinely the Defendant's , and that I believe the Defendant's plea is voluntary and understandably tendered.

Dated: _____

Attorney for the Defendant

Revised 11/2/2023