

**IN THE COURT OF COMMON PLEAS OF THE 44TH JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF SULLIVAN**

**COMMONWEALTH**

**V.**

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:  
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:

**NO. 20**\_\_\_\_**-CR-**\_\_\_\_\_

\_\_\_\_\_  
**Defendant**

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**WRITTEN GUILTY PLEA COLLOQUY**

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You or your attorney have indicated that you may want to plead to some or all of the crimes charged against you. This paper lists questions connected with your guilty plea. Many of the questions go over your rights under the law as a person charged with a crime or with crimes. By pleading guilty, you give up many of these rights. It is important, then, that you understand your rights before pleading guilty. Please read each question carefully and then answer the question. If you do not understand the question, mark that down by the question. When you have finished answering the questions on a page, put your initials in the space at the bottom of the page. When you have finished all of the questions, sign the last page.

If there are questions you do not understand, or if you do not believe you understand the rights mentioned in this paper, go to your attorney so that he/she can explain the question or your rights to you. You may also ask the Judge to explain your rights to you when you go before him.

To Defense Counsel: It is your responsibility to see that this form is properly completed prior to appearing before the Court for acceptance of the plea.

Initials\_\_\_\_\_

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. Are you now being treated for a mental illness?  
Yes \_\_\_\_\_ No \_\_\_\_\_
6. If the answer to No. 5 is yes, explain the details. If the answer is no, go to question no. 8. \_\_\_\_\_  
\_\_\_\_\_
7. If you are now being treated for a mental illness, do you still feel that you are able to understand what you are doing today?  
Yes \_\_\_\_\_ No \_\_\_\_\_
8. Do you know what crime or crimes are charged against you?  
Yes \_\_\_\_\_ No \_\_\_\_\_
9. Each crime has a number of elements to it. Did your attorney (your lawyer) explain to you the elements of the crime or crimes that you are pleading guilty to?  
Yes \_\_\_\_\_ No \_\_\_\_\_
10. When a person is charged with a crime, he has a right to defend himself in a trial by jury. Do you understand this?  
Yes \_\_\_\_\_ No \_\_\_\_\_
11. To defend yourself in a trial by jury, you would have to plead not guilty. Do you understand this?  
Yes \_\_\_\_\_ No \_\_\_\_\_
12. By pleading guilty, you admit you committed the crime charged and you give up your right to a trial by jury. Do you understand this?  
Yes \_\_\_\_\_ No \_\_\_\_\_
13. ***Do you understand that if you are convicted of a misdemeanor crime involving violence where you are or were a spouse, intimate partner, parent or guardian of the victim, or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. §922 (g)(8) and/or state tribal, territorial or local law. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.***  
Yes \_\_\_\_\_ No \_\_\_\_\_

14. If you want a trial by jury, you have the right to help select the jury with your attorney. You would have a number of preemptory challenges and you can use those challenges to remove any potential juror for any reason, or no reason, whatsoever. Twelve (12) people must be selected to be your jury. Do you understand this?

Yes \_\_\_\_\_ No \_\_\_\_\_

15. Do you understand that if you chose to have a jury trial, the judge will send for a panel of thirty or forty prospective jurors, all drawn at random from the voter registration rolls of the county?

Yes \_\_\_\_\_ No \_\_\_\_\_

16. If you have a trial by jury, the jury determines whether you are guilty or innocent of the crimes charged against you. Do you understand this?

Yes \_\_\_\_\_ No \_\_\_\_\_

17. In a jury trial, the jury must presume that you are innocent until you are proven guilty. The Commonwealth of Pennsylvania represented by the District Attorney must prove every element of each crime or crimes charged against you and that you have committed such crime or crimes beyond a reasonable doubt before you can be found guilty. Do you understand these things?

Yes \_\_\_\_\_ No \_\_\_\_\_

18. In a jury trial you do not have to say anything at trial or do anything to defend yourself. If you do not say anything at trial, this cannot be held or used against you and the court will instruct the jury that this is the law which they are obligated to follow. Do you understand this?

Yes \_\_\_\_\_ No \_\_\_\_\_

19. In order for a jury to find you guilty, all twelve (12) people on the jury must agree that you are guilty beyond a reasonable doubt. Do you understand this?

Yes \_\_\_\_\_ No \_\_\_\_\_

20. Reasonable doubt is the kind of doubt that would cause an ordinary sensible, cautious person to pause or hesitate in a matter of highest importance or interest to himself or herself. Do you understand this?

Yes \_\_\_\_\_ No \_\_\_\_\_

21. If the jury deliberating upon my case could not decide in a unanimous fashion (all twelve (12) of them) as to either your guilt or innocence, this would constitute a hung jury. In the case of a hung jury on any particular charge or charges the

Commonwealth generally has the right to retry you on any hung jury charge or charges, although you may not be retried on any not guilty finding or findings rendered by the jury. Do you understand this?

Yes \_\_\_\_\_ No \_\_\_\_\_

22. If you wish to defend yourself and plead not guilty, you may also request a trial before a judge instead of by a jury. In that case, there is no jury, and the judge decides whether you are guilty or innocent. As in a jury trial, the District Attorney must prove you guilty of each element of the crime or crimes charged against you beyond a reasonable doubt. Do you understand your right to a non-jury trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

23. Do you understand by pleading guilty you give up your right to a trial, either by jury or before a judge?

Yes \_\_\_\_\_ No \_\_\_\_\_

24. By pleading guilty, you also give up the right to challenge the evidence the District Attorney wants to bring against you. If the District Attorney has physical objects or other evidence it has taken from you, or if you made any statements or confessions to the police, (or if there are witnesses who identified you to the police) you can challenge the use of this evidence at a hearing before the trial starts. The District Attorney has the burden of showing that it may use this evidence against you. Do you understand that when you plead guilty, you give up this right to challenge the use of this evidence against you?

Yes \_\_\_\_\_ No \_\_\_\_\_

25. If you go to trial and if you are convicted you have the right to appeal the verdict to a higher court. Do you understand this?

Yes \_\_\_\_\_ No \_\_\_\_\_

26. If you are successful in appealing a verdict of guilty after the trial, the verdict could be overturned and either you would be set free or you would be able to have another trial. Do you understand this and that you would be giving up these rights by pleading guilty?

Yes \_\_\_\_\_ No \_\_\_\_\_

27. But if you do plead guilty, you give up your right to appeal your guilty plea except on three (3) grounds:

- 1.) That the guilty plea was not made voluntarily or you did not understand what you were doing when you plead guilty.
- 2.) That the court could not accept your guilty plea because this court did not have jurisdiction over the case.
- 3.) That the judge's sentence is unlawful or improper.

Do you understand these grounds of appeal?

Yes \_\_\_\_\_ No \_\_\_\_\_

28. After you plead guilty, you may petition the court to withdraw your guilty plea either before you are sentenced or within ten (10) days after you are sentenced. It is much more difficult to withdraw your guilty plea after sentence. If the court does allow you to withdraw your guilty plea, then you go to trial on the charges against you. If the court does not allow you to withdraw your guilty plea, you may appeal that decision to the Superior Court within thirty (30) days after you are sentenced. Do you understand this?

Yes \_\_\_\_\_ No \_\_\_\_\_

29. Has your attorney or anyone else told you what sentences you can receive for the crimes charged against you?

Yes \_\_\_\_\_ No \_\_\_\_\_

30. If you are pleading guilty as a part of a plea agreement, you should know that the judge does not have to accept the plea agreement if he feels it is improper. If the judge rejects the plea agreement, you will go to trial where your attempted guilty plea cannot be mentioned, or you may enter into a different plea. Do you understand this?

Yes \_\_\_\_\_ No \_\_\_\_\_

31. If you had gone to trial instead of pleading guilty, you would have had the right to have witnesses testify for you, and you would have had the right to confront (face) and cross-examine all of the prosecution witnesses against you. But if you plead guilty, the District Attorney will be able to briefly give its evidence against you, and the Judge will accept this as true. Do you understand this?

Yes \_\_\_\_\_ No \_\_\_\_\_

32. Now that you have been informed of these rights, do you wish to plead guilty to some or all of the crimes charged against you?

Yes \_\_\_\_\_ No \_\_\_\_\_

33. Has anybody forced you to enter this plea of guilty?

Yes \_\_\_\_\_ No \_\_\_\_\_

34. Are you doing this of your own free will?

Yes \_\_\_\_\_ No \_\_\_\_\_

35. Have any threats been made to you to enter a plea of guilty?

Yes \_\_\_\_\_ No \_\_\_\_\_

36. Have any promises been made to you to enter a plea of guilty other than any plea agreement made by you or your attorney?  
(Please see attached sheet for description of the charge(s) to which you are pleading)

Yes \_\_\_\_\_ No \_\_\_\_\_

37. Are you satisfied with the representation of your attorney?  
Yes \_\_\_\_\_ No \_\_\_\_\_
38. Have you had enough time to talk to your attorney before reading this paper and entering your plea of guilty?  
Yes \_\_\_\_\_ No \_\_\_\_\_
39. Has your attorney gone over with you the meaning of the questions in this paper?  
Yes \_\_\_\_\_ No \_\_\_\_\_
40. Has your attorney explained to you the questions you did not understand?  
Yes \_\_\_\_\_ No \_\_\_\_\_
41. Are you presently on probation or parole?  
Yes \_\_\_\_\_ No \_\_\_\_\_
42. If you are on probation or parole do you realize that your plea of guilty may mean a violation of that probation and parole and you can be sentenced to prison as a result of that violation caused by your guilty plea today?  
Yes \_\_\_\_\_ No \_\_\_\_\_
43. Do you understand that decision to enter a guilty plea is yours and yours alone; that you do not have to enter a plea of guilty and give up all your rights as previously explained to you; that no one can force you to enter a guilty plea?  
Yes \_\_\_\_\_ No \_\_\_\_\_
44. I also understand I will be subject to immediate detention and incarceration as well as bail revocation proceedings under any of the following circumstances:
- a.) I have a positive urinalysis test for controlled substances;
  - b.) I initiate any physical or verbal contact either directly or through a third party with any victim of the crime in this matter;
  - c.) I commit a new criminal offense for which a prima facia case has been established at a preliminary hearing;
  - d.) Any other condition of bail is violated by me.

\_\_\_\_\_  
Initials

45. Has your attorney explained to you that the plea you are entering is considered an "open" plea, meaning that the sentence will be determined entirely by the judge and that no agreement has been made with the Commonwealth concerning the duration of a possible incarceration?

Yes \_\_\_\_\_ No \_\_\_\_\_

46. Has your attorney explained to you that once you enter this guilty plea, you have no absolute right to withdraw or change it unless the judge gives his approval based upon a finding that you have a fair and just reason to withdraw or change the plea?

Yes \_\_\_\_\_ No \_\_\_\_\_

47. Has your attorney explained to you that being unsatisfied with the sentencing recommendations made by the probation department or any other person will not constitute fair and just reasons for you to change or withdraw this plea that you are entering?

Yes \_\_\_\_\_ No \_\_\_\_\_

48. Has your attorney explained to you that a mere assertion of innocence made by you at a later time and without at least some legal or factual support will not be considered a fair and just reason justifying an attempt to withdraw this guilty plea once it is entered?

Yes \_\_\_\_\_ No \_\_\_\_\_

49. Has your attorney in anyway forced you to enter this guilty plea?

Yes \_\_\_\_\_ No \_\_\_\_\_

MY CURRENT ADDRESS IS: \_\_\_\_\_

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

THE TELEPHONE NUMBER WHERE I CAN BE REACHED IS:

\_\_\_\_\_

## DEFENDANT'S AFFIRMATION & VERIFICATION

I AFFIRM THAT I HAVE READ THE ABOVE PAPER COMPLETELY AND I UNDERSTAND ITS FULL MEANING AND I STILL WANT TO ENTER A PLEA OF GUILTY TO THE CRIMES SPECIFIED. BY ENTERING THIS GUILTY PLEA I ADMIT THAT I AM, **IN FACT**, GUILTY OF THE CRIMES TO WHICH I AM PLEADING GUILTY. I FURTHER AFFIRM THAT MY SIGNATURE AND INITIALS ON EACH PAGE OF THIS DOCUMENT ARE TRUE AND CORRECT.

I further depose affirm and attest that I have read and completed the foregoing GUILTY PLEA COLLOQUY and that the answers and facts contained in herein are true and correct to the best of my knowledge, information and belief.

I understand that answers, facts and statements made in this GUILTY PLEA COLLOQUY are made subject to the provisions and penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
DATE

## DEFENSE ATTORNEY'S CERTIFICATION

I, \_\_\_\_\_, Attorney  
for \_\_\_\_\_, state that I  
have advised my client of the meaning of this document; that it is my belief that  
he/she comprehends and understands the questions and what is set forth above;  
and that the defendant understands what he/she is doing by pleading guilty.

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT



