

IN THE COURT OF COMMON PLEAS
OF BEDFORD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,

v.

No.: CR-_____FOR_____

DEFENDANT

GUILTY PLEA COLLOQUY (FELONY)
I. INSTRUCTIONS

You are present before this Court because either you or your attorney has stated that you wish to plead guilty to some or all of the criminal offenses of which you have been charged.

Please read each numbered statement carefully. If you agree with the statement, place an "X" in the box next to the statement. If you disagree or do not understand the statement, DO NOT place anything in the box.

If there is anything on this form that you do not understand, you should tell your attorney or the judge who hears your case. It is important that you read this information carefully and answer the form truthfully so that you understand all of your rights.

II. PERSONAL INFORMATION

1. Name: _____
2. Address: _____
3. Age: _____ years
4. Highest completed level of education: _____
5. ☐ I can read, write and understand the English language.
6. ☐ I have never seen a doctor or been in a hospital for any mental problems.
7. ☐ I am not under the influence of drugs or alcohol.
8. ☐ I have not taken any prescription medication in the last week.

III. THE CHARGE(S)

9. ☐ I understand which charge(s) I am pleading guilty to.
10. ☐ My attorney has explained the elements of the crimes I am charged with.
11. ☐ I understand the elements of the crimes that the Commonwealth must prove to convict me.

IV. NO PROMISE OR THREATS

12. ☐ Other than what is contained in the plea agreement, nobody has promised me anything to plead guilty.
13. ☐ Nobody has threatened me or forced me to plead guilty. I have decided to plead guilty myself and I know what I say today is final.

V. MAXIMUM PERMISSIBLE SENTENCES FOR CHARGES

14. ☐ I have reviewed the information on the following table with my attorney.

COUNT	OFFENSE	GRADE	MAX. JAIL TERM	MAX. FINE

15. ☐ I understand that the Court could sentence me to the above maximum jail times for each of the crimes to which I am pleading guilty.
16. ☐ I understand that the Court could impose the above maximum fines for each of the crimes to which I am pleading guilty.
17. ☐ I understand that, unless it is stated in the plea agreement, the Court can impose consecutive sentences (meaning one sentence does not begin until the other ends), concurrent sentences (meaning the sentences run at the same time), or a combination of both.

VI. PLEA AGREEMENT

- 18. ☐ My attorney has explained the plea agreement to me and I fully understand the terms.
- 19. ☐ Other than what is in the plea agreement, nobody has promised me anything if I plead guilty.
- 20. ☐ I understand that if the judge does not go along with the plea agreement, I can withdraw my guilty plea and proceed to trial.
- 21. ☐ I understand that, after sentencing, I can only withdraw my guilty plea if there is a manifest injustice in my case.

VII. RIGHTS AT TRIAL

- 22. ☐ I understand that I have an absolute right to trial and that I do not have to plead guilty to anything.
- 23. ☐ I understand that I can have a jury trial or ask the Court to have a trial in front of a judge alone.
- 24. ☐ I understand that I am presumed to be innocent and that it is the Commonwealth's burden to prove I am guilty.
- 25. ☐ I understand that I do not have to prove my innocence or produce any evidence at trial.
- 26. ☐ I understand that, in order to convict me, the Commonwealth must prove more than that I probably committed the crimes.
- 27. ☐ I understand that, in order to convict me, the Commonwealth must prove me guilty "beyond a reasonable doubt."
- 28. ☐ I understand that a "reasonable doubt" is a doubt that would cause a reasonable person to refrain from acting in something very important to them.
- 29. ☐ I understand that I have the right to remain silent and that nobody can force me to testify.
- 30. ☐ I understand that if I remain silent nobody could hold it against me nor assume that I was guilty because I refused to talk or testify.
- 31. ☐ I understand that the choice to testify at trial or remain silent is mine alone.
- 32. ☐ I understand that I could testify at trial and that I may call witnesses and produce other evidence.
- 33. ☐ I understand that if I plead guilty, I am giving up my right to testify, call witnesses or produce other evidence.
- 34. ☐ I understand that at trial I would be able to confront the Commonwealth's witnesses and evidence.
- 35. ☐ I understand that at trial my attorney would be able to cross-examine and question the Commonwealth witnesses.
- 36. ☐ I understand that at trial my attorney would be able to question the Commonwealth witnesses on whether they are telling the truth and whether what they are saying is correct.
- 37. ☐ I understand that at trial my attorney would be able to challenge whether the Commonwealth's evidence is admissible.
- 38. ☐ I understand that if I plead guilty I am giving up the right to confront or

question the Commonwealth's evidence.

VIII. JURY TRIAL

- 39. ☐ I understand that I have absolute right to a jury trial.
- 40. ☐ I understand that the jury would be twelve people from Bedford County who would hear the evidence in my case.
- 41. ☐ I understand that I would be convicted only if all twelve jurors were convinced beyond a reasonable doubt that I am guilty.
- 42. ☐ I understand that if all twelve jurors were not convinced beyond a reasonable doubt, I would be found not guilty.
- 43. ☐ I understand that if the twelve jurors could not agree, I would not be convicted but I may have another trial in front of another jury.
- 44. ☐ I understand that I can help pick the jurors and that each juror could be questioned to make sure they would be fair.
- 45. ☐ I understand that I could ask the judge to remove jurors who would be unfair.
- 46. ☐ I understand that I can also keep a limited number of people off the jury without giving any reason why I don't want them, and I understand that the Commonwealth could do the same.
- 47. ☐ I understand that my attorney would help me in picking jurors.
- 48. ☐ I understand that if I plead guilty, there will be no trial.

IX. PRE TRIAL RIGHTS

- 49. ☐ I understand that by pleading guilty I am giving up pre-trial rights including motions asking the judge to dismiss the charges.
- 50. ☐ I understand that by pleading guilty I am also giving up the right to ask the judge to "suppress" the Commonwealth's evidence so that it could not be used against me at trial.
- 51. ☐ I understand that I could ask the judge to "suppress" evidence such as my statements to the police or other people, identifications people have made of me, and/or anything of mine seized by the police.
- 52. ☐ I understand that by pleading guilty I am giving up my speedy trial rights and other pre-trial motions.
- 53. ☐ I understand that if I have already filed pre-trial motions, I am giving up my right to appeal the judge's decisions on those motions by pleading guilty.

X. APPEAL RIGHTS

- 54. ☐ I understand that if I was found guilty at trial, I would have the right to appeal and attempt to overturn my conviction.
- 55. ☐ I understand that if I plead guilty, I am giving up almost all of my rights to appeal my conviction.
- 56. ☐ I understand that if I plead guilty, I can appeal only if my guilty plea was involuntary, if the Court did not have the jurisdiction to handle my case or if my sentence was illegal.

57. ☐ I understand that in order to appeal even these matters, I must file the appropriate motions after I plead guilty or after sentencing.

XI. PROBATION OR PAROLE

58. ☐ If I am currently on probation or parole, I understand that a guilty plea has the same effect as being found guilty at trial and that my guilty plea could cause my probation and/or parole to be revoked.

XII. SATISFACTION WITH ATTORNEY

59. Name of your attorney: _____
60. ☐ I am satisfied with the advice and service of my attorney.
61. ☐ I have had enough time to talk to my attorney and my attorney has answered all of my questions.
62. ☐ Although my attorney may have given me advice, I made the final decision to plead guilty myself.

XIII. FACTS OF CASE AND ELEMENTS OF THE CRIME(S)

63. ☐ I understand the elements of the crimes that I am charged with and what the Commonwealth would have to prove to convict me.
64. ☐ I understand the facts of my case and the allegations the Commonwealth has made against me.
65. ☐ I understand that if a jury believed the Commonwealth's allegations, the jury could convict me of the offense(s) to which I am pleading.

XIV. GIVING UP DEFENSES

66. ☐ I understand that if I plead guilty I am giving up the right to defend my case.
67. ☐ I understand that once I plead guilty, I cannot claim I am innocent of the offenses to which I am pleading guilty.

I HAVE READ ALL OF THE ABOVE INFORMATION, OR MY LAWYER HAS READ IT TO ME. I UNDERSTAND IT AND DO NOT HAVE ANY QUESTIONS.
MY ANSWERS ARE ALL TRUE AND CORRECT.

Sign name

Print name

XV. CERTIFICATION OF DEFENSE COUNSEL

I certify that:

1. I am admitted by the Supreme Court of Pennsylvania as an attorney to the Courts of the Commonwealth of Pennsylvania.
2. I represent the Defendant herein.
3. It is my belief and opinion that the Defendant fully understands everything that is being said and done for his guilty plea.
4. Defendant read the above information and appeared to fully understand it. I have gone over the information with Defendant and answered any questions Defendant had. It is my belief and opinion that Defendant understands the information and my explanations.
5. It is my belief and opinion that the Defendant is knowingly, intelligently and voluntarily giving up Defendant's rights to trial and pleading guilty.
6. I have made no promises to Defendant other than any listed on the colloquy or in the plea agreement.

Attorney for Defendant

Print Name

FOR JUDGE'S USE ONLY, DO NOT COMPLETE.

XVI JUDGE'S CERTIFICATION

I certify that I am the judge having the jurisdiction to hear this case and that I am satisfied the Defendant understands fully the nature and quality of the guilty plea the Defendant is entering before me. I have personally explained to the Defendant, on the record, the following:

1. ☐ The charges to which Defendant is pleading guilty and the terms of the plea agreement.
2. ☐ The maximum sentences which could be imposed, including any applicable mandatory minimum sentences.
3. ☐ The elements of the offenses to which Defendant is pleading guilty.
4. ☐ That Defendant has an absolute right to a jury trial and does not have to plead guilty to anything.
5. ☐ That Defendant is presumed innocent and must be proven guilty beyond a reasonable doubt.
6. ☐ That Defendant has a right to remain silent.
7. ☐ That by pleading guilty, Defendant is giving up all trial rights and almost all rights to appeal.
8. ☐ The factual basis for the plea, including a recitation of the facts by the Commonwealth.

Upon consideration of the above written colloquy information, the oral colloquy, defense counsel's certification and my personal observations of the Defendant, I find that the Defendant has entered the guilty plea intelligently, knowingly and voluntarily.

J.

FOR COURT USE ONLY, DO NOT COMPLETE.

PSI

- ☐ Waived
☐ Full
☐ Limited

Other _____

PRS _____

☐ CIP applicant

SORNA

- ☐ Tier I
☐ Tier II
☐ Tier III
☐ SVP Assessment