

**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA**  
**COMMONWEALTH OF PENNSYLVANIA,**

**CRIMINAL DIVISION**

**VS.**

**No(s).** \_\_\_\_\_ **of 202** \_\_\_\_\_

OTN(s): \_\_\_\_\_

**GUILTY PLEA PETITION**

1. **LEGAL NAME:** My full legal name is: \_\_\_\_\_.

I am also known by a nickname or alias as (if any): \_\_\_\_\_,

but I understand that all proceedings against me will be in my legal name, above.

2. I WISH TO PLEAD GUILTY to the following counts of the above numbered information(s):


3. **BIOGRAPHICAL:** I am \_\_\_\_\_ years of age.

My address is:

\_\_\_\_\_

I have attended the following schools:

SCHOOL

GRADE COMPLETED


I CAN ☐ CANNOT ☐ read, write, and understand the English language.

4. I HAVE ☐ HAVE NOT ☐ been treated for any mental, emotional, or behavioral health disorder. If you have been so treated, list providers, diagnoses, and date of most recent treatment:

\_\_\_\_\_

\_\_\_\_\_

5. Currently, I am not under the influence of any medications, drugs or intoxicants, except as follows:

\_\_\_\_\_

Any medication I am taking DOES ☐ DOES NOT ☐ interfere with my ability to understand today's proceedings. I understand that I am here today for the purpose of entering my plea of GUILTY.

6. My physical and mental health IS ☐ IS NOT ☐ presently satisfactory, except as follows:

\_\_\_\_\_

7. **NO THREATS OR PROMISES:** No threats or promises (other than a plea bargain) have been made or given to me for the purpose of causing me to plead GUILTY.
8. **OTHER CONVICTIONS:** I have been convicted of, pleaded guilty to, received an ARD for, or been given "probation without verdict" for the following crimes before today:

CRIME	YEAR	COUNTY or STATE	SENTENCE OR DISPOSITION
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**OTHER PENDING CASES:** In addition to the crimes I am pleading GUILTY to today, I have the following other cases currently pending:

CHARGE	DATE	COUNTY or STATE	NEXT EVENT (Prelim, OPT, Plea, Trial)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**CURRENT SUPERVISION:** I AM ☐ AM NOT ☐ presently on probation or parole.

I understand that pleading GUILTY in this case may cause revocation of my probation or parole, and that this could result in an additional sentence for violation of my probation or parole. I further understand that if my parole or probation is revoked, any sentence resulting may be consecutive to, or in addition to, any sentence in this case.

9. **PRETRIAL MOTIONS:** I understand that by entering a plea of GUILTY I am waiving or withdrawing any pending pretrial motions and that I will not be able to appeal the Court's rulings on any motions that have already been denied.
10. **TRIAL RIGHTS:** I understand that I may plead NOT GUILTY to any offense charged against me. If I choose to plead NOT GUILTY, the law guarantees that I have the following rights as a person accused of a crime:
- I understand that I am presumed to be innocent; and before I could be found guilty of these crimes, the Commonwealth, through the District Attorney's Office, must prove every element of each of the crimes charged "beyond a reasonable doubt." I would have no responsibility to prove myself innocent.
  - I have a right to have these charges tried before a jury of twelve individuals who are randomly selected from people of Fayette County who are my peers.
  - If these charges are tried before a jury, I understand that I would have the following rights relative to the jury trial:
    - To find me guilty, all twelve of the jurors must unanimously agree that I have been proven guilty "beyond a reasonable doubt."
    - I, with the assistance of my attorney, would have the right to participate in the selection of the jury from people who are my peers.
    - I could exclude from the jury all persons who I could demonstrate through questioning were prejudiced or biased regarding the case or for some reason would deny me a fair trial. I could also exclude up to 5 jurors (for misdemeanor charges) or 7 jurors (for felony charges) without giving any reason at all.
    - I understand the Commonwealth has the same right to exclude jurors as I do.
  - I may also be tried before a judge without a jury, and if so, the judge would act as the judge and jury; and the judge him/herself would decide whether I have been proven guilty. I understand that the judge in such trials would be bound by the same law and rules of evidence as would apply in a jury trial.

- e. In any trial before a jury or before a judge without a jury, I have the following rights:
- i. I have the right to confront my accusers which means that I have the right to see, hear and face in open court all witnesses called to testify against me and I would have the right to cross-examine all the Commonwealth's witnesses.
  - ii. I have the right to use the power and process of the Court to compel the production of evidence, including the attendance of witnesses in my favor. However, I am not required to call witnesses or present any evidence.
  - iii. I have the right to have the assistance of a lawyer at all stages of these criminal proceedings and in the event I cannot afford to pay for a lawyer, a lawyer will be appointed by the Court to represent me free of charge. If no lawyer signs below, it is because I wish to proceed without a lawyer.
  - iv. I have the right against self-incrimination, which means that I cannot be compelled to testify against myself. I have the right to testify on my own behalf, but only if I voluntarily decide to do so. If I do not take the witness stand and testify, the jury can be told that my failure to testify cannot be held against me. I understand that by pleading GUILTY I am incriminating myself and I am admitting that I did what I am accused of in the Criminal Information which I have read.
- f. I understand I have the right to a "speedy" public trial. My attorney has explained to me my rights under Rule 600 of the Pa. Rules of Criminal Procedure requiring that the Commonwealth bring me to trial within 365 days of filing the charges, or I may ask to have the charges dismissed.

11. WAIVER OF RIGHTS BY ENTRY OF PLEA: I understand that by pleading GUILTY and signing below, that I am waiving or giving up all of the above rights.
12. FACTS AND CHARGES: By pleading GUILTY I am admitting that I did those things with which I am charged in the District Attorney's information which I read with my attorney.
13. I stipulate that the facts as they are set forth in the District Attorney's information form a factual basis for my plea and the District Attorney need not call any witnesses.
14. PENALTIES AND SENTENCING: I understand that if I plead GUILTY to the charges, the Court may impose the same punishment as if I had pled NOT GUILTY, stood trial, and been found guilty unless my plea of GUILTY is the result of a Plea Bargain.

a. I know that if I plead GUILTY to these charges, the MAXIMUM POSSIBLE SENTENCES are as follows:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

I have been advised that these sentences can be imposed consecutively.

I have been advised that the Pennsylvania Sentencing Guidelines require the judge to consider certain ranges of sentences relative to the crimes to which I am pleading GUILTY. These Guidelines take into consideration the seriousness of the crimes and any prior criminal record.

My attorney HAS ☐ HAS NOT ☐ reviewed with me my prior record score, the offense gravity score, and the possible ranges of sentences applicable with respect to each crime with which I am charged.

b. I understand that the sentence is to be decided by the Court. I also understand that the Court is not bound by any Plea Bargain agreement I or my attorney may have with the District Attorney's office, however, it is my understanding that I and my attorney and the District Attorney's office have arrived at a PLEA BARGAIN AGREEMENT, the terms of which are as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I also understand that if the Court does not accept the PLEA BARGAIN AGREEMENT, I will have the opportunity to WITHDRAW MY PLEA OF GUILTY, reinstate my plea of NOT GUILTY, and proceed to a trial.

15. PRE-SENTENCE INVESTIGATION WAIVED: I understand that I have the right to a Pre-Sentence Investigation which would include information regarding the circumstances of the offense, my past history, and my character, and I waive a Pre-Sentence Investigation so that I can be sentenced more quickly.
16. COLLATERAL CONSEQUENCES: I understand that certain offenses will result in a suspension of my driver's license, and/or may affect my ability to obtain or keep a Commercial Driver's License (CDL); also, that pleas to certain offenses will render me ineligible to purchase or possess a firearm. I have been advised, that if I am not a citizen of the United States, that pleading GUILTY may result in me being DEPORTED to my own country. I have decided to plead GUILTY despite any such "collateral consequences."
17. WITHDRAWAL OF PLEA: I understand that at any time before sentencing, I can ask to withdraw my GUILTY PLEA, and the Court, in its discretion, may permit me to do so, but that after SENTENCING permission to withdraw my plea will require a legally valid "good" reason.
18. POST-SENTENCE RIGHTS: I understand I have the right to file a Post-Sentence Motion within ten (10) days AFTER the date I am SENTENCED. That Motion must be a single written motion which states with specificity all requests for relief. Certain requests MUST BE included in a Post-Sentence Motion, or I will waive (give up forever) the right to make such requests. That includes a request to withdraw my GUILTY plea and any challenge to the discretionary aspects of sentence. All other grounds for appeal can be included in the Post-Sentence Motion, but such other grounds are preserved for appellate review whether or not I include them in a Post-Sentence Motion.
19. SUPPLEMENTAL MOTION: I understand I can file a Supplemental Post-Sentence Motion so long as the Court's decision on the Supplemental Motion can be made within 120 days of the date of my sentence. The time limit for the filing of an Appeal on all issues is triggered by the Court's decision on the Post-Sentence Motion or its denial by operation of law.
20. DECISION ON MOTION AND APPEAL: This Court will decide any Motion I may file within 120 days of the date I have filed the original Motion. In the event that the Court fails to decide my Motion within 120 days or to grant an extension that I request (of not more than 30 days), my Motion shall be deemed to have been denied by operation of law. I will have 30 days from the denial of my Motion to appeal to the Superior Court of Pennsylvania.
21. APPEAL WITHOUT FILING POST-SENTENCE MOTION: With the exception of the issues set forth in Paragraph 18, I understand that it is not necessary for me to file a Post-Sentence Motion in order for any other issues to be preserved for appeal to the Superior Court. Therefore, I may elect not to file a Post-Sentence Motion with this Court and I could still file an appeal directly to Superior Court. If I choose to file an appeal directly to the Superior Court, my Appeal to the Superior Court MUST be filed within 30 days from the date I am SENTENCED.
22. POST-SENTENCE COUNSEL: I understand I have the right to assistance of counsel in the preparation of any Post-Sentence Motion and for any Appeal to the Superior Court. My current counsel will continue to represent me; but, if I am indigent, upon appropriate motion, counsel will be appointed to represent me free of charge.
23. GENERAL CONDITIONS GOVERNING PAROLE, PROBATION, AND PROBATION WITH RESTRICTIVE CONDITIONS, INCLUDING HOUSE ARREST WITH ELECTRONIC MONITORING: As a result of your GUILTY PLEA, NO CONTEST PLEA, or CONVICTION, your sentence will include a period of supervision by either the Fayette County Adult Probation Office ("APO") or the Pennsylvania Department of Corrections Office of Field Probation and Parole ("State Parole"), under the direction of your assigned Probation Officer ("PO"). In addition to the special conditions of supervision explicitly set forth in your Sentencing Order of Court, you are subject to standard conditions as provided in the "Supplement to Sentencing Order of Court Regarding Conditions of Probation and Parole."

**THE ANSWERS WRITTEN ABOVE ON PAGES 1 THROUGH 4 ARE TRUE AND COMPLETE.**

**I UNDERSTAND EVERYTHING THAT IS EXPLAINED IN THIS PETITION.**

**I UNDERSTAND THAT FALSE STATEMENTS MADE HEREIN ARE SUBJECT TO THE PENALTIES SET FORTH IN 18 Pa.C.S.A. §4904(b), "Unsworn Falsification to Authorities."**

**I ASK THAT I BE PERMITTED TO ENTER A GUILTY PLEA.**

Signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

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**DEFENDANT'S SIGNATURE**

## **CERTIFICATE OF DISTRICT ATTORNEY**

I have advised the prosecuting officer and the victim(s) of the terms of this plea/plea bargain, and I certify that:

1. ☐ they are in agreement with the same.  
OR
2. ☐ they will be notified so that their objections and/or Victim Impact Statement can be placed on record at or before sentencing.

Signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_\_.

\_\_\_\_\_  
District Attorney or Assistant District Attorney (Last name of Attorney) PA ID# \_\_\_\_\_

## **CERTIFICATE OF DEFENSE COUNSEL**

The undersigned licensed attorney, as the lawyer for the above Defendant, hereby certifies:

1. I have discussed this matter carefully with the Defendant, and in my opinion, he/she is mentally competent, there is no mental or physical condition which would prevent him/her from understanding these proceedings, and I have no reason to believe that he/she is presently under the influence of any controlled substance or intoxicant. (Any exceptions to this MUST be stated by counsel on the record.)
2. I have read and fully explained to the Defendant the allegations contained in the District Attorney's Criminal Information and he/she understands the nature of the charges.
3. To the best of my knowledge and belief the statements, representations and declarations made by the Defendant in the foregoing petition are in all respects accurate and true.
4. I have explained the maximum fines and penalties for each count to the Defendant and I believe that he/she understands the effect of his/her decision to enter a plea of GUILTY.
5. To the best of my knowledge and belief there is a factual basis for the plea of GUILTY offered by the Defendant, and the plea of GUILTY is consistent with my best legal advice to the Defendant.
6. In my opinion the plea of GUILTY—as offered by the Defendant in the Guilty Plea Petition—is voluntarily and understandingly made.
7. I recommend that the Court accept the plea of GUILTY.

Signed by me after full discussion of the contents of this entire five-page document with the Defendant,  
this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_\_.

\_\_\_\_\_  
Signature of Attorney for the Defendant (Last name of Attorney) PA ID# \_\_\_\_\_