

7. Have you been prescribed any medication that you should be taking, but you are not taking? YES NO

If yes, what kind and for what purpose? _____

8. Have you ever been treated by a doctor or health professional for mental illness or confined in a hospital for mental illness? YES NO

If yes, list the doctor or health professional, place, and when occurred:

9. Do you understand the nature and consequences of this proceeding? YES NO

10. Have you received a copy of the Information and read its allegations? YES NO

11. Does the State move to dismiss or amend any case(s) or count(s) in the Information or on page 2 of the Information? If yes, set forth the cases/counts dismissed or amended. YES NO

12. A. Do you understand you are charged with: YES NO

Crime Statutory Reference

(1) _____ O.S. § _____

(2) _____ O.S. § _____

(3) _____ O.S. § _____

(4) _____ O.S. § _____

(5) _____ O.S. § _____

For additional charges: List any additional charges on a separate sheet and label as *PLEA OF GUILTY ADDENDUM B*.

B. Are you charged after former conviction of a felony? If yes, list the felony(ies) charged: YES NO

13. Have you previously been convicted of a felony not listed above? YES NO

If yes, when, where and for what felony/felonies? _____

14. Have you been convicted of a "violent offense" (57 O.S. § 571) within the last ten (10) years? YES NO

15. Do you waive any jurisdictional limitations of a special judge accepting your plea and sentencing you? (felony case only) YES NO

16. Do you understand that if you are not a citizen of the United States entering a plea may carry adverse immigration consequences, including deportation? YES NO
17. ____ (Check if applicable) Do you understand you are subject to the Delayed Sentencing Program for Young Adults and what that sentencing program involves? YES NO
- ____ (Check if applicable) Do you understand that a conviction on a plea of guilty to the offense(s) of _____ will subject you to mandatory compliance with the Oklahoma Methamphetamine Offender Registry Act? YES NO
18. What is/are the charge(s) to which the defendant is/are entering a plea today?
- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____
19. Do you understand the range of punishment for the crime(s) is/are: (List in same order as in No. 17 above)?
- (1) Minimum of _____ to a maximum of _____ and/or a fine of \$ _____. YES NO
- (2) Minimum of _____ to a maximum of _____ and/or a fine of \$ _____. YES NO
- (3) Minimum of _____ to a maximum of _____ and/or a fine of \$ _____. YES NO
- (4) Minimum of _____ to a maximum of _____ and/or a fine of \$ _____. YES NO
- (5) Minimum of _____ to a maximum of _____ and/or a fine of \$ _____. YES NO
20. *Read the following statements:* You have the right to a speedy trial before a jury for the determination of whether you are guilty or not guilty and if you request, to determine sentence. At the trial:
- (1) You have the right to have a lawyer represent you, either one you hire yourself, or if you are indigent a court appointed attorney.
- (2) You are presumed to be innocent of the charges.
- (3) You may remain silent or, if you choose, you may testify on your own behalf.
- (4) You have the right to see and hear all witnesses called to testify against you and the right to cross-examine them.
- (5) You may have your witnesses ordered to appear in court to testify and present evidence of any defense you have to these charges.
- (6) The State is required to prove your guilt beyond a reasonable doubt.
- (7) The verdict of guilty or not guilty decided by a jury must be unanimous. However, you can waive a jury trial and, if all parties agree, the case could be tried by a Judge alone who would decide if you were guilty or not guilty and if guilty, the appropriate punishment.
- Do you understand each of these rights? YES NO

21. Do you understand by entering a plea of guilty you give up these rights? YES NO
22. Do you understand that a plea of guilty could increase punishment in any future case committed after this plea? YES NO
23. Have you talked over the charge(s) with your lawyer, advised him/her regarding any defense you may have to the charges and had his/her advice? YES NO
24. Do you believe your lawyer has effectively assisted you in this case and are you satisfied with his/her advice? YES NO
25. Do you wish to change your plea of not guilty to guilty and give up your right to a jury trial and all other previously explained constitutional rights? YES NO
26. Is there a plea agreement? YES NO
What is your understanding of the plea agreement? See "Addendum C."
27. Do you understand the Court is not bound by any agreement or recommendation and if the Court does not accept the plea agreement, you have the right to withdraw your plea of guilty? YES NO
28. Do you understand that if there is no plea agreement the Court can sentence you within the range of punishment stated in question 18? YES NO
29. Do you understand your plea of guilty to the charge(s) is/are after: (check one) YES NO
() no prior felony conviction
() one (1) prior felony conviction
() two (2) or more prior felony convictions
List prior felony convictions to which pleading: _____

30. What (is) (are) your plea(s) to the charge(s) (and to each one of them)?

31. Did you commit the acts as charged in the Information? YES NO
State the factual basis for your plea(s) (attach additional page as needed, labeled as ADDENDUM C): *In Canadian County, on or about* _____

32. Have you been forced, abused, mistreated, or promised anything by anyone to have you enter your plea(s)? YES NO
33. Do you plead guilty of your own free will and without any coercion or compulsion of any kind? YES NO

- | | | |
|---|-----|----|
| 34. If you are entering a plea to a felony offense, you have a right to a Pre-Sentence Investigation Report which would contain the circumstances of the offense, any criminal record, social history and other background information about you. Do you want to have the Report? | YES | NO |
| 35. Have you read and do you understand and agree to be bound by the Drug Court Performance Contract? | YES | NO |
| 36. Do you understand that if you fail to comply with the terms of the Performance Contract, you can be terminated from the Drug Court Program and sentenced to the term of imprisonment as set forth in the plea agreement? | YES | NO |
| 37. Do you understand that the treatment plan developed for you can be modified by the court at any time without notice or hearing? | YES | NO |
| 38. (a) Do you have any additional statements to make to the Court? | YES | NO |
| (b) Is there any legal reason you should not be sentenced now? | YES | NO |

HAVING BEEN SWORN, I, the Defendant whose signature appears below, make the following statements under oath:

1. *Check one:*

_____ (a) I have read, understood and completed this form.

_____ (b) My attorney completed this form and we have gone over the form and I understand its contents and agree with the answers. See Addendum A.

_____ (c) The Court completed this form for me and inserted my answers to the questions.

2. The answers are true and correct.

3. I understand that I may be prosecuted for perjury if I have made false statements to this Court.

DEFENDANT

I acknowledge this _____ day of _____, 20____.

JUDGE OF THE DISTRICT COURT

35. I, the undersigned attorney for the Defendant, believe the Defendant understands the nature, purpose and consequence of this proceeding. (S)He is able to assist me in formulating any defense to the charge(s). I am satisfied that the Defendant's waivers and plea(s) of guilty are voluntarily given and he/she has been informed of all legal and constitutional rights.

ATTORNEY FOR DEFENDANT

PROSECUTOR'S STATEMENTS

36. The sentence recommended in question 25 is stated correctly. I believe the recommendation is fair to the State of Oklahoma.

37. Offer of Proof (*Nolo contendere* plea): _____

ASSISTANT DISTRICT ATTORNEY

THE COURT FINDS AS FOLLOWS:

- 38. A. The Defendant was sworn and responded to questions under oath.
- B. The Defendant understands the nature, purpose and consequences of this proceeding.
- C. The Defendant's plea(s) of _____ is/are knowingly and voluntarily entered and accepted by the Court.
- D. The Defendant is competent for the purpose of this hearing.
- E. A factual basis exists for the plea(s) (and former conviction(s), if applicable).
- F. The Defendant is guilty as charged: (check as appropriate)
 - () after no prior felony convictions.
 - () after one (1) prior felony conviction.
 - () after two (2) or more prior felony convictions.

G. Sentencing shall be delayed until such time as the Defendant has successfully completed the Canadian County Adult Drug Court Program or has been terminated from the program.

H. The Defendant is ordered to pay the court costs. (22 O.S. § 471.6(H)).

I. Defendant is admitted to the Canadian County Adult Drug Court Program.

DONE IN OPEN COURT this _____ day of _____, 20____.

Court Reporter

JUDGE OF THE DISTRICT COURT

Deputy Court Clerk

Name of Judge Typed or Printed

NOTICE OF RIGHT TO APPEAL

To appeal your plea of guilty, you must file in the District Court Clerk's Office a written *Application to Withdraw your Plea of Guilty* within ten (10) days from today's date. You must set forth in detail why you are requesting to withdraw your plea. The trial court must hold a hearing and rule upon your Application within thirty (30) days from the date it is filed. If the trial court denies your Application, you have the right to ask the Court of Criminal Appeals to review the District Court's denial by filing a Petition for Writ of Certiorari within ninety (90) days from the date of the denial. Within ten (10) days from the date the application to withdraw plea of guilty is denied, notice of intent to appeal and designation of record must be filed pursuant to Oklahoma Court of Criminal Appeals Rule 4.2(D). If you are indigent, you have the right to be represented on appeal by a court appointed attorney.

Do you understand each of these rights to appeal?	Yes	No
Have you fully understood the questions that have been asked?	Yes	No
Have your answers been freely and voluntarily given?	Yes	No

I ACKNOWLEDGE AND UNDERSTAND MY RIGHTS AND THAT I AM BEING ADMITTED INTO THE CANADIAN COUNTY ADULT DRUG COURT PROGRAM.

DEFENDANT

I, the undersigned attorney, have advised the Defendant of his/her appellate rights.

ATTORNEY FOR DEFENDANT

DONE IN OPEN COURT this _____ day of _____, 20__.

ASSISTANT DISTRICT ATTORNEY

JUDGE OF THE DISTRICT COURT

ATTORNEY FOR DEFENDANT

NAME OF JUDGE TYPED OR PRINTED

ADDENDUM A

CERTIFICATE OF DEFENSE COUNSEL

As the attorney for the defendant, I certify that:

1. The Defendant has stated to me that he/she is ___ able ___ unable to read and understand the attached form, and I have: (check appropriate option)

___ Determined the Defendant is able to understand the English language.

___ Determined the Defendant is unable to understand the English language and obtained _____ to interpret.

2. I have read and fully explained to the Defendant the allegations contained in the Information in this case.

3. I have read and fully explained to the Defendant all of the questions in the Plea of Guilty/Summary of Facts and the answers to the questions set out in the Summary of Facts are the Defendant's answers.

4. To the best of my knowledge and belief the statements and declarations made by the Defendant are accurate and true and have been freely and voluntarily made.

Dated this ___ day of _____, 20 ___.

ATTORNEY FOR DEFENDANT

ADDENDUM C

Case Number(s): _____ Defendant: _____

DRUG COURT PLEA AGREEMENT

We, the undersigned, agree to the following:

1. If the Defendant successfully completes the Canadian County Adult Drug Court Program, the case(s) will be disposed as follows:

<u>Case/Count</u>	<u>Offense Charged</u>	<u>Disposition</u>

The sentence(s) to run: ____ concurrently ____ consecutively ____ not applicable.

If the Defendant successfully completes the program, this plea agreement shall serve as the District Attorney’s written waiver of the statute prohibiting the imposition of a suspended or deferred sentence due to the Defendant’s prior felony conviction(s).

2. If the Defendant withdraws or is terminated by the Court from the Canadian County Adult Drug Court Program, the case(s) will be disposed as follows:

<u>Case/Count</u>	<u>Offense Charged</u>	<u>Disposition</u>

The sentence(s) to run: ____ concurrently ____ consecutively ____ not applicable.

The District Attorney believes that this recommendation is fair to the State of Oklahoma.

Asst. District Attorney’s Signature and Date

Defendant’s Signature and Date

Defense Counsel’s Signature and Date

ADDENDUM E
FINE AND COSTS

THE COURT ORDERS THE DEFENDANT TO PAY ALL ACCRUED FINES, FEES AND COURT COSTS AS ASSESSED, TO INCLUDE THE FOLLOWING:

CASE NUMBERS/COUNTS:

(a)	(b)	(c)	(d)	(e)	(f)	(g)
-----	-----	-----	-----	-----	-----	-----

FINE:

V.C.A.:						
---------	--	--	--	--	--	--

LAB FEE:						
----------	--	--	--	--	--	--

O.I.D.S. FEE:						
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DNA FEE:						
----------	--	--	--	--	--	--

OTHER FEE:						
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COURT REPORTER PRESENT _____ WAIVED

ALL FINES, FEES AND COSTS ARE DUE ON DATE OF PLEA OR AS PER RULE 8 ORDER.

JUDGE OF THE DISTRICT COURT