IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

Seventh Judicial District

STATE OF KANSAS, Case No.

Plaintiff, Division

v.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Defendant

PLEA ADVISORY

READ CAREFULLY

 This document explains your rights as a defendant in this case and the consequences of your decision to enter a plea of guilty or no contest. After you have reviewed each right with your attorney, and if you understand it, please initial it to indicate your understanding. This document will be made part of your court file.

1. My full true name is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I am \_\_\_\_\_ years of age. I have completed \_\_\_\_\_\_ grade in school.

1. I have received a copy of the Information that tells me what

charges have been filed against me. I have reviewed the Information with my attorney. I understand that I have been charged with the following crimes:

Count Charge C/L/D P/NP M/F Statute

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

C/L/D=Class/Level/Drug; P/NP = Person/Non Person; M/F = Misdemeanor/Felony

I understand these charges. \_\_\_\_\_

1. I know that if I enter a plea of guilty or no contest, I am giving up

my right to contest the admissibility of any evidence and, thus, exclude this evidence from trial. This includes statements I made to law enforcement officers and any evidence taken from me by law enforcement officers. \_\_\_\_\_

1. I know that if I enter a plea of guilty or no contest, I am giving up

the right to file motions in the trial court.

1. I know that if the court accepts my plea of guilty or no contest, I

will be required to register under the Kansas Offender Registration Act.

\_\_\_\_\_yes \_\_\_\_\_ not applicable

1. I know that I have the right to plead not guilty to any crime

charged against me. If I plead not guilty, I know the Constitution guarantees me:

1. the right to a speedy and public trial by a jury. At that trial, I know I am presumed innocent; \_\_\_\_\_
2. at that trial, and at all stages of the proceedings, the right to be represented by an attorney and if I cannot afford one, one will be appointed to represent me. Depending on the outcome of my case and my financial circumstances, I may have to repay the cost of that attorney. \_\_\_\_\_
3. the right to see and hear all witnesses called to testify against me, and the right for my attorney to cross-examine those witnesses; \_\_\_\_\_
4. the right to use the power and process of the court to compel the production of any evidence, including the attendance of any witnesses; \_\_\_\_\_
5. the right not to be compelled to incriminate myself by taking the witness stand, and if I do not take the witness stand, the jury would be told that no inference of guilt may be drawn from such decision. \_\_\_\_\_
6. I know that at trial, the State has the burden of proof and must

prove each element of the crime(s) with which I am charged to each member of the jury beyond a reasonable doubt. I know the verdict of the jury must be unanimous for me to be found guilty or not guilty. \_\_\_\_\_

1. I know that if the jury cannot reach a unanimous verdict a mistrial

would be declared and I could be retried. \_\_\_\_\_

1. I know that if I plead guilty or no contest I am waiving my

right to a trial which will relieve the State of its burden of proof. I know that there will be no trial of any kind, either before a judge or jury. \_\_\_\_\_

1. I know the judge must be satisfied that there is a factual basis for

my plea of guilty or no contest before my plea can be accepted. \_\_\_\_\_

1. I understand that if I enter a plea of no contest I am not

admitting guilt; but if the State proffers sufficient facts to support the crime(s) charged the judge will find me guilty. \_\_\_\_\_

1. I understand that if I enter a plea of guilty I am admitting the truth of each element of the crime(s) charged and I will be asked to state the facts that support my plea. \_\_\_\_\_
2. I have agreed to pay restitution in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

If the amount is to be determined, (“TBD”), I know that I may later agree to an amount, or I may request a hearing for the judge to determine the amount of restitution. \_\_\_\_\_

1. I know that if the judge accepts my plea of guilty or no contest, I

cannot appeal the question of guilt. \_\_\_\_\_

1. I understand the minimum and maximum penalties for each of

the crimes to which I am entering a plea of guilty or no contest are as follows:

 Charge Time in Custody Monetary Fine Post Good

 Min. Max. Min. Max. Release Time

1\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_

2\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_

3\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_

4\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_

5\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_

1. I understand that if I am pleading guilty or no contest to a felony

charge, there are presumptions under the sentencing guidelines. There is a presumption for probation unless my criminal history is a Category \_\_\_\_\_ or above; or unless I was on release for a felony when this crime was committed. \_\_\_\_\_ yes \_\_\_\_\_not applicable

1. If the preceding paragraph was not applicable, I understand that

regardless of my criminal history, the presumption is imprisonment. \_\_\_\_\_

1. I understand that if my criminal history places me in a border box

the presumption is imprisonment; but the judge **may** impose a non-prison sentence if the judge finds that I meet the statutory factors. I understand the judge’s decision on whether to impose a non-prison sentence is not subject to appeal. \_\_\_\_\_

1. I know that if the State’s attorney and my attorney have agreed

upon sentencing recommendations, the judge does not have to follow those recommendations. The judge can impose any sentence allowed by law. \_\_\_\_

1. If I am currently on probation or parole, that by pleading guilty or

no contest in this case, my probation or parole may be revoked. \_\_\_\_\_

1. I know that if convicted of a felony, under Kansas law I will not be

allowed to purchase or possess a firearm for \_\_\_\_\_ years. Possession of a firearm during this time period constitutes a crime. \_\_\_\_\_

1. If I am not a U.S. citizen, conviction of a crime may result in a

change in my immigration status. \_\_\_\_\_

1. Aside from the plea agreement, no one has made any promises to

me, or threatened me to make me enter this plea of guilty or no contest. \_\_\_\_\_

1. Aside from the plea agreement, no officer or agent of any branch of

government (federal, state, or local) has promised, suggested, or predicted that

I will receive a lighter sentence, or probation, or any other form of leniency if I plead guilty or no contest. \_\_\_\_\_

1. My mind is clear. I am not under the influence of alcohol or

drugs. \_\_\_\_\_

DOMESTIC VIOLENCE DESIGNATION

Not applicable \_\_\_\_\_; or

 I understand that if the jury determines that I committed a domestic violence offense, the judge will place a domestic violence designation on my criminal case. \_\_\_\_\_

If the jury returns this finding, in addition to the above penalties, I

know the judge will order me to undergo a domestic violence offender assessment and follow all recommendations, unless otherwise ordered by the judge or the Department of Corrections. The cost of such assessment is my responsibility; the cost of such treatment is my responsibility unless otherwise ordered by the judge or the Department of Corrections. \_\_\_\_\_

I understand that I will not be able to purchase or possess a

firearm. \_\_\_\_\_

)

State of Kansas, )

 County of Douglas ) SS:

 )

 I swear that I have reviewed this Plea Advisory with my attorney and that I understand each and every part and that my answers are true and correct.

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

 Defendant’s Signature

Subscribed and sworn to before me on this \_\_\_\_\_ day of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

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

 District Judge

I have reviewed this plea advisory with my client. I am satisfied the defendant’s plea of guilty or no contest is being entered knowingly and voluntarily.

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

 Date Attorney Signature