

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
Seventh Judicial District

STATE OF KANSAS,
Plaintiff,

Case No.
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. After you have read each paragraph, if you understand it, please initial it. 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.

2. I have received a copy of the Information that tells me what charges have been filed against me. I have read the Information and discussed it with my attorney. I understand that I have been charged with the following crimes:

<u>Count</u>	<u>Charge</u>	<u>C/L</u>	<u>P/NP/D</u>	<u>M/F</u>	<u>Statute</u>
1	_____				
2	_____				
3	_____				
4	_____				
5	_____				

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

I understand these charges. _____

3. I told my lawyer all the facts and circumstances I know

about the charges against me in the Information. I believe that my lawyer is fully informed on all such matters. _____

4. My lawyer has counseled and advised me on the nature of each charge, on all lesser included charges, and on all possible defenses that I might have in this case. _____

5. I know that if I enter a plea of guilty or no contest, I am giving up my right to test the constitutionality of any statements I made to law enforcement officers or of any evidence taken from me by law enforcement officers by filing a motion to suppress and, thus, exclude this evidence at trial. _____

6. I know that I have the right to plead not guilty to any offense charged against me. If I plead not guilty, I know the Constitution guarantees me:

- (a) the right to a speedy and public trial by a jury. At that trial, I know I am presumed innocent; _____
- (b) at that trial, and at all stages of the proceedings, the right to be represented by an attorney and if I cannot afford one, I can ask the Court to appoint an attorney to represent me. Depending on the outcome of my case and my financial circumstances, I may have to repay the cost of that attorney. _____
- (c) the right to see and hear all witnesses called to testify against me, and the right for my attorney to cross-examine those witnesses; _____
- (d) the right to use the power and process of the court to compel the production of any evidence, including the attendance of any witnesses in my favor; _____
- (e) 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. _____

7. I know that at trial, the State has the burden of proof and must prove each element of the offense(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. _____

8. 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 court or jury.

9. I know the court must be satisfied that there is a factual basis for my plea before my plea can be accepted. _____

(a) I understand that if I enter a plea of no contest I am not admitting my guilt; but if the State proffers sufficient facts to support the charges the court will find me guilty. _____

(b) I understand that if I enter a plea of guilty I am admitting each element of the crime(s) charged and I will be asked to state the facts that support my plea. _____

10. 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 before the court to determine the amount of restitution. _____

11. I know that if the Court accepts my plea, I cannot appeal the question of guilt. _____

12. I understand the maximum and minimum penalties for each of the crimes to which I am entering a plea are as follows:

<u>Charge</u>	<u>Time in Custody</u>		<u>Monetary Fine</u>		<u>Post Release</u>	<u>Good Time</u>
	<u>Min.</u>	<u>Max.</u>	<u>Min.</u>	<u>Max.</u>		
1 _____	_____	_____	_____	_____	_____	_____
2 _____	_____	_____	_____	_____	_____	_____
3 _____	_____	_____	_____	_____	_____	_____
4 _____	_____	_____	_____	_____	_____	_____
5 _____	_____	_____	_____	_____	_____	_____

13. If I am pleading to a felony charge, I understand the presumption for the sentence I will receive under the sentencing guidelines is imprisonment _____, border box _____, probation _____. I understand a border box is still a presumption of imprisonment but that the court **may** impose a non-prison sanction if I meet the statutory factors. I have discussed these factors with my attorney.

14. I understand the following special sentencing rule(s) applies to my

conviction: _____

15. I know that if the State's attorney and my attorney have agreed upon certain sentencing recommendations, the court does not have to follow those recommendations. The Court can impose any sentence allowed by law.

16. If I am currently on probation or parole, I know that by pleading guilty or no contest in this case, my probation or parole may be revoked and I may be required to serve time in that case, which will be consecutive if on felony probation or parole, and may be consecutive if on misdemeanor probation or parole, and that is in addition to any sentence imposed in this case. _____

17. I know that if my conviction is a felony that I will not be allowed to purchase or possess a firearm for _____ years. Possession of a firearm during this time period constitutes a crime. _____

18. I have been advised and understand that if I am not a U.S. citizen a conviction of a criminal offense may result in deportation from the United States, exclusion from admission to the United State, and/or denial of naturalization. _____

19. Aside from the plea agreement, no one has made any promises to me, or threatened me to make me enter this plea. _____

20. I declare that 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. _____

21. I believe that my attorney has made every reasonable effort to counsel and assist me, and I am satisfied with the advice and help my attorney has given me. _____

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

DOMESTIC VIOLENCE DESIGNATION

Not applicable _____; or

I understand that the crimes to which I am entering a plea includes a domestic violence designation. _____

- (a) In addition to the above penalties, I know the Court will order me to undergo a domestic violence offender assessment and follow all recommendation, unless otherwise ordered by the Court or the Department of Corrections. The cost of such assessment and treatment are my responsibility. _____
- (b) I understand that I will not be able to purchase or possess a firearm. _____

REGISTRATION REQUIREMENTS

Not applicable _____; or

I understand that registration under the Kansas Offender Registration Act ("KORA") is required for the following charges: _____

<u>Charge</u>	<u>Offender Type</u> sex, violent, drug	<u># Years</u>
1 _____	_____	_____
2 _____	_____	_____
3 _____	_____	_____
4 _____	_____	_____
5 _____	_____	_____

- (a) I know that failure to register as required under the Kansas Offender Registration Act constitutes a crime. _____
- (b) I understand the current law governing registration under the Kansas Offender Registration Act may change at a future date and such change may alter my registration requirement, including increasing the amount of time I am required to register. _____
- (c) I understand that if I am classified as a sex offender, I may be subject to involuntary civil commitment upon release from my term of imprisonment. _____

State of Kansas,)
)
County of Douglas) SS:
)

I swear that I have read, understood, and discussed with my attorney, each and every part of this Plea Advisory 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 and fully explained this plea advisory to my client. After review of all of the evidence I am satisfied there are facts to support the defendant's plea and that the plea is being entered knowingly and voluntarily.

Date

Attorney Signature