

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

vs. :

NO. \_\_\_\_\_ OF 20 \_\_\_\_\_

NOLO CONTENDERE PLEA

You are present before this Court because you or your lawyer have stated that you wish to plead nolo contendere to some or all of the criminal offenses with which you have been charged. Please answer fully all of the questions on this document. Most of these questions are designed to be answered "yes" or "no". Where general information is asked for, however, please answer fully. If you do not understand any explanation given to you on this document, you should indicate this in writing on this form. You should also tell your lawyer and the Judge who hears this case so that they can explain it to you fully. None of the lines should be left blank.

After you have finished reading this and filling it out, sign it on the last page on the line above "Defendant". Initial each page at the bottom **ONLY** if you have read and understood that page.

1. What is your full name? \_\_\_\_\_

2. Are you known by any other name or alias? \_\_\_\_\_. If the answer is "yes" list the other names or aliases. \_\_\_\_\_

3. How old are you today? \_\_\_\_\_

4. What is the highest grade you completed in school? \_\_\_\_\_

5. Can you read, write and understand the English language? \_\_\_\_\_

6. Have you taken any drugs or alcohol in the last 24 hours? \_\_\_\_\_

7. Have you ever been a patient in a mental institution or have you ever been treated for a mental illness? \_\_\_\_\_. If "yes" please explain fully. \_\_\_\_\_

INITIAL \_\_\_\_\_

8. Are you now being treated for a mental illness? \_\_\_\_\_ If "yes" please explain fully. \_\_\_\_\_

9. If you are presently being treated for a mental illness, do you still feel that you have sufficient mental capacity to understand what you are doing today and to understand these questions and answer them correctly? \_\_\_\_\_

10. Do you understand that you are here today to enter a plea of nolo contendere to some or all of the criminal charges against you? \_\_\_\_\_

11. Do you understand the nature of the charges to which you are pleading nolo contendere? \_\_\_\_\_

12. Has your lawyer explained to you the elements of the criminal offenses to which you are pleading nolo contendere? \_\_\_\_\_

13. You have a right to have witnesses present at a nolo contendere hearing to testify against you. Are you willing to give up that right and have the attorney for the Commonwealth summarize the facts against you? \_\_\_\_\_

14. Do you understand that you have the right to a trial by jury? \_\_\_\_\_

15. Do you understand that the right to trial by jury means that a jury randomly selected from the voter registration list of Beaver County and a cross-section of the citizens of Beaver County has to agree unanimously on your guilt before you can be convicted of the crimes with which you are charged? \_\_\_\_\_

16. Do you understand that you are presumed innocent until found guilty? In other words, do you understand that at a trial the Commonwealth must prove your guilt beyond a reasonable doubt before you can be convicted of the crimes charged? \_\_\_\_\_

17. Do you understand that at a trial, the Commonwealth has the burden of proof, which means you can remain silent and nothing can be held against you for refusing to testify in your own defense? \_\_\_\_\_

18. Do you understand that you have a right at a trial to confront and cross-examine all Commonwealth witnesses in your case who are necessary to prove your guilt and that by pleading nolo contendere you are waiving that right of confrontation and cross-examination? \_\_\_\_\_

19. Are you aware of the minimum and maximum sentences and/or fines that can be imposed for the offenses by which you are pleading? \_\_\_\_\_

INITIAL \_\_\_\_\_

20. Are you aware that the Court is not bound by the terms of any plea agreement entered into between you, your counsel and the attorney for the Commonwealth, until the Court accepts such plea agreement? \_\_\_\_\_

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21. Do you realize that by pleading nolo contendere you are giving up your right to present any pre-trial motions for consideration to this or a higher Court in the event those motions were denied? \_\_\_\_\_

22. Do you realize that if you were convicted after a trial you could appeal the verdict to a higher Court and raise any errors that were committed in the trial Court, and that this could result in your being awarded a new trial or discharged, and that by pleading nolo contendere you are giving up that right? \_\_\_\_\_

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23. Do you realize that you could also challenge whether the Commonwealth had presented enough evidence at trial to prove you guilty beyond a reasonable doubt? \_\_\_\_\_

24. If you enter a nolo contendere plea and it is accepted by the Court, you still have a right to appeal your conviction to a higher Court. The appeal for a nolo contendere plea is limited, however, to four (4) grounds, including (1) that your nolo contendere plea was not knowing, intelligent and voluntary; (2) that the Court did not have jurisdiction to accept your plea (in other words, the crimes for which you are pleading nolo contendere did not occur in Beaver County); (3) that the Court's sentence is unlawful; (4) and that your attorney was incompetent in representing you and advising you to enter a plea of nolo contendere. Do you understand these four (4) reasons you could appeal and what they mean? \_\_\_\_\_

25. In order to appeal your conviction of a plea of nolo contendere, you should, within ten (10) days from the date you are sentenced, file a written motion to withdraw your nolo contendere plea. You must file a Notice of Appeal to the Superior Court within thirty (30) days after your sentence or after your motion to withdraw your nolo contendere plea is denied, whichever is later. If you cannot afford a lawyer to represent you and/or you are contending that your attorney, who represented you at your nolo contendere plea, was incompetent, you have the right to have another lawyer appointed for you to raise four (4) reasons or claims. If you do not file your Notice of Appeal within thirty (30) days of your sentence or denial of your Motion to Withdraw your plea, you give up your right ever to complain again of any of those (4) reasons or claims, including incompetent counsel. Do you understand the meaning of the various appeal rights that have just been explained to you?

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26. Has anybody forced you to enter this plea of nolo contendere and/or plea agreement? \_\_\_\_\_

27. Are you doing this of your own free will? \_\_\_\_\_

28. Have any threats been made to you to enter a plea of nolo contendere? \_\_\_\_\_

29. Have any promises been made to you to enter a plea of nolo contendere other than any plea agreement that has been negotiated for you by yourself or your attorney? \_\_\_\_\_

INITIAL \_\_\_\_\_

30. You have a right to have witnesses present at a sentence hearing to testify for you. Are you willing to give up that right and have the attorney for the Commonwealth summarize the facts against you? \_\_\_\_\_

31. Are you now on Probation or Parole? \_\_\_\_\_ If you are on probation or parole do you realize that your plea of nolo contendere will mean a violation of that probation or parole and that you can be sentenced to prison as a result of that violation caused by your nolo contendere plea today? \_\_\_\_\_

32. Do you understand that the decision to enter a plea of nolo contendere is yours and yours alone; that you do not have to enter a plea of nolo contendere and give up all your rights, as previously explained to you; and, that no one can force you to enter a nolo contendere plea? \_\_\_\_\_

33. Do you understand that when you plead nolo contendere and the plea is accepted by the Court, all that remains is for the Court to sentence you on the charges to which you have plead nolo contendere? \_\_\_\_\_

34. Do you understand that you might be sentenced by any of the Judges of this Court? \_\_\_\_\_ Do you have any objection to that? \_\_\_\_\_

35. Do you understand that if you change your mind about your plea of nolo contendere, you have to ask the Court for permission to withdraw your pleas? \_\_\_\_\_ Do you further understand that you can make that request any time after today but no later than ten (10) days after you are sentenced? \_\_\_\_\_

36. Are you willing to give up your right to a pre-sentence investigation report and agree to be sentenced immediately after you enter your plea? \_\_\_\_\_

37. Have you had ample opportunity to consult with you attorney before reading this document and entering your plea of nolo contendere? \_\_\_\_\_

38. Has you attorney gone over with you the meaning of the terms of this document? \_\_\_\_\_

39. Are you satisfied with the representation of your attorney? \_\_\_\_\_

INITIAL \_\_\_\_\_

I AFFIRM THAT I HAVE READ THE ABOVE DOCUMENT IN ITS ENTIRETY AND I UNDERSTAND ITS FULL MEANING, AND I AM STILL, NEVERTHELESS, WILLING TO ENTER A PLEA OF NOLO CONTENDERE TO THE OFFENSES SPECIFIED. I FURTHER AFFIRM THAT MY SIGNATURE AND INITIALS ON EACH PAGE OF THIS DOCUMENT ARE TRUE AND CORRECT.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

I, \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_  
at Case No. \_\_\_\_\_, state that I have advised my client of the contents and meaning of  
his document; that it is my belief that he/she comprehends what is set forth above, and that the defendant  
understands what his/her rights and responsibilities are.

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Date