

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY,
PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

No. _____ of 202__

NOLO CONTENDERE PLEA COLLOQUY

You are appearing before this Court because you and/or your attorney 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 the questions are designed to be answered "Yes" or "No". However, where general information is requested, please answer fully. If you do not understand any question asked of you, you should leave it blank, and you should also inform your attorney so that they can explain it to you fully. After you have finished reading this and have filled it out, initial each page at the bottom and sign it on the last page on the line above "Defendant", but only if you have read it and fully understand it.

1. What is your full name? _____
2. Are you known by any other name or alias? Yes ___ No ___. If the answer is "Yes", state the other name(s) or alias(es). _____
3. What is your current mailing address? _____
4. How old are you today? _____ Date of Birth: _____
5. What is the highest grade you completed in school? _____
6. Can you read, write and understand the English Language? _____
7. Have you taken any drugs or alcohol in the last 24 hours? _____
8. Have you ever been a patient in a mental health hospital, or have you ever been treated for a mental illness? _____
(a) If the answer is "Yes", please explain the details. _____

9. Are you now being treated for a mental illness? _____
- (a) If the answer is "Yes", please explain the details. _____
- (b) 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 filed against you? _____
11. Do you understand the nature of the charge(s) to which you are pleading nolo contendere? _____
12. Has your attorney explained to you the elements of the criminal offense(s) 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 their case against you? _____
14. You have a right to have witnesses present at a nolo contendere hearing to testify for you. Are you willing to give up that right and have the attorney for the Commonwealth summarize their case against you? _____
15. Do you understand that you have a right to trial by a jury? _____
16. Do you understand that the right to trial by a jury means that a jury would be randomly selected from the voter registration list of Beaver County and a cross-section of the citizens of Beaver County? _____
17. Do you understand that you would be able to participate, with your attorney, in the selection of a jury? _____
18. Do you understand that the jury has to agree unanimously on your guilt before you can be convicted of the crime(s) with which you are charged? _____
19. You are presumed innocent until found guilty. Do you understand that at a trial, the Commonwealth must prove your guilt beyond a reasonable doubt before you can be convicted of the crime(s) charged? _____
20. Do you understand that at a trial, the Commonwealth has the burden of proof, which means that you can remain silent and nothing can be held against you for choosing not to testify in your own defense? _____

21. Do you understand that at a trial, you have a right 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? _____
22. Are you aware of the minimum and maximum sentences and/or fines that can be imposed for the offense(s) to which you are pleading? _____
23. Are you aware that the Court is not bound by the terms of any plea agreement entered into between you, your attorney and the attorney for the Commonwealth, until the Court accepts such plea agreement? _____
24. Do you understand 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? _____
25. Do you understand that if you were convicted after a trial, you could appeal the verdict to a higher court, raising any errors that were committed in the trial court, and that this could result in your being awarded a new trial or dismissal of the charge(s), and that by pleading nolo contendere, you are giving up that right? _____
26. Do you understand that you could challenge whether or not the Commonwealth had presented enough evidence at a trial to prove you guilty beyond a reasonable doubt? _____
27. 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. They are: (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 crime(s) for which you are pleading nolo contendere did not occur in Beaver County); (3) that the Court's sentence is unlawful, and (4) 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? _____
28. 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 an attorney to represent you and/or you are contending that the attorney who represented you at your nolo contendere plea was incompetent, you have the right to have another attorney appointed for you to raise those 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 nolo contendere plea, you give up your right ever to complain again of any of those four (4) reasons or claims, including incompetent counsel. Do you understand the meaning of the various appeal rights that have just been explained to you? _____

29. Has anybody forced you to enter this plea of nolo contendere and/or plea agreement? _____
30. Are you doing this of your own free will? _____
31. Have any threats been made to you to enter a plea of nolo contendere? _____
32. 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 and/or your attorney? _____
33. 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? _____
34. 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 charge(s) to which you have plead nolo contendere? _____
35. Do you understand that you might be sentenced by any of the Judges of this Court? _____
Do you have any objection to that? _____
36. 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 plea? _____
37. Do you further understand that you can make a request to withdraw your plea any time after today, but no later than ten (10) days after you are sentenced? _____
38. 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? _____
39. Are you now on probation or parole? _____
- (a) 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? _____
40. Have you had ample opportunity to consult with your attorney before deciding that you would enter your plea of nolo contendere? _____
41. Has your attorney, or some other member of his/her staff, gone over the meaning of the terms of this document with you? (If you are represented by the Public Defender's Office, do not answer this question until someone from the Public Defender's Office goes over it with you.)

42. Are you satisfied with the representation of your attorney? _____

I acknowledge that I have read the foregoing document in its entirety, and I understand its full meaning and that my answers to the questions are truthful. I also affirm that I am still, nevertheless, willing to enter a plea of nolo contendere to the offense(s) specified. I further affirm that my signature and my initials on this document are true and correct and that I have signed the same in the presence of my attorney.

Date _____ Defendant

I acknowledge that the Defendant has read the foregoing Nolo Contendere Plea Colloquy and has signed the same in my presence; that I have explained the contents and meaning of this document to the Defendant and that, so far as I am able to determine, the Defendant comprehends and understands what is set forth in this document and understands what his/her rights and responsibilities are by entering a plea of nolo contendere.

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Date _____ Attorney for the Defendant