

GUILTY PLEA QUESTIONNAIRE

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO vs. _____ Case No. _____

True Legal Name: _____ Age: _____

Address: _____ DOB: ____/____/____

Charge(s) Pleading Guilty To: _____ Maximum Possible Penalty: _____

STATEMENT OF RIGHTS & EXPLANATION OF WAIVERS BY PLEA OF GUILTY (PLEASE INITIAL EACH RESPONSE)

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you elected to have a trial, the state could not call you as a witness or ask you any questions. However, anything you do say can be used as evidence against you in court.

I understand that by pleading guilty I am waiving or giving up my right to remain silent before and during trial. _____ (Initials).

2. The waiver of your right to remain silent only applies to your plea of guilty to the crime(s) in this case. Even after pleading guilty, you will still have the right to refuse to answer any question or to provide any information that might tend to show you committed some other crime(s). You can also refuse to answer or provide any information that might tend to increase the punishment for the crime(s) to which you are pleading guilty.

I understand that by pleading guilty to the crime(s) in this case, I still have the right to remain silent with respect to any other crime(s) and with respect to answering questions or providing information that may increase my sentence. _____ (Initials).

3. You are presumed to be innocent. You would be found guilty if: 1) you plead guilty in front of the judge, or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am waiving or giving up my right to be presumed innocent. _____ (Initials).

4. You have the right to a speedy and public jury trial. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. The state must convince each and every juror of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am waiving or giving up my right to a speedy and public jury trial. _____ (Initials).

5. You have the right to confront the witnesses against you. This occurs during a jury trial where the state must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call your own witnesses of your choosing to testify concerning your guilt or innocence. If you do not have the funds to bring those witnesses to court, the state will pay the cost of bringing your witnesses to court.

I understand that by pleading guilty I am waiving or giving up my right to confront the witnesses against me, and present witnesses and evidence in my defense. _____ (Initials).

6. The State has the burden of proving you guilty beyond a reasonable doubt.

I understand that by pleading guilty, I am waiving my right to require the State to prove my guilt beyond a reasonable doubt. _____ (Initials)

7. I understand that by pleading guilty I am waiving or giving up any and all rights I have as a defendant in a criminal case, under the Constitution of the United States and the Constitution of the State of Idaho, whether listed in this form or not. _____ (Initials).

QUESTIONS REGARDING PLEA

**Please answer every question. If you do not understand a question,
consult your attorney before answering.**

PLEASE CIRCLE ONE

1. Do you read and write the English language? **YES** **NO**
If **NO**, have you been provided with an interpreter to help you
fill out this form? **YES** **NO**

2. What was the highest grade in school that you completed? _____.
a) If you did not complete high school, have you received either a general education diploma
(GED) or high school equivalency (HSE) diploma? **YES** **NO**

3. Have you ever been diagnosed with and/or counseled or treated for a mental illness, disease or disorder? **YES** **NO**

a) If so, what was the diagnosis and when was it made? _____

b) Are you currently under the care of a mental health professional? **YES** **NO**

c) Are you currently taking medication for mental health issues? **YES** **NO**

d) If so, what is the medication you are currently taking? _____

4. In the 24 hours prior to filling out this questionnaire, have you taken any medications, whether prescribed or not, drugs, or alcoholic beverages? **YES** **NO**

a) If YES, what have you taken? _____

b) Because of any medications, drugs or alcohol you have taken that are listed above, are you **UNABLE** to understand the questions in this questionnaire and/or correctly answer them? **YES** **NO**

c) Are you currently addicted to any drug, including alcohol? **YES** **NO**

5. Is there any reason that you would be unable to make an informed and voluntary decision to plead guilty in this case? **YES** **NO**

a) If Yes, what is the reason you cannot make an informed and voluntary decision to plead guilty? _____

b) Are you having any difficulty in understanding what you are doing by filling out this form? **YES** **NO**

6. Is your guilty plea the result of a plea agreement? **YES** **NO**

a) If YES, what do you understand the terms of the plea agreement to be? _____

b) Is this a *North Carolina v. Alford* plea? **YES** **NO**

c) If you are entering an Alford Plea, do you understand that the Court will consider you just as guilty as if you entered a non-Alford plea? **YES** **NO**

7. There are two types of plea agreements. Please initial the **ONE** paragraph below which describes the type of plea agreement you are entering into:

a) I understand that my plea agreement is a binding plea agreement. This means that if the district court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty and proceed to a jury trial. _____ (Initials).

b) I understand that my plea agreement is a non-binding plea agreement. This means that the court is not bound by the agreement or any sentencing recommendations, and may impose any sentence authorized by law, including the maximum sentence stated above, which can be imposed without the possibility of probation and/or parole. Because the court is

not bound by the agreement, if the district court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. _____ (Initials).

8. Are you pleading guilty to more than one crime? **YES** **NO**
a) If YES, do you understand that your sentences for the crimes could be served either concurrently (at the same time) or consecutively (one after the other)? **YES** **NO**

9. Is this a conditional guilty plea, meaning you are reserving your right to appeal any pre-trial issues or decisions? **YES** **NO**
a) If YES, what issue are you reserving the right to appeal? _____

10. Have you waived or given up your right to appeal your judgment of conviction and sentence as part of your plea agreement? **YES** **NO**

11. Has anyone (including any law enforcement officer) threatened you or done anything to make you enter this plea against your will? **YES** **NO**
a) If YES, who made such a threat and how was it made? _____

12. Has any person promised you that you will receive any special sentence, reward, favorable treatment, or leniency with regard to the plea you are about to enter? **YES** **NO**
a) If YES, what are those promises and who made them? _____

13. Have you been represented by an attorney at all stages of these proceedings? **YES** **NO**
a) Have you had sufficient time to discuss your case with your attorney? **YES** **NO**
b) Have you told your attorney everything you know about the crime, including any witnesses you know that would show your innocence? **YES** **NO**
c) Have you fully discussed all the facts and circumstances surrounding the case with your attorney? **YES** **NO**
d) Has your attorney discussed with you the nature of the charges against you, the elements of the crime you have been charged with, any evidence provided by the prosecutor in your case, any possible defenses you may have to the charges, and the consequences of pleading guilty? **YES** **NO**
e) Has your attorney discussed your Constitutional and Civil rights? **YES** **NO**
f) Are you fully satisfied with the representation of your attorney? **YES** **NO**
i) If not, please state why you are dissatisfied.

g) Is there anything you requested your attorney to do that has not been done, including filing any motions or other requests in this case? **YES** **NO**
If YES, please explain. _____

h) To the best of your knowledge, has your attorney discussed with you all proposed plea agreements offered by the prosecuting attorney? **YES NO**
(*Missouri v. Frye*, 132 S.Ct. 1399)

i) Do you want your attorney to take any further action in this case? **YES NO**

14. Do you understand that by pleading guilty you will waive or give up any defenses, both factual and legal, that you believe you may have in this case? **YES NO**

15. Do you claim any violation of your Constitutional or Civil rights? **YES NO**
a) If YES, what rights do you claim have been violated? _____

16. Do you understand that if you enter an unconditional guilty plea in this case you will not be able to challenge any rulings that came before the guilty plea including: 1) any searches or seizures that occurred in your case, 2) any issues concerning the method or manner of your arrest, and 3) any issues about any statements you may have made to law enforcement? **YES NO**

17. Do you understand that when you plead guilty, you are admitting the truth of each and every allegation contained in the charge(s) to which you plead guilty? **YES NO**

18. Are you currently on probation or parole? **YES NO**
a) If so, do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole? **YES NO**

19. Are you aware that if you are not a citizen of the United States, the entry of a plea or making of factual admissions could have consequences of deportation or removal, loss of permanent legal status, inability to obtain legal status in the United States, or denial of an application for United States citizenship? **YES NO**
a) If you are not a citizen of the United States, have you talked to your attorney about the impact of your guilty plea on deportation, on your legal status in the United States and on obtaining United States citizenship? (*Padilla v. Kentucky*, 130 S.Ct. 1473 (2010)) **YES NO**

20. Does the crime to which you will plead guilty require you to register as a sex offender? (*See I.C. § 18-8304*) **YES NO**
a) Has your attorney advised you that if the Court orders a psychosexual evaluation for purposes of sentencing, you have a right to not answer questions in that evaluation? (*Estrada v. State*, 143 Idaho 558, 149 P.3d 833). **YES NO**

21. Are you aware that if you plead guilty you may be required to pay restitution to the victims in this case? (*See I.C. § 19-5304*) **YES NO**
a) Have you agreed to pay restitution to any other party as a condition of your plea agreement? **YES NO**
1) If YES, how much must you pay and to whom? _____

b) If the amount of restitution has not been agreed upon, do you understand that you cannot withdraw your guilty plea even if the restitution amount is determined to be higher than you thought it might be or should be? **YES NO**

22. Is there a mandatory driver's license suspension as a result of a guilty plea in this case?

YES NO

a) If YES, for how long must your license be suspended? _____.

23. Are you pleading guilty to a crime for which a mandatory domestic violence, substance abuse, or psychosexual evaluation is required? (I.C. §§ 18-918(7)(a),-8005(9),-8317)

YES NO

24. Are you pleading guilty to a crime for which you may be required to pay the costs of prosecution and investigation? (I.C. § 37-2732A(k)), (I.C.R. 33(d)(2)) YES NO

a) If so, have you and the State agreed upon the amount of this reimbursement?

YES NO

i) If you have, what is the amount?

25. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a persistent violator? **YES NO**

a) Do you understand that if you are convicted as a persistent violator, the sentence in the new case could be life imprisonment? **YES** **NO**

26. Do you understand that you will be required to submit a DNA sample and thumbprint to the State of Idaho? (I.C. § 19-5506). YES NO

27. Are you pleading guilty to a crime for which the court could impose a fine for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. § 19-5307) YES NO

28. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will lose the following rights:

a) Your right to vote in Idaho? (ID. CONST. art. 6, § 3) **YES** **NO**

b) Your right to hold public office in Idaho? (ID. CONST. art. 6, § 3) **YES** **NO**

c) Your right to perform jury service in Idaho? (ID. CONST. art. 6, § 3) **YES** **NO**

d) Your right to purchase, possess, or carry firearms? (I.C. § 18-310) **YES** **NO**

29. Do you understand that no one, including your attorney, can force you to plead guilty in this case? **YES** **NO**

30. Are you entering your plea freely and voluntarily? YES NO

31. Are you pleading guilty because you did commit the acts alleged in the information
indictment? **YES** **NO**

32. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter? **YES** **NO**

33. Have you had any trouble answering any of the questions in this form which you could not resolve by discussing the issue with your attorney? **YES** **NO**

34. Were you able to ask your attorney any questions you had about any questions in this form that you did not understand? **YES NO**

**IF YOUR GUILTY PLEA WAS REACHED AS A RESULT OF CRIMINAL
MEDIATION YOU NEED TO ANSWER THE FOLLOWING QUESTIONS:**

35. Did you voluntarily enter mediation? **YES NO**
36. Were you satisfied with how the mediation was conducted? **YES NO**
37. Did anyone force you, or coerce you, to enter into the plea agreement in the mediation? **YES NO**

I have answered the questions on pages 1-7 of this Guilty Plea Advisory form truthfully, correctly, and of my own free will. I understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this _____ day of _____, 20____.

DEFENDANT

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.

DEFENDANT'S ATTORNEY