

STATE OF VERMONT

SUPERIOR COURT
Unit

CRIMINAL DIVISION
Case No. \_\_\_\_\_

State of Vermont vs. \_\_\_\_\_

DOB: \_\_\_\_\_

Defendant's Address: \_\_\_\_\_

WAIVER OF FURTHER APPEARANCE AND REQUEST TO ENTER PLEA

I, the Defendant named above, am charged with the crime(s) of \_\_\_\_\_, which is a/are misdemeanor(s) under the laws of the State of Vermont. I understand that the maximum possible penalty for this/these offense(s) is/are \_\_\_\_\_.

I understand that the mandatory minimum penalty is: [ ] \_\_\_\_\_ [ ] Not Applicable

(If the charge has been amended)

I have received a copy of an Amended Information, including the minimum and maximum possible penalties for the charge(s) contained therein. I waive the right to a hearing where the charge(s) and penalties will be read to me, as well as other rights associated with such hearing.

I understand that the Court can order restitution to a victim, if any.

I understand that in order to prove the charge against me, the State must prove the following essential elements beyond a reasonable doubt:

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

I understand that I have the right to be represented by an attorney at my own expense, and if I cannot afford to hire one, to have one appointed at State expense.

- [ ] I am not represented by an attorney and do not wish to be represented by one.
[ ] I am represented by an attorney, whose name is \_\_\_\_\_ . I am satisfied with the advice and representation of my attorney.

I understand that as a defendant in a criminal case I have certain constitutional and statutory rights. I understand that I may continue to plead NOT GUILTY to the above offense, and that the State has the burden of proving me guilty beyond a reasonable doubt. I understand that by pleading GUILTY or NOLO CONTENDERE I am giving up the following rights, and that the Court may impose the same punishment as if I had continued to plead NOT GUILTY, stood trial, and been convicted by a jury:

- a. the right to a trial by jury;
b. the right to question any witnesses testifying against me;
c. the right to present evidence and have witnesses brought to the Court for me at State expense;
d. the right to remain silent regarding the offense with which I am charged;
e. the right to appeal.

No threats or force have been used against me by anyone to try to make me plead guilty or nolo contendere. I plead guilty or nolo contendere of my own choice, freely and voluntarily. No promises have been made to me by anyone for the State except those which are contained in the attached Notice of Plea Agreement. I agree that there is a factual basis for my plea of guilty, supported by the affidavit of probable cause, and I agree that the following facts are true:

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I understand that by pleading GUILTY I admit that I committed the essential parts of the offense(s) with which I have been charged. I understand that by pleading NOLO CONTENDERE I do not deny that I committed the essential parts of the charge(s). I further understand that a plea of GUILTY or NOLO CONTENDERE to a violation of Title 23 of the Vermont Statutes Annotated may result **in a suspension of my license or privilege to operate a motor vehicle in the State of Vermont.** I understand that, a plea of GUILTY or NOLO CONTENDERE may have certain collateral consequences. I have reviewed the Notice of Potential Collateral Consequences of a Conviction on the reverse side of the attached plea agreement. **I further understand that, if I am not a citizen of the United States, a plea of GUILTY or NOLO CONTENDERE may have consequences of deportation, denial of United States citizenship, or denial of re-entry to the United States.**

I hereby ask the Court to accept my plea of  GUILTY  NOLO CONTENDERE to the charge(s) listed above. In

making this request, I waive my statutory rights pursuant to V.R.Cr.P. 32 and do not wish to make a statement on my behalf or present any information relevant to sentencing or to have my attorney speak of my behalf. There has been no presentence investigation report in my case.

- I hereby ask the Court to accept my plea to the charge(s) listed above and impose the amount of \$\_\_\_\_\_ in fines and surcharges, and I agree to pay this amount. I understand that if I do not pay this amount in full, any balance that remains will be referred to collections. I enclose \$\_\_\_\_\_ in a check or money order payable to the Superior Court of Vermont for payment of the fine imposed by the Court, plus the applicable mandatory Court surcharges
- I hereby ask the Court to accept my plea to the charge(s) listed above and issue a Sentencing Mittimus imposing a sentence of \_\_\_\_\_ to \_\_\_\_\_ days to serve on pre-approved furlough work crew. I understand that failure to complete this sentence as a pre-approved work crew may result in my serving the remainder of my sentence in prison. I understand that the Court will also impose a mandatory Court surcharge for each charge to which I have pled GUILTY or NOLO CONTENDERE. I agree to report to Probation and Parole no later than \_\_\_\_\_  AM  PM on \_\_\_\_\_ to schedule this sentence.
- I hereby ask the Court to accept my plea to the charge(s) listed above and issue a Probation Order imposing a sentence(s) outlined in the attached Notice of Plea Agreement and attached Probation Order. I have reviewed all applicable standard and special conditions of probation, based on my signature to that document, agree to those applicable conditions I understand that the Court will also impose a mandatory Court surcharge for each charge to which I have pled GUILTY or NOLO CONTENDERE. I understand that, during the term of my probation, if I do not comply with the applicable standard and special conditions of probation, that the Court may impose sentence up to the underlying sentence outlined in the attached

Notice of Plea Agreement and attached Probation Order. I agree to report to Probation and Parole no later than \_\_\_\_\_  AM  PM on \_\_\_\_\_ to meet with my Probation Officer.

I hereby ask the Court to accept my plea to the charge(s) listed above and defer sentencing for a period of \_\_\_\_\_ months/years and issue a Deferred Probation Order imposing as outlined in the attached Notice of Plea Agreement and attached Deferred Probation Order. I have reviewed all applicable standard and special conditions of probation, based on my signature to that document, agree to those applicable conditions. I understand that, during the term of my deferred sentence, if I do not comply with the terms of this agreement, that the Court may impose sentence up to the maximum penalty outlined above and any applicable mandatory minimum sentence(s) and Court surcharges. I agree to report to Probation and Parole no later than \_\_\_\_\_  AM  PM on \_\_\_\_\_ to meet with my Probation Officer.

I ask the Court to accept my plea in writing as appearing personally in Court would pose the following hardship for me:

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

**Date**

\_\_\_\_\_

**Signature of Defendant**

\_\_\_\_\_

**Signature of Guardian ad Litem**

*(if defendant is under 18 years of age)*

**Signature of Defense Attorney**

The State consents to the Plea by Waiver and, per Section 5321 of Title 13 of the Vermont Statutes Annotated, the State of Vermont represents that:

- there is no victim.
- the victim(s) have been given advance notice of the defendant's change of plea and their right to personally appear to express reasonably their views concerning the crime, the person convicted, and the need for restitution. The victim(s) is not present and has not expressed, either orally or in writing, views regarding sentencing or the proposed deferral of sentencing.

**Date**

\_\_\_\_\_

**Signature of State Attorney**

**ORDER**

- I find that the defendant's personal appearance would cause a hardship that would outweigh any advantage and hereby accept the defendant's plea to the charges listed above, finding it to be voluntary and made with knowledge and understanding of its consequences after a knowing waiver of constitutional rights. The plea has a factual basis. I adjudge the defendant guilty and enter a judgment of guilty.
- I do not accept the defendant's plea by waiver for the charge(s) listed above.

**Date**

\_\_\_\_\_

**Signature of Judge**