



**This crime is also subject to the following enhancements or additional penalties as provided by law if presumptive sentence or a departure sentence is imposed:** (Provisions Checked Apply To Your Case)

☐ **Drug Demand Reduction Assessment Act and Loss of Driving Privileges:** Section 13A-12-281 provides that any person convicted of a violation of Sections 13A-12-202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-215 or 13A-12-231, Ala. Code 1975, shall be assessed an additional penalty of \$1,000 if he or she is a first-time offender or \$2,000 if he or she is a repeat offender under one of these sections. Collection of all or part of the penalty will be suspended if, with court approval, the defendant enters a drug rehabilitation program and if the defendant agrees to pay for a part or all of the program costs. Upon successful completion of the program, the defendant may apply to the court to reduce the penalty by the amount actually paid by him or her for participation in the program. Any suspension of the penalty can be withdrawn by the court if the defendant fails to enroll in or successfully pursue or otherwise fail to complete an approved program. In addition, pursuant to Section 13A-12-214 (unlawful possession of marijuana in the second degree), Section 32-5A-191(a)(3) or Section 32-5A 191(a)(4)(DUI offenses involving drugs), the defendant will lose his or her privilege to drive a motor vehicle for a period of six months, which shall be in addition to any suspension or revocation otherwise provided by law.

☐ **Alcohol/Drug Related Offenses:** A person convicted of an alcohol or drug-related offense will be required to undergo an evaluation for substance abuse. Based upon the results of any such evaluation, he or she will be required to complete the recommended course of education and/or treatment and to pay for the evaluation and any program to which the defendant is referred. Failure to submit to an evaluation or failure to complete any program to which the defendant may be referred will be considered a violation of any probation or parole he or she may be granted. The defendant may also be required to attend monitoring sessions, including random drug and alcohol testing or blood, urine and/or breath tests and to pay a fee for this service. The defendant may request a waiver of part or all of the fees assessed if he or she is indigent or for any portion of time he or she is financially unable to pay. Community service may be ordered by the court in lieu of the monetary payment of fees by an indigent.

☐ **Drug Trafficking Offenses:** Convictions for drug trafficking while in possession of a firearm includes an additional mandatory period of incarceration of 5 years and a mandatory fine of \$25,000.

☐ **DUI Offenses:** Pursuant to 32-5A-191.4, Code of Alabama 1975, persons convicted of driving under the influence are subject to installation of ignition interlock devices on motor vehicles.

☐ **Drug Possession:** If any person is convicted in any court of this state for drug possession, drug sale, drug trafficking, or drug paraphernalia offenses as defined in Section 13A-12-21 1 to 13A-12-260, inclusive, Ala. Code 1975, an additional fee of \$100.00 will be assessed pursuant to Section 36-18-7, Ala. Code 1975.

**Costs & Crime Victim's Assessment:** You will also be ordered to pay the costs of court, which may include the fees of any appointed attorney, fines, fees, assessments, bail bond fee, and restitution if there is any. You will also be ordered to pay an additional monetary penalty for the use and benefit of the Alabama Crime Victims Compensation Commission of not less than \$50 and not more than \$10,000 for each felony and not less than \$25 and not more than \$1,000 for each misdemeanor for which you are convicted.

☐ **Other** \_\_\_\_\_

## RIGHTS YOU HAVE AND WAIVER OF YOUR RIGHTS TRIAL

Under the Constitution of the United States and the Constitution and laws of the State of Alabama, you have a right to remain silent and you may not be compelled to give evidence against yourself. You attorney cannot disclose any confidential talks he/she has had with you. You are not required to answer any questions. If you do answer questions knowing that you have a right to remain silent, you will have waived this right. You have the right to enter, and continue to assert, a plea of "Not Guilty" or "Not Guilty by Reason of Mental Disease or Defect," and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed to trial, you would have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront and cross examine your accuser(s) and all the State's witnesses, you would have the right to subpoena witnesses to testify on your behalf and to have their attendance in court and their testimony required by the court, and you would have the right to take the witness stand and to testify, but only if you choose to do so, as no one can require you to do this. If you elect to testify, you can be cross examined by the State, just as any other witness is subjected to cross examination. If you decide not to testify, no one but your attorney will be allowed to comment about that fact to the jury. Your attorney is bound to do everything he/she can, honorably and reasonably, for you to obtain a fair and impartial trial. If you elect to proceed to trial, you come to court presumed to be innocent. This presumption of innocence will follow you throughout the trial until the State produces sufficient evidence to convince the jury (or the court if the trial is non-jury) of your guilt beyond a reasonable doubt. You have no burden of proof in this case. If the State fails to meet its burden, you would be found not guilty. If you are entering a guilty plea to a charge for which you have not yet been indicted, you are waiving indictment by a grand jury and you will be pleading guilty to a charge preferred against you by a District Attorney's Information filed with the court. If you are not a United States citizen, a guilty plea may subject you to adverse immigration consequences, including deportation (See 8 U.S.C. § 1227), exclusion from reentry to the United States and amnesty, and that the appropriate consulate may be informed of the plea and conviction.

## DEPARTURE SENTENCE (Check if applicable)

\_\_\_\_ You have the right to notice seven days prior to trial of any aggravating factor the state intends to assert in your case and you have the right to a trial by jury as to the existence of that factor. The state bears the burden of proving sufficient evidence to convince the jury (or the court if the trial is non-jury) of the existence of that factor beyond a reasonable doubt. You have the right to assert mitigating factors for presentation to the sentencing trial judge by giving the sentencing judge notice of such factors no less than 7 days prior to sentencing. You bear the burden of proving by sufficient evidence to convince the court by a preponderance of the evidence that such factor exists.

## WAIVER

If you plead guilty, (\_\_\_\_ and admit the aggravating factors) there will be no trial. You will be waiving your rights outlined above, except your rights relating to representation by an attorney. The state will have nothing to prove and you will stand guilty on your guilty plea. By entering a plea of guilty, **YOU WILL ALSO WAIVE YOUR RIGHT TO APPEAL**, unless in appeals to the Court of Criminal Appeals or the Supreme Court (1) you have before entering the plea of guilty, expressly reserved the right to appeal with respect to a particular issue or issues, in which event appellate review shall be limited to a determination of the issue or issues reserved, (2) you have timely filed a motion to withdraw the plea of guilty after pronouncement of sentence on the ground that the withdrawal is necessary to correct a manifest injustice, and the court has denied your motion to withdraw your plea, or the motion has been deemed denied by operation of law.

State Of Alabama Unified Judicial System Form CR-51 (front) Rev. 1/2019	<b>EXPLANATION OF RIGHTS AND          PLEA OF GUILTY</b> (Non-Habitual Offender – Felony and Misdemeanor – Circuit or District Court) (FOR OFFENSES COMMITTED ON OR AFTER January 30, 2016)	Case Number _____
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IN THE \_\_\_\_\_ DISTRICT \_\_\_\_\_ COURT OF \_\_\_\_\_ JEFFERSON \_\_\_\_\_, ALABAMA  
 (Circuit or District) (Name of County)

STATE OF ALABAMA v. \_\_\_\_\_  
 Defendant

  

**TO THE ABOVE-NAMED DEFENDANT:** The Court, having been informed that you wish to enter a plea of guilty in this case, hereby informs you of your rights as a defendant charged with a criminal offense.

**PENALTIES APPLICABLE TO YOUR CASE**

You are charged with the crime of \_\_\_\_\_, which is a Class \_\_\_\_\_ ☐ Felony ☐ Misdemeanor. The Court has been informed that you desire to enter a plea of guilty to ☐ this offense or ☐ to the crime of \_\_\_\_\_ which is a ☐ felony ☐ misdemeanor offense. The sentencing range for the above crime(s) is set out below:

MISDEMEANOR		FELONY	
Class A	Up to one (1) year imprisonment in the county jail, or a fine up to \$6,000, or both.	Class A	Not less than ten (10) years and not more than life or ninety-nine (99) years imprisonment in the state penitentiary, and may include a fine not to exceed \$60,000
Class B	Up to six (6) months imprisonment in the county jail, or a fine up to \$3,000, or both.	Class B	Not less than two (2) years and not more than twenty (20) years imprisonment in the state penitentiary, and may include a fine not to exceed \$30,000.
Class C	Up to three (3) months imprisonment in the county jail, or a fine not to exceed \$500, or both.	Class C	Not less than one (1) year and one (1) day and not more than ten (10) years imprisonment in the state penitentiary, and may include a fine not to exceed \$15,000*.
		Class D	Not More than 5 years or less than 1 year and 1 day in the state penitentiary and may include a fine not to exceed \$7,500*.

**Multiple Sentences.** If you face multiple sentences for multiple crimes, the court may order your sentence for the above crime to run consecutively to or concurrently with the other sentence or sentences.

**Costs & Crime Victim's Assessment:** You will also be ordered to pay the costs of court, which may include the fees of any appointed attorney, fines, fees, assessments, and restitution if there is any. You will also be ordered to pay an additional monetary penalty for the use and benefit of the Alabama Crime Victims Compensation Commission of not less than \$50 and not more than \$10,000 for each felony and not less than \$25 and not more than \$1,000 for each misdemeanor for which you are convicted.

**This crime is also subject to the following enhancements or additional penalties as provided by law: (Provisions Checked Apply To Your Case)**

☐ **Enhanced Punishment For Use Of Firearm Or Deadly Weapon:** Sections 13A-5-6(a)(5) and (a)(6), Ala. Code 1975, provide for the enhancement of a punishment for a Class A, B, or C, felony in which a "firearm or deadly weapon was used or attempted to be used in the commission of the felony." This section provides for the following punishments in such events: For the commission of a Class A Felony, a term of imprisonment of not less than 20 years; For the commission of a Class B or C Felony, a term of imprisonment of not less than 10 years.

☐ **Enhanced Punishment for a Felony Criminal Sex Offense Involving a Child:** Sections 13A-5-6(a)(5) and (a)(6), Ala. Code 1975, provide for the enhancement of a punishment for a Class A or B felony criminal sex offense involving a child under the age of 12 or involving child pornography. These Sections provide for the following punishment in such events: For a Class A felony criminal sex offense, not less than 20 years; For a Class B felony sex offense, not less than 10 years.

☐ **Enhanced Punishment for Drug Sale Near School:** Section 13A-12-250, Ala. Code 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public or private school, college, university or other educational institution, must be punished by an additional penalty of five years' imprisonment for each violation.

☐ **Enhanced Punishment for Drug Sale Near Housing Project:** Section 13A-12-270, Ala. Code 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public housing project owned by a housing authority must be punished by an additional penalty of five years' imprisonment in a state correctional facility for each violation.

☐ **Enhanced Punishment For Sales Of Controlled Substance To One Under the age of 18:** Section 13A-12-215, Ala. Code 1975, provides that anyone convicted of selling, furnishing or giving away a controlled substance to one who has not yet attained the age of 18 years, shall be guilty of a Class A Felony and the punishment imposed shall not be suspended or probation granted.

**\* Class C and D felonies Split Sentencing** Section 15-18-8(b) and (e), Ala. Code 1975, provides that when a defendant is convicted of an offense that constitutes a Class C or D felony and receives a sentence of not more than 15 years, and has not been sentenced to probation, drug court, or a pretrial diversion program, he or she shall be confined in a prison, jail-type institution, treatment institution, or community corrections program for a Class C felony offense or in a consenting community corrections program for a Class D felony offense for a period not exceeding two years. The execution of the remainder of the sentence shall be suspended and he or she shall be placed on probation for a period not exceeding three years and upon such terms as the court deems best. If no community corrections program exists within a county or jurisdiction and no alternative program options are available, a person convicted of an offense that constitutes a Class D felony may be sentenced to high-intensity probation under the supervision of the Board of Pardons and Paroles in lieu of community corrections.

**EXPLANATION OF RIGHTS AND PLEA OF GUILTY**  
(Non-Habitual Offender – Felony and Misdemeanor – Circuit or District Court)  
(FOR OFFENSES COMMITTED ON OR AFTER January 30, 2016)

IF YOU HAVE A RIGHT TO APPEAL UNDER ONE OF THE CONDITIONS ABOVE AND YOU ARE DETERMINED BY THE COURT TO BE INDIGENT, COUNSEL WILL BE APPOINTED TO REPRESENT YOU ON APPEAL IF YOU SO DESIRE AND IF THE APPEAL IS FROM A CIRCUIT COURT JUDGMENT OR SENTENCE. A COPY OF THE RECORD AND REPORTER'S TRANSCRIPT WILL BE PROVIDED AT NO COST TO YOU. IF THE APPEAL IS FROM A MUNICIPAL OR DISTRICT COURT JUDGMENT TO CIRCUIT COURT, YOU HAVE A RIGHT TO DEMAND A JURY TRIAL IF YOU INDICATE YOUR WISH TO ASSERT THIS RIGHT ON THE NOTICE OF APPEAL.

IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS OR THE CONSEQUENCES OF PLEADING GUILTY, PLEASE LET THE COURT KNOW NOW AND FURTHER EXPLANATION WILL BE MADE.

The court having personally addressed the defendant determines that the defendant has entered the plea voluntarily.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

**ATTORNEY'S CERTIFICATE**

I certify that the above was read and/or explained to the defendant by me; that I explained the penalty or penalties to the defendant, that I discussed in detail the defendant's rights and the consequences of pleading guilty; and that, in my judgment, the defendant understands the same and that he/she is knowingly, voluntarily, and intelligently waiving his/her rights and entering a voluntary and intelligent plea of guilty. I further certify to the court that I have in no way forced or induced the defendant to plead guilty and, to my knowledge, no one else has done so.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney

**DEFENDANT'S STATEMENT OF WAIVER OF RIGHTS AND PLEA OF GUILTY**

I certify to the court that I have read the matters set forth above or have had them read to me; that my rights have been discussed with me in detail and fully explained; that I understand the charge or charges against me; that I understand my rights, the punishment or punishments provided by law as may apply to my case, and I understand the consequence of pleading guilty; that I am not under the influence of any drugs, medicines, or alcoholic beverages; and I have not been threatened or abused or offered any inducement, reward, or hope of reward to plead guilty other than the terms of the plea agreement which will be stated on the record.

I further state to the court that I am guilty of the charge to which I am entering a plea of guilty, that I desire to plead guilty, that I made up my own mind to plead guilty, and that I knowingly, intelligently, and voluntarily waive my right to a trial in this case. I further state to the court that I am satisfied with my attorney's services and his/her handling of my case.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

State Of Alabama Unified Judicial System  Form CR-52 (front) Rev. 1/2019	<b>EXPLANATION OF RIGHTS AND PLEA OF GUILTY</b> (Habitual Felony Offender – Circuit or District Court) (FOR OFFENSES COMMITTED ON OR AFTER JANUARY 30, 2016)	Case Number _____  Count _____ (count #, If Applicable)
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IN THE \_\_\_\_\_ DISTRICT \_\_\_\_\_ COURT OF \_\_\_\_\_ JEFFERSON \_\_\_\_\_, ALABAMA  
 (Circuit or District) (Name of County)

STATE OF ALABAMA v. \_\_\_\_\_

Defendant

**TO THE ABOVE-NAMED DEFENDANT:** The Court having been informed that you wish to enter a plea of guilty in this case, hereby informs you of your rights as a criminal defendant.

**PENALTIES APPLICABLE TO YOUR CASE**

You are Charged with the crime of \_\_\_\_\_, which is Class \_\_\_\_\_ Felony. The court has been informed that you desire to enter a plea of guilty to ☐ this offense or ☐ to the crime of \_\_\_\_\_ which is a \_\_\_\_\_ Felony. The sentencing range of the above crime(s) is set out below:

FELONY	
<b>Class A</b>	Not less than ten (10) years and not more than ninety-nine(99) years imprisonment or life imprisonment in the state penitentiary, including hard labor and may include a fine not to exceed \$60,000.
<b>Class B</b>	Not less than two (2) years and not more than twenty (20) years imprisonment in the state penitentiary, including hard labor and may include a fine not to exceed \$30,000. For imprisonment not more than 3 years, confinement may be in county jail and sentence may include hard labor for county.
<b>Class C</b>	Not less than one (1) year and one (1) day and not more than ten (10) years imprisonment in the state penitentiary, including hard labor and may include a fine not to exceed \$15,000. For imprisonment not more than 3 years, confinement may be in county jail and sentence may include hard labor.

As a reported habitual offender, you are further advised that the Alabama Habitual Offender Act, Section 13A-5-9, Ala. Code 1975, as amended by Act 2000-759, provides the following enhanced punishment for anyone who has been previously convicted of one or more felonies and who then is convicted of a subsequence felony:

Prior Felonies This offense	No Prior Felonies	One Prior Felony	Two Prior Felonies	Three + Prior Felonies
<b>Class C Felony</b>	1 Yr. & 1 Day – 10 Years In State Penitentiary Fine Up To \$15,000	2 – 20 Years In State Penitentiary Fine UP To \$30,000	10 – 99 Years In State Penitentiary Fine UP To \$60,000	15 – 99 Years or Life In State Penitentiary Fine Up To \$60,000
<b>Class B Felony</b>	2 – 20 Years In State Penitentiary Fine Up TO \$30,000	10 – 99 Years Or Life In State Penitentiary Fine Up To \$60,000	15 – 99 Years or Life In State Penitentiary Fine Up To \$60,000	Mandatory Life Imprisonment or any term of not less than 20 years, Fine Up To \$60,000
<b>Class A Felony</b> (No prior convictions for any Class A Felony)	10 – 99 Years or Life In State Penitentiary Fine Up To \$60,000	15 – 99 Years or Life In State Penitentiary Fine Up To \$60,000	Life Imprisonment or Any Term Of Years Not Less Than 99 Fine Up To \$60,000	Mandatory Imprisonment For Life or Life Imprisonment Without Possibility of Parole, Fine Up To \$60,000
<b>Class A Felony</b> (One or more prior convictions for any Class A Felony)	10 – 99 Years or Life In State Penitentiary Fine Up To \$60,000	15 – 99 Years or Life In State Penitentiary Fine Up To \$60,000	Life Imprisonment or Any Term Of Years Not Less Than 99 Fine Up To \$60,000	Mandatory Imprisonment For Life Without Possibility of Parole Fine Up To \$60,000

**Multiple Sentences.** If you face multiple sentences for multiple crimes, the court may order your sentence for the above crime to run consecutively to or concurrently with the other sentence or sentences.

**Costs & Crime Victim's Assessment:** You will also be ordered to pay the costs of court, which may include the fees of any appointed attorney, fines, fees, assessments, and restitution if there is any. You will also be ordered to pay an additional monetary penalty for the use and benefit of the Alabama Crime Victims Compensation Commission of not less than \$50 and not more than \$10,000 for each felony and not less than \$25 and not more than \$1,000 for each misdemeanor for which you are convicted.

**This crime is also subject to the following enhancements or additional penalties as provided by law:** (Provisions Checked Apply To Your Case)

- ☐ **Enhanced Punishment For Use Of Firearm Or Deadly Weapon:** Sections 13A-5-6(a)(5) and (a)(6), Ala. Code 1975, provide for the enhancement of a punishment for a Class A, B, or C, felony in which a "firearm or deadly weapon was used or attempted to be used in the commission of the felony." This section provides for the following punishments in such events: For the commission of a Class A Felony, a term of imprisonment of not less than 20 years; For the commission of a Class B or C Felony, a term of imprisonment of not less than 10 years.
- ☐ **Enhanced Punishment for a Felony Criminal Sex Offense Involving a Child:** Sections 13A-5-6(a)(5) and (a)(6), Ala. Code 1975, provide for the enhancement of a punishment for a Class A or B felony criminal sex offense involving a child under the age of 12 or involving child pornography. These Sections provide for the following punishment in such events: For a Class A felony criminal sex offense, not less than 20 years; For a Class B felony sex offense, not less than 10 years.
- ☐ **Enhanced Punishment for Drug Sale Near School:** Section 13A-12-250, Ala. Code 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public or private school, college, university or other educational institution, must be punished by an additional penalty of five years' imprisonment for each violation.
- ☐ **Enhanced Punishment for Drug Sale Near Housing Project:** Section 13A-12-270, Ala. Code 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public housing project owned by a housing authority must be punished by an additional penalty of five years' imprisonment in a state correctional facility for each violation.
- ☐ **Enhanced Punishment For Sales Of Controlled Substance To One Under the age of 18:** Section 13A-12-215, Ala. Code 1975, provides that anyone convicted of selling, furnishing or giving away a controlled substance to one who has not yet attained the age of 18 years, shall be guilty of a Class A Felony and the punishment imposed shall not be suspended or probation granted.

**EXPLANATION OF RIGHTS AND PLEA OF GUILTY**

(Habitual Felony Offender – Circuit/District Court)

IF YOU HAVE A RIGHT TO APPEAL UNDER ONE OF THE CONDITIONS ABOVE AND YOU ARE DETERMINED BY THE COURT TO BE INDIGENT, COUNSEL WILL BE APPOINTED TO REPRESENT YOU ON APPEAL IF YOU SO DESIRE AND IF THE APPEAL IS FROM A CIRCUIT COURT JUDGMENT OR SENTENCE, A COPY OF THE RECORD AND REPORTER'S TRANSCRIPT WILL BE PROVIDED AT NO COST TO YOU. IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS OR THE CONSEQUENCES OF PLEADING GUILTY, PLEASE LET THE COURT KNOW NOW AND FURTHER EXPLANATION WILL BE MADE.

The court having personally addressed the defendant determines that the defendant has entered the plea voluntarily.

\_\_\_\_\_  
Date\_\_\_\_\_  
Judge**ATTORNEY'S CERTIFICATE**

I certify that the above was fully read to the defendant by me; that I explained the penalty or penalties involved with the defendant; that I discussed in detail defendant's rights and the consequences of pleading guilty; and that, in my judgment, the defendant understands the same and that he/she is knowingly, voluntarily, and intelligently waiving his/her rights and entering a voluntary and intelligent plea of guilty. I further certify to the court that I have in no way forced or induced the defendant to plead guilty and to my knowledge no one else has done so.

\_\_\_\_\_  
Date\_\_\_\_\_  
Attorney**DEFENDANT'S STATEMENT OF WAIVER OF RIGHTS AND PLEA OF GUILTY**

I certify to the court that my attorney has read and explained the matters set forth above; that my rights have been discussed with me in detail and fully explained; that I understand the charge or charges against me; that I understand my rights, the punishment or punishments provided by law as they may apply to my case, and I understand the consequences of pleading guilty; that I am not under the influence of any drugs, medicines, or alcoholic beverages; and I have not been threatened or abused or offered any inducement, reward, or hope of reward to plead guilty other than the terms of the plea agreement which will be stated on the record. I further state to the court that I am guilty of the charge to which I am entering a plea of guilty, that I desire to plead guilty, that I made up my own mind to plead guilty and that I knowingly and intelligently, and voluntarily waive my right to trial in this case. I further state that I am satisfied with my attorney's services and his/her handling of my case.

\_\_\_\_\_  
Date\_\_\_\_\_  
Defendant

IN THE DISTRICT COURT OF JEFFERSON COUNTY ALABAMA

STATE OF ALABAMA

VS.

DC \_\_\_\_\_

\_\_\_\_\_  
Defendant

PLEA BARGAIN AGREEMENT

The State of Alabama, the Defendant and the Defendant's attorney hereby file with the court this writing which sets out the terms which it recommends the court to accept upon the defendant entering a plea of guilty in this case.

1. The defendant will enter a plea to the charge of:

- \_\_\_\_\_  
2. The Defendant advises the court he has been convicted of \_\_\_\_\_  
prior felony offenses which will require increased punishment under the terms of the Alabama Habitual  
Offender Act.  
3. Upon pleading guilty the State of Alabama will recommend a sentence of \_\_\_\_\_ and  
a fine of \_\_\_\_\_.

4. The defendant will be required to pay to the clerk of District Court:

☐ a. Restitution in the amount of \$ \_\_\_\_\_ for the benefit of \_\_\_\_\_  
\_\_\_\_\_

☐ b. The costs of court.

☐ c. The cost of the court appointed attorney.

☐ d. Alabama Crime Victims Compensation Assessments.

☐ e. Alabama Drug Reduction Act Assessment.

5. The Defendant will ask the court to give him/her probation. No promise for or against probation is made  
by the court.

6. The defendant states that he/she is guilty of the charge(s).

7. Issues reserved for appeal:

\_\_\_\_\_  
By signing below, the State of Alabama, the Defendant and the Defendant's Attorney, each acknowledge that  
they understand terms of this agreement and they request the Court to accept this Plea Bargain Agreement and make  
it part of the court record.

Filed in open court this the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Deputy District Attorney

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Attorney

IN THE DISTRICT COURT OF JEFFERSON COUNTY

STATE OF ALABAMA

AGE \_\_\_\_\_

VS.

DISTRICT COURT NO: \_\_\_\_\_

TO THE HONORABLE JUDGES OF THE DISTRICT COURT OF JEFFERSON COUNTY, ALABAMA:

I hereby make it known to the Court that I am charged with the offense of: \_\_\_\_\_  
\_\_\_\_\_ and that I desire to enter a plea of guilty  
to said charge without indictment.

Respectfully,

Date: \_\_\_\_\_

Defendant

Date: \_\_\_\_\_

Attorney

COURT'S NOTICE TO DISTRICT ATTORNEY OF DEFENDANT'S DESIRE TO PLEAD GUILTY  
TO THE STATE DISTRICT ATTORNEY FOR THE TENTH JUDICIAL CIRCUIT OF ALABAMA.

You are advised that the defendant in the above entitled cause, who is charged with having committed  
the offense of \_\_\_\_\_

\_\_\_\_\_ in Jefferson County, Alabama, and who has made it  
known to the court that he desires to plead guilty to said charge in said court without first being indicted by  
a grand Jury and, in accordance with the law, the undersigned judge of said court does hereby direct you to  
prefer and file an information against such defendant, under your oath or the oath of an Assistant District  
Attorney, or under the oath of some witness, charging the same defendant, with the same certainty as is  
required of an indictment, with having committed the said offense for which he is now being held for a  
preliminary hearing, or has waived a preliminary hearing, or has been bound over to the Grand Jury.

The defendant is represented by: \_\_\_\_\_ an attorney at law.

It is therefore, ORDERED that the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ be and the same  
is hereby set at the time for the hearing of such plea of guilty. It is further: ORDERED the Sheriff of said  
County be, and he is hereby directed to serve on the defendant and his attorney a copy of this notice setting  
the date for the hearing of said plea.

Date: \_\_\_\_\_

Judge, District Court of Jefferson County

I HEREBY ACCEPT SERVICE OF COPY OF THE ABOVE NOTICE.

Date: \_\_\_\_\_

Defendant

Date: \_\_\_\_\_

Attorney



STATE OF ALABAMA

VS.

"COURT'S EXHIBIT B"

IN THE CIRCUIT COURT OF  
THE  
TENTH JUDICIAL CIRCUIT  
OF ALABAMA

\_\_\_\_\_  
Defendant

Case(s) No. \_\_\_\_\_

DEFENDANT'S STATEMENT OF SATISFACTION OF  
SERVICES REDNERED BY COURT APPOINTED ATTORNEY

TO THE ABOVE NAMED DEDENDANT:

1. Are you satisfied that your attorney, \_\_\_\_\_, Esq., is a competent, good attorney and has represented you to your best interest in the settlement of this case(s)? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Are you satisfied with the plea bargaining in this case(s)? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Did you plead guilty of your own free will? Yes \_\_\_\_\_ No \_\_\_\_\_
4. Has anyone forced you or coerced you in any manner to get you to plead guilty in this case(s)? Yes \_\_\_\_\_ No \_\_\_\_\_
5. Has anyone promised you anything to get you to plead guilty? Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "yes" to questions 1, 2 and 3 and "no" to questions 4 and 5, sign this form indicating your attorney has looked to your best interest and your concurrence with this Statement of Satisfaction.

Done this the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Defendant

Witness:

\_\_\_\_\_  
District Judge

State of Alabama  
Unified Judicial SystemCASE ACTION SUMMARY  
(CONTINUATION)  
District Court - Jefferson County

ID YR Number

STATED OF ALABAMA v.

DATE

Actions, Judgements, Case notes

YOUTHFUL OFFENDER PLEA OF GUILT

The Defendant has applied for treatment under the terms of the Alabama Youthful Offender Act. The Court has ordered an investigation and has determined to grant the Defendant the status of Youthful Offender. The Defendant has filed a request to enter a plea as a Youthful Offender.

The Defendant and his attorney in open court advise the Court that they have gone over the terms of the Youthful Offender Act and the underlying felony charge which is the bases for this action. The Court is satisfied that the Defendant fully understands the action he is about to take. The Defendant being asked how he pleads to being a Youthful Offender advises the Court he pleads guilty to being a Youthful Offender. The Court adjudges the Defendant as a Youthful Offender and orders the following:

( ) orders the Defendant to be sent to the Department of Corrections Disciplinary Unit "Boot Camp" for a period of no less than 180 days. If the Defendant successfully completes this program, then he is to be returned to this Court for probation consideration. If he does not successfully complete the program then the Defendant is to be confined with the Department of Corrections for a period of \_\_\_\_\_ yrs. \_\_\_\_\_ mos

( ) suspends the imposition of the sentence and places the Defendant on ( ) supervised, ( ) unsupervised probation for a period of \_\_\_\_\_ years from this date pending the good behavior of the Defendant and the conditions set out in the order of probation.

Defendant is ordered to pay the costs of court to include;

- ( ) FINE IN THE AMOUNT OF \$ \_\_\_\_\_  
 ( ) crime victim compensation fees of \$ \_\_\_\_\_  
 ( ) restitution in the amount of \$ \_\_\_\_\_

Victim: \_\_\_\_\_ Address: \_\_\_\_\_

Payments are due at the rate of \$ \_\_\_\_\_ per month, beginning \_\_\_\_\_

( ) other conditions \_\_\_\_\_

The Court hereby specifically retains jurisdiction to fix and impose punishment at a subsequent date in the event that the Defendant violates the terms of the order of probation.

DONE and ORDERED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DISTRICT JUDGE

STATE OF ALABAMA

vs.

**"COURT'S EXHIBIT B"**

IN THE CIRCUIT COURT OF  
THE  
TENTH JUDICIAL CIRCUIT  
OF ALABAMA

Case(s) No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

DEFENDANT'S STATEMENT OF SATISFACTION OF  
SERVICES RENDERED BY COURT APPOINTED ATTORNEY

TO THE ABOVE NAMED DEFENDANT:

1. Are you satisfied that your attorney, \_\_\_\_\_, Esq., is a competent, good attorney and has represented you to your best interest in the settlement of this case(s)? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Are you satisfied with the plea bargaining in this case(s)? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Did you plead guilty of your own free will? Yes \_\_\_\_\_ No \_\_\_\_\_
4. Has anyone forced you or coerced you in any manner to get you to plead guilty in this case(s)? Yes \_\_\_\_\_ No \_\_\_\_\_
5. Has anyone promised you anything to get you to plead guilty? Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "yes" to questions 1, 2 and 3 and "no" to questions 4 and 5, sign this form indicating your attorney has looked to your best interest and your concurrence with this Statement of Satisfaction.

Done this the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Defendant

Witness:

\_\_\_\_\_  
Circuit Judge

**EXPLANATION OF RIGHTS OF YOUTHFUL  
OFFENDER AND PLEA OF GUILTY**

Case Number \_\_\_\_\_

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_, ALABAMA  
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ STATE OF ALABAMA

☐ MUNICIPALITY OF \_\_\_\_\_

v. \_\_\_\_\_

Defendant

**TO THE ABOVE-NAMED DEFENDANT:**

This is to inform you of your rights as a defendant in this case. The Court has determined that you are to be treated as a youthful offender. For you to be guilty of being a youthful offender in this case, the prosecutor would have to prove that you committed what would otherwise be the adult criminal offense of \_\_\_\_\_, a Class \_\_\_\_\_.

If that offense is a felony and you plead guilty to being a youthful offender, you may receive punishment of up to three (3) years' confinement in the custody of the State Department of Corrections and, in addition, may be fined in an amount up to \$ \_\_\_\_\_. You may be ordered by this Court to participate in the Boot Camp program set out in Section 15-18-8(a)(2), Ala. Code 1975.

If that offense is a misdemeanor or municipal ordinance violation and you plead guilty to being a youthful offender, you may receive punishment of imprisonment in the county/municipal jail or to hard labor for up to \_\_\_\_\_ and, in addition, may be fined in an amount up to \$ \_\_\_\_\_.

You will also be assessed court costs and may be ordered to pay restitution in an amount determined by the Court. In accordance with Section 15-23-17, Ala. Code 1975, if the adult criminal offense listed above is a felony or misdemeanor, you will be ordered to pay a victim compensation assessment of not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_.

If you are charged with an alcohol or drug-related offense, and if you plead guilty or are found guilty, you will be required to undergo an evaluation for alcohol or drug abuse. Based on the results of the evaluation, you will be required to complete the recommended education or treatment program and to pay for the evaluation and education or treatment program to which you are referred. Failure to complete the recommended program, which includes paying for it and the evaluation, will be considered a violation of probation or parole. You may be required to attend monitoring sessions with a court referral officer and to pay monitoring fee. These monitoring sessions would include random alcohol or drug testing. Any person determined to be indigent by the Court may request a waiver of all or part of the fees in this paragraph. If you become able to pay during the course of monitoring, education or treatment, or at another future date, the waiver of fees may be revoked. The Court may order you to perform community service instead of payment of the fees in this paragraph if you are indigent.

Pursuant to 32-5A-191.4, Code of Alabama 1975, persons convicted of driving under the influence are subject to installation of an ignition interlock devices on motor vehicles.

If you have been convicted of a sex offense, you will be required to comply with the requirements of the Alabama Sex Offender Registration and Notification Act (Section 15-20A-1, et seq., Ala. Code, 1975). Section 15-20A-35 provides if you have not been previously adjudicated or convicted of a sex offense and if you had not attained the age of 18 at the time the offense was committed, you are treated as a juvenile sex offender. Otherwise, you will be treated as an adult sex offender.

**IN ENTERING A PLEA OF GUILTY IN THIS COURT, YOU ARE WAIVING A TRIAL AND THE FOLLOWING RIGHTS TO WHICH YOU ARE ENTITLED IN THE EVENT OF A TRIAL**

Under the Constitutions of the United States and the State of Alabama, you have a right or privilege not to be compelled to give evidence against yourself. In the trial of your case before the Court, you have the right to take the witness stand and to testify on your own behalf, if you so desire, but no one can require you to testify. If you testify, you can be cross-examined by the prosecutor. You have the right to remain silent, but anything that you voluntarily say, with knowledge of your rights, may be used against you. Your conversations with your attorney are confidential and cannot, and will not, be disclosed by your attorney.

You have the right to stand trial on your plea of not guilty and have your case tried by the Court. The Court would determine whether you are guilty or whether you are innocent, based upon the evidence in the case.

In the trial of your case, your attorney could subpoena witnesses on your behalf, make legal objections to matters that your attorneys felt were objectionable, cross-examine the witnesses of the prosecution, examine your own witnesses, and argue the matter before the Court. Your attorney would be bound to do everything that he or she could honorably and reasonably do to see that you obtain a fair and impartial trial.

In the trial of your case, you will come into court clothed with a presumption that you are not guilty and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the prosecution convinces the Court, beyond a reasonable doubt, of your guilt. The burden of proof is upon the prosecution to convince the Court, from the evidence in the case, that you are guilty beyond a reasonable doubt before you would be found guilty. If the prosecution does not meet such burden of proof, it will be the Court's duty to find you not guilty. Your will have no burden of proof whatsoever in your trial.

You have the right to enter a plea of "Guilty," "Not Guilty," "Not Guilty By Reason of Mental Disease or Defect," or "Not Guilty and Not Guilty By Reason of Mental Disease or Defect."

If you are not a United States citizen, a guilty plea may subject you to adverse immigration consequences, including deportation (See 8 U.S.C. §1227), exclusion from reentry to the United States and amnesty, and that the appropriate consulate may be informed of the plea and conviction.

If you enter a plea of guilty, **you will waive your right to appeal**, unless in appeals to the Court of Criminal Appeals or the Supreme Court (1) you have, before entering the plea of guilty, expressly reserved the right to appeal with respect to a particular issue or issues, in which event appellate review shall be limited to a determination of the issue or issues reserved, or (2) you have timely filed a motion to withdraw the plea of guilty after pronouncement of sentence on the ground that the withdrawal is necessary to correct a manifest injustice, and the court has denied your motion to withdraw your plea, or the motion has been deemed denied by operation of law.

If you have a right to appeal under one of the conditions above and you are determined by the court to be indigent, counsel will be appointed to represent you on appeal if you so desire and if the appeal is from a circuit court judgment or sentence, a copy of the record and the reporter's transcript will be provided at no cost to you.

If the appeal is from a municipal or district court judgment to circuit court, you have a right to demand a jury trial if you indicate your wish to assert this right on the Notice of Appeal.

STATE OF ALABAMA

AGE: \_\_\_\_\_

VS.

DISTRICT COURT # DC \_\_\_\_\_

TO THE HONORABLE JUDGES OF THE TENTH JUDICIAL CIRCUIT OF ALABAMA, DISTRICT COURT  
CRIMINAL DIVISION:

I hereby make known to the Court that I am charged with the offense of \_\_\_\_\_

and that I desire to enter a plea of guilty to said charge without indictment as a youthful offender.

DATE

ATTORNEY FOR DEFENDANT

DEFENDANT

TO THE DISTRICT ATTORNEY FOR THE TENTH JUDICIAL CIRCUIT OF ALABAMA AND TO THE STATE  
PROBATION AND PAROLE OFFICE:

The defendant in the above entitled cause has made it known to the court that said defendant is desirous of making application to be treated as a Youthful Offender in said court without first being indicted by the Grand Jury and to enter a plea of guilty to Youthful Offender. In accordance with the law, the undersigned judge of said court does hereby direct you to prefer and file an information against such defendant, under your oath of an Assistant District Attorney, or under the oath of some witness, charging the same defendant with the same certainty as is required of an indictment, with having committed the said offense for which he is now being held for a preliminary hearing, or has waived a preliminary hearing, or has been bound over to the Grand Jury.

The defendant is advised that upon making this application the Defendant will be waiving the following rights and privileges to which all individuals are entitled under the Constitution of the United States. These would include the right to a trial by jury, to confront any witness against you, to call to court or subpoena into court any witness to testify in your favor, to testify at your trial if you desire, but you would not be required to do so, and no one could comment upon your failure to testify to the jury.

Your attorney will go over these rights with you, but if you have any questions about any of them, please ask the Undersigned judge and he will make further explanation thereof to you.

Defendant is represented by: \_\_\_\_\_, attorney at law.

It is FURTHER ORDERED that an investigation on the above styled cause be conducted by the State Probation Office. This matter has been set for hearing and plea of guilty on \_\_\_\_\_ DAY OF \_\_\_\_\_  
AT \_\_\_\_\_.

THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_,

JUDGE

DEFENDANT

ATTORNEY FOR DEFENDANT

# COURT ORDERED PROBATION SERVICES

NAME \_\_\_\_\_

Case No.(s) \_\_\_\_\_

ADDRESS \_\_\_\_\_  
Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

TELEPHONE \_\_\_\_\_

Sec. Rep. No. \_\_\_\_\_

## ACTION ORDERED:

DATE \_\_\_\_\_

- \_\_\_\_\_ Must Go To TASC
- \_\_\_\_\_ Pre-Sentence Investigation
- \_\_\_\_\_ Probation Investigation
- \_\_\_\_\_ Youthful Offender Investigation
- \_\_\_\_\_ Notice of Conviction
- \_\_\_\_\_ Update Previous Investigative Report
- \_\_\_\_\_ Other \_\_\_\_\_

## DEFENDANT MUST REPORT IN PERSON TO:

TASC  
401 Beacon Pkwy, West  
Birmingham, AL 35233  
Telephone: (205) 917-3780

STATE PROBATION OFFICE  
2112 12th Avenue N  
Birmingham, AL 35234

Telephone: (205) 323-1091

( ) JAIL

( ) BOND

CHARGE(S) \_\_\_\_\_ CONVICTED \_\_\_\_\_

Date of Conviction or Plea \_\_\_\_\_

Sentence \_\_\_\_\_ Sentences Deferred Until Hearing Date ( )

Sentence: \_\_\_\_\_ Penitentiary; \_\_\_\_\_ Hard Labor; \_\_\_\_\_ Jail; \_\_\_\_\_ FLYC

Race: \_\_\_\_\_ White \_\_\_\_\_ Black; Other \_\_\_\_\_ Sex: \_\_\_\_\_ Male \_\_\_\_\_ Female

Birthdate: \_\_\_\_\_ Age \_\_\_\_\_; Married \_\_\_\_\_ Single \_\_\_\_\_

Health \_\_\_\_\_ Good \_\_\_\_\_ Fair \_\_\_\_\_ Bad; Occupation \_\_\_\_\_

( ) Defendant Refused to Provide Information Requested.

## REFERENCE:

Wife or Husband \_\_\_\_\_ Phone: \_\_\_\_\_  
Address \_\_\_\_\_

Parent \_\_\_\_\_ Phone: \_\_\_\_\_  
Address \_\_\_\_\_

Other Reference \_\_\_\_\_ Phone: \_\_\_\_\_  
Address \_\_\_\_\_

The Action ordered in the above style cause is hereby set for hearing on \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ p.m., a.m.

ATTORNEY'S SIGNATURE \_\_\_\_\_ Phone \_\_\_\_\_ CIRCUIT OR DISTRICT JUDGE \_\_\_\_\_

DISTRICT ATTORNEY \_\_\_\_\_ DEFENDANT'S SIGNATURE \_\_\_\_\_

WHITE — Court File

CANARY — Probation Office/TASC PINK — Defendant GOLDENROD — Attorney

# CASE ACTION SUMMARY CONTINUATION

Case Number

D.C. - 28

ID      yR      Number

Style:

Page Number      of      Pages

DATE

ACTIONS, JUDGEMENTS, CASE NOTES

## MOTION FOR REDUCTION OF CHARGE

Comes now the Deputy District Attorney, the Defendant and the Defendant's Attorney and agree to amend the charge originally made in this prosecution to:

and the Deputy District Attorney, Defendant and the Defendant's Attorney agree to the sentence as set out below.

Deputy District Attorney

Defendant

Defendant's Attorney

## \*\*\*\*\* PLEA OF GUILTY AND SENTENCE \*\*\*\*\*

To the charge as amended, defendant waives his right to a trial in the District Court and enters a plea of guilty. The court is satisfied of the guilt of the defendant and that the defendant fully understands his constitutional rights and has been advised of the range of punishment and elements of the charge.

The Court hereby imposes punishment at a fine of \$ \_\_\_\_\_ and the costs of court, and that the defendant is ordered to perform hard labor for Jefferson County for

Said hard labor sentence is suspended and the defendant is placed on unsupervised probation for a period of \_\_\_\_\_. As a condition of the probation the defendant is ordered:

1. Not to commit any additional crimes while on probation.
2. Pay the costs of court to include:  
☐ Restitution in the amount of \$ \_\_\_\_\_ to the clerk of the District Court for the use and benefit of

☐ court appointed attorney fees of \$ \_\_\_\_\_

☐ crime victim compensation fees of \$ \_\_\_\_\_

☐ court costs are retaxed.

3. To perform for the benefit of the people of Jefferson County community work for a period of \_\_\_\_\_ hours.

4. The defendant is further ordered to \_\_\_\_\_

The defendant has fourteen days to appeal.

This case is passed until \_\_\_\_\_ for the payment of any fines, costs or restitution or for compliance of orders.

Done and Ordered this the \_\_\_\_\_ day of \_\_\_\_\_.

District Judge

IN THE DISTRICT COURT OF JEFFERSON COUNTY ALABAMA

STATE OF ALABAMA

VS.

DC \_\_\_\_\_

\_\_\_\_\_  
Defendant

PLEA BARGAIN AGREEMENT

The State of Alabama, the Defendant and the Defendant's attorney hereby file with the court this writing which sets out the terms which it recommends the court to accept upon the defendant entering a plea of guilty in this case.

1. The defendant will enter a plea to the charge of:

\_\_\_\_\_

2. The Defendant advises the court he has been convicted of \_\_\_\_\_ prior felony offenses which will require increased punishment under the terms of the Alabama Habitual Offender Act.

3. Upon pleading guilty the State of Alabama will recommend a sentence of \_\_\_\_\_ and a fine of \_\_\_\_\_.

4. The defendant will be required to pay to the clerk of District Court:

☐ a. Restitution in the amount of \$ \_\_\_\_\_ for the benefit of \_\_\_\_\_

☐ b. The costs of court.

☐ c. The cost of the court appointed attorney.

☐ d. Alabama Crime Victims Compensation Assessments.

☐ e. Alabama Drug Reduction Act Assessment.

~~5. The Defendant will ask the court to give him/her probation. No promise for or against probation is made by the court.~~

6. The defendant states that he/she is guilty of the charge(s).

7. Issues reserved for appeal:

\_\_\_\_\_

By signing below, the State of Alabama, the Defendant and the Defendant's Attorney, each acknowledge that they understand terms of this agreement and they request the Court to accept this Plea Bargain Agreement and make it part of the court record.

Filed in open court this the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Deputy District Attorney

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Attorney



STATE OF ALABAMA

**"COURT'S EXHIBIT B"**

IN THE CIRCUIT COURT OF  
THE  
TENTH JUDICIAL CIRCUIT  
OF ALABAMA

VS.

Case(s) No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

DEFENDANT'S STATEMENT OF SATISFACTION OF  
SERVICES RENDERED BY COURT APPOINTED ATTORNEY

TO THE ABOVE NAMED DEFENDANT:

1. Are you satisfied that your attorney, \_\_\_\_\_, Esq., is a competent, good attorney and has represented you to your best interest in the settlement of this case(s)? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Are you satisfied with the plea bargaining in this case(s)? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Did you plead guilty of your own free will? Yes \_\_\_\_\_ No \_\_\_\_\_
4. Has anyone forced you or coerced you in any manner to get you to plead guilty in this case(s)? Yes \_\_\_\_\_ No \_\_\_\_\_
5. Has anyone promised you anything to get you to plead guilty? Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "yes" to questions 1, 2 and 3 and "no" to questions 4 and 5, sign this form indicating your attorney has looked to your best interest and your concurrence with this Statement of Satisfaction.

Done this the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Defendant

Witness:

\_\_\_\_\_  
Circuit Judge

## DUI DEFERRED PROGRAM

### Ignition Interlock Term

Mandatory for a minimum of 6 months, or the duration of the program, whichever is greater

### Driver's License Eligibility

Immediately eligible for an ignition interlock restricted driver's license

### Court Costs

Upon successful completion of program case will be dismissed as long as all costs and fees have been paid

IN THE DISTRICT COURT OF THE TENTH JUDICIAL CIRCUIT  
JEFFERSON COUNTY, ALABAMA

STATE OF ALABAMA

Plaintiff,

Vs.

Case No. \_\_\_\_\_

\_\_\_\_\_  
Defendant.

DUI DEFERRED PROGRAM PLEA AGREEMENT

The State of Alabama, the Defendant, and the Defendant's Attorney make the following agreement, effective upon a plea of guilty in the DUI Deferred Program and acceptance of said plea by this Court.

1. Defendant will enter a plea of guilty to the charge of Driving Under the Influence in violation of Alabama Code §32-5A-191(a) or (b).
2. Defendant hereby waives his/her right to appeal this guilty plea for any reason.
3. Defendant will enter guilty pleas to all of the moving violation charges that accompany this DUI arrest (speeding, improper lane change, reckless driving, etc.)
4. Defendant certifies to the Court that he/she has never been previously arrested, charged or convicted of the offense of DUI in any jurisdiction.
5. Defendant agrees to enroll in the Jefferson County DUI Deferred Prosecution Program and comply with ALL of the rules and requirements of the Program.
6. Defendant agrees to comply with ALL of the directives of the Court and the TASC Program.
7. Defendant agrees to remain alcohol and drug free.
8. Defendant agrees to submit to random urinalysis.
9. Defendant agrees to pay \$675.00 to TASC for the Program administration and supervision fees plus all Court Costs on time as required by the Court. Defendant agrees to pay \$375.00 of the Program fees prior to his/her initial assessment by the TASC Program.
10. Defendant agrees to pay any other cost required prior to his/her completion of the DUI Deferred Prosecution Program. Any additional costs for required substance abuse assessments and treatment will be the responsibility of the defendant.
11. Defendant agrees to pay all court costs assessed in this case.
12. Defendant agrees to pay \$100.00 the Alabama Chemical Testing, Training and Equipment Trust Fund and \$100.00 to the Impaired Drivers Trust Fund. These costs are included in the court cost.
13. Defendant agrees to obey all Local, State, and Federal laws.
14. Defendant, Defendant's Attorney, and the District Attorney agree that if the Defendant successfully completes ALL of the requirements of the Jefferson County DUI Deferred Prosecution Program, then the plea will be set aside and the DUI charge will be dismissed upon payment of court costs. If the Defendant fails to successfully complete the DUI Deferred Program, the Court will enter a final adjudication of guilt on the Defendant's guilty plea to the charge of DUI and the Defendant will be sentenced accordingly by the Court.

Filed in Open Court this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Attorney

\_\_\_\_\_  
Deputy District Attorney

**THE DUI DEFERRED PROSECUTION PROGRAM  
JEFFERSON COUNTY, ALABAMA**

**ELIGIBILITY REQUIREMENTS FOR THE DUI DEFERRED PROSECUTION PROGRAM:**

- Defendant must be charged with DUI under Alabama Code §32-5A-191 subsections (a) or (b).
- Defendant has never been previously arrested for, charged with, or convicted of a DUI offense in his/her lifetime.
- Defendant's blood alcohol content must have been less than .15 at the time of the arrest.
- Defendant had no passengers under the age of 18 years in the vehicle at the time of the DUI arrest.
- Defendant must have been cooperative and compliant with all law enforcement officers during the initial traffic stop, the DUI arrest, the blood alcohol content testing, and the booking process.
- Defendant must have had a valid driver's license at the time of the DUI arrest.
- Defendant does not have a Commercial Driver's License.
- Defendant's DUI charge is not related to any accident involving another vehicle, personal injury, or substantial property damage.
- Defendant's arrest for DUI must not have occurred within a school zone, construction zone, or any similar area deemed to be a high safety risk area. Whether or not the area is a high safety risk is at the sole discretion of the District Attorney. Such areas may include, but are not limited to, residential neighborhoods during hours where residents are likely to be outdoors and highly congested areas where numerous people are at risk such as sports venues, parks, churches, community centers, shopping centers, etc.
- Defendant must have no previous convictions arising from alcohol or drug use within three years of the DUI arrest.
- Defendant must not have any previous arrests or convictions for any crimes of violence or weapons offenses.
- Defendant must have no prior felony convictions.
- Defendant must have no more than three incidents of moving traffic violations in the twelve months immediately preceding the arrest for DUI.
- Defendant must enter guilty pleas to all of the moving violation charges that accompany this DUI arrest (speeding, improper lane change, reckless driving, etc.) in order to be admitted into the DUI Deferred Prosecution Program.
- Defendant must not have any other pending criminal charges that are unrelated to this DUI arrest.

**OTHER FACTORS THAT MAY BE CONSIDERED BY THE DISTRICT ATTORNEY IN DETERMINING THE ELIGIBILITY OF THE DEFENDANT:**

- Defendant's refusal to submit a breath sample when asked to do so by the arresting officer.

- Defendant's lifetime traffic history, especially moving violations.
- Defendant's degree of intoxication or impairment at the time of the arrest (defendant was unconscious/asleep behind the wheel, defendant crossed over into oncoming traffic, defendant turned or pulled in front of oncoming traffic, etc.).
- Defendant attempted to elude the police during the traffic stop.

**THE DUI DEFERRED PROSECUTION PROGRAM IS NOT A RIGHT. IT IS A PRIVILEGE. THE DISTRICT ATTORNEY'S OFFICE HAS ABSOLUTE DISCRETION OVER WHETHER OR NOT YOUR APPLICATION WILL BE GRANTED.**

- If your application is granted, you will be required to enter a plea of guilty in your DUI case and waive any rights to an appeal of your guilty plea before you enter into the deferred program. The District Court Judge will accept your plea, but will withhold adjudication and sentencing pending your successful completion of the DUI Deferred Prosecution Program.
- The Jefferson County DUI Deferred Program requires that you complete an intake assessment immediately upon admission to the Program. Failure to complete the intake assessment and meet with a TASC Program case manager **within 7 days** of your admission will result in a final adjudication of guilt in your case.
- In order to complete the DUI Deferred Prosecution Program you must pay all program fees and court costs, comply with all drug and alcohol testing and treatment requirements of the Program, and abide by all rules and regulations contained in this application. The DUI Deferred Prosecution Program is administered as a **"ZERO TOLERANCE"** program – noncompliance with **ANY** of the rules and requirements will result in a final adjudication of guilt in your case.
- The minimum term for completion of the DUI Deferred Prosecution Program is a period of six (6) months, but this period may be extended for up to one (1) year if deemed to be necessary by the Court.
- Once all obligations and requirements of the DUI Deferred Prosecution Program are met, you will have completed the Program and your guilty plea will be set aside and the case will be dismissed upon payment of court costs. If you do not successfully complete the Program, you will be returned to the District Court for final adjudication and sentencing.

# JEFFERSON COUNTY DUI DEFERRED PROSECUTION PROGRAM APPLICATION

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_

Home Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Home Telephone (\_\_\_\_) \_\_\_\_\_ Cell Phone (\_\_\_\_) \_\_\_\_\_

Work Phone (\_\_\_\_) \_\_\_\_\_

Mailing Address: (If different than home address) \_\_\_\_\_

Employer: \_\_\_\_\_

If you are a full-time student, name of school you are attending: \_\_\_\_\_

Case Number(s): \_\_\_\_\_

Charge(s): \_\_\_\_\_

Attorney's Name/Phone/Email: \_\_\_\_\_

Have you ever been arrested for, charged with, or convicted of DUI?  
( ) Yes ( ) No

Have you ever been convicted of any criminal offense?  
( ) Yes ( ) No

If you answered yes to the above question, list all of your past criminal convictions, the date of conviction and the location of conviction:

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

Are you currently on probation or parole for any past conviction? ( ) Yes ( ) No

Do you currently have any pending charges in this or any other jurisdiction that are not related to your current DUI arrest? ( ) Yes ( ) No

Do you have a valid Driver's License? ( ) Yes ( ) No

Do you have a Commercial Driver's License? ( ) Yes ( ) No

Do you have liability insurance on your vehicle? ( ) Yes ( ) No

Was any passenger in your vehicle under the age of 18 at the time of your arrest for DUI?  
( ) Yes ( ) No

Explain in detail your actions that led to the DUI charge against you. (You may use additional pages if necessary). Include the number and type of alcoholic beverages (beer, wine, liquor) you had consumed within 12 hours preceding your arrest for DUI. Also include the names and amounts of any drugs you had ingested within 24 hours of your arrest for DUI. **You must provide the District Attorney's Office with copies of your valid prescriptions for these drugs to be eligible for the Deferred Prosecution Program.**

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\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's Attorney's Signature

\_\_\_\_\_  
Date

**JEFFERSON COUNTY DUI DEFERRED PROSECUTION  
PROGRAM RULES & REQUIREMENTS**

In order to complete the Jefferson County DUI Deferred Prosecution Program, I will abide by all of the Rules and Requirements of the Program. I further understand that failure to comply with any such Rule or Requirement will result in a final adjudication of guilt in my case and the imposition of my sentence. I ALSO UNDERSTAND THAT IF I AM FOUND TO HAVE KNOWINGLY PROVIDED FALSE INFORMATION ANYWHERE IN THIS APPLICATION, I WILL BE IMMEDIATELY DISCHARGED FROM THE PROGRAM, ADJUDICATED GUILTY OF THE OFFENSE, AND SENTENCED ACCORDINGLY.

Initials

Rule

- |       |  |
|-------|--|
| _____ | I hereby certify that I have never in my lifetime been previously arrested for, charged with, or convicted of DUI, including any instances in which the charge may have been disposed of by Deferred Prosecution or by Plea Agreement resulting in a reduction of the charge.  |
| _____ | I hereby certify that my blood alcohol content was less than .15 at the time of my arrest in the instant case.   |
| _____ | I hereby certify that I did not have any passengers under the age of 18 years in the vehicle at the time of the DUI arrest.  |
| _____ | I hereby certify that I had a valid driver's license at the time of the DUI arrest.  |
| _____ | If I have not already done so, I must obtain valid motor vehicle liability insurance as required by the Alabama Motor Vehicle Safety-Responsibility Act (Title 32, Chapter 7, Code of Alabama, 1975) immediately upon my admittance into the DUI Deferred Prosecution Program. |
| _____ | I hereby certify that I do not have a Commercial Driver's License.   |
| _____ | I hereby certify that my DUI charge is not related to any accident involving another vehicle, personal injury, or substantial property damage.   |
| _____ | I certify that I do not have any previous convictions arising from alcohol or drug use within three years of this DUI arrest.  |
| _____ | I certify that I do not have any previous arrests or convictions for any crimes of violence or weapons offenses.   |
| _____ | I hereby certify that I have no prior felony convictions.  |
| _____ | I certify that I do not have any more than three incidents of moving traffic violations within the twelve months preceding my arrest for DUI.  |
| _____ | I certify that I do not have any other pending criminal charges that are unrelated to this DUI arrest.   |
| _____ | I will obtain and keep full-time employment or be enrolled as a full time student unless specifically excused from this requirement by the Court.  |
| _____ | I will not use or possess any mind-altering substance, including alcohol, during my participation in the DUI Deferred Prosecution Program.   |



\_\_\_\_\_ I will not consume any prescription medication without first obtaining a prescription from my doctor and having my doctor sign an Acknowledgement that I am participating in a Deferred Prosecution Program and, in the absence of a health emergency, presenting the prescription or medication to a TASC Program case manager for approval. I understand that I am responsible, for obtaining my doctor's signature on the Acknowledgement, that I may obtain these forms from a TASC Program case manager, and that I am responsible for having such a form with me at all times in case I am required to seek immediate medical treatment.

\_\_\_\_\_ I understand that I am responsible for keeping the Court informed at all times of my address, employment, and telephone number. I understand that if the Court is unable to contact me because of inaccurate or outdated contact information, I will be discharged from the program, adjudicated guilty and sentenced accordingly.

\_\_\_\_\_ I understand that I may not be anywhere near anyone using, possessing, selling, manufacturing, or otherwise handling any illegal substance. I understand that positive urine screens that arise from second hand smoke or physical contact with any illegal substance will be treated the same as if I had personally used the substance.

\_\_\_\_\_ I must report to the Court ANY contact with law enforcement, including any arrest, traffic violation, search, or questioning. I must report such contact within one business day of such contact.

\_\_\_\_\_ I will not commit any crimes during my participation in the Program. I understand that my participation in any criminal activity will result in my immediate termination from the DUI Deferred Prosecution Program.

\_\_\_\_\_ I understand that I will not be allowed to operate a motor vehicle for anything other than for travel to and from work and/or school during participation in this program unless specifically authorized to do so by the Court.

\_\_\_\_\_ I understand that I must submit to six months, or longer if ordered by the Court, of color code drug and alcohol monitoring to be administered by the TASC Program.

\_\_\_\_\_ I understand that I must enter guilty pleas to all of the moving violation charges that accompany my arrest for DUI (speeding, improper lane change, reckless driving, etc.) in order to be admitted into the DUI Deferred Prosecution Program.

\_\_\_\_\_ I understand that I will plead guilty to the charge of DUI, but the Court will withhold adjudication and sentencing unless I fail to comply with the requirements of the DUI Deferred Prosecution Program.

\_\_\_\_\_ I understand that I am waiving my right to an appeal of the guilty plea, should it become necessary for the plea to be made final due to my failure to comply with the DUI Deferred Prosecution Program.

\_\_\_\_\_ I understand that I must complete the National Safety Council's 8 hour Defensive Driving Course.

\_\_\_\_\_ I understand that I will be required to pay a \$675.00 DUI Deferred Prosecution Program administration and supervision fee, which will be paid to TASC. This fee includes assessment, supervision, and drug testing costs. I must pay \$375.00 of this fee prior to my initial assessment by the TASC Program. The remaining (\$300.00) balance must be paid prior to completion of the Program. Failure to complete payment in the time allotted by the Court will result in dismissal from the Program and a final adjudication of guilty on the charge of DUI.

\_\_\_\_\_ I understand that I will also be required to pay any additional fees prior to my completion of the DUI Deferred Prosecution Program. Any additional costs for required substance abuse assessments and treatment will be my responsibility.

\_\_\_\_\_ I understand that I will be required to pay all court costs for the DUI charge before the DUI charge will be dismissed. These costs will be paid to the Jefferson County Clerk's Office.

\_\_\_\_\_ I understand that if I fail to successfully complete the DUI Deferred Prosecution Program I will forfeit all administration and supervision fees that have already been paid by me prior to my termination from the Program.

\_\_\_\_\_ I will comply with all other Court orders and/or requirements of the Court and/or the TASC Program not specifically set forth in these Rules and Requirements.

I have thoroughly read and I understand the above terms required for admittance into the Jefferson County DUI Deferred Prosecution Program.

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Date

I have read and thoroughly explained this document to the defendant and the constitutional waivers contained therein; the rules and requirements of the Jefferson County DUI Deferred Prosecution Program as set forth herein, and the ramifications and results of non-compliance with these terms by the Defendant.

\_\_\_\_\_  
Defendant's Attorney's Signature

\_\_\_\_\_  
Date

State of Alabama Unified Judicial System  Form C-37      Rev. 6/07	<b>NOTICE OF APPEAL FROM DISTRICT COURT TO CIRCUIT COURT</b> <b>- Criminal -</b>	Case Number _____
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IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
(Name of County)

STATE OF ALABAMA v. \_\_\_\_\_, Defendant

Date of Judgment: \_\_\_\_\_ Date of Post-Judgment Order: \_\_\_\_\_

  

Notice is hereby given that the above-named defendant appeals to the Circuit Court of \_\_\_\_\_ County, Alabama from the judgment of conviction entered by the above District Court adjudging the defendant to be guilty of the offense of \_\_\_\_\_ and, as punishment therefor, sentencing the defendant as follows: \_\_\_\_\_

  

☐ Trial Without Jury

(Initials of Defendant) \_\_\_\_\_ (Date) \_\_\_\_\_ Signature of Defendant / Attorney \_\_\_\_\_

☐ Trial by Jury Demanded

(Initials of Defendant) \_\_\_\_\_ (Date) \_\_\_\_\_ Attorney's Name \_\_\_\_\_

Attorney's Business Address \_\_\_\_\_

(Note: By checking either one of the boxes above, the defendant acknowledges that he or she was advised of the right to demand a jury trial on appeal. Also, the defendant understands that if he or she does not check the "Trial by Jury Demanded" box within 7 days of filing this Notice of Appeal, he or she waives his or her right to a jury trial in circuit court.)

Date Filed \_\_\_\_\_

By: \_\_\_\_\_ Attorney's Business Telephone Number \_\_\_\_\_ Attorney Code \_\_\_\_\_

Clerk \_\_\_\_\_

  

**APPEARANCE AND COST BOND**

I, \_\_\_\_\_ (defendant), as principal, and I (we), (please print), \_\_\_\_\_, as surety(ies), agree to pay the State of Alabama the sum of \$ \_\_\_\_\_ and all costs incurred unless the above-named defendant appears before the circuit court on the scheduled date and from time to time thereafter until discharged by law to answer this charge of \_\_\_\_\_ or any other charges as authorized by law. Further, the principal and surety(ies) promise to pay the bond amount and all costs incurred in the district and circuit court unless the defendant appears before the circuit court on the scheduled date and from time to time thereafter until discharged by law.

We hereby severally certify that we have property valued over and above all debts and liabilities that have a fair market value equal to or greater than the amount of the above bond and we, and each of us, waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and laws of the State of Alabama, and we especially waive our rights to claim an exemption of our wages or salary, that we have under the laws of Alabama and our rights to homestead exemptions that we have under the Constitution of Alabama and the laws of the State of Alabama, as set out in a separate writing.

It is further agreed and understood that this is a continuing bond which shall remain in full force and effect until such time as the undersigned are duly exonerated.

Signed and sealed this date with notice that false statements are punishable as perjury.

Signature of Defendant _____ (L.S.)		
Address (Print) _____		State _____ Zip _____
Signature of Surety _____ (L.S.)	Signature of Surety _____ (L.S.)	
Social Security Number _____	Social Security Number _____	
Address (Print) _____	State _____ Zip _____	Address (Print) _____ State _____ Zip _____

  

Date \_\_\_\_\_ Approved by: Judge/Clerk/Magistrate \_\_\_\_\_

Defendant's Information		
Date of Birth _____	Sex _____	Employer _____
Social Security Number _____	Race _____	Employer's Address _____
Driver's License Number _____ State _____	Home Telephone Number _____	Employer's Telephone Number _____