

CASE ACTION SUMMARY

STATE OF ALABAMA

Case Number

CONTINUATION

UNIFIED JUDICIAL SYSTEM

ID YR Number

Style: State of Alabama vs.

Page Number 1 of 1 Pages

DATE:

ACTIONS, JUDGMENTS, CASE NOTES

YOUTHFUL OFFENDER
MISDEMEANOR DRUG COURT PLEA

After investigation and examination by the court as outlined above in order of _____ and on request of defendant and his counsel and defendant having executed Courts Exhibit A and the Plea Agreement which said Exhibit and Plea Agreement are hereby made a part of this record. The court finds that there is a factual basis for the defendant to enter a plea and for the court to accept the defendant's plea. The court finds that the defendant is represented by competent counsel. The court adjudges the defendant to be a Youthful Offender. The defendant is ordered arraigned as a Youthful Offender. Defendant in open court and represented by counsel, _____, having had the act or acts which defendant allegedly committed in this case explained to defendant, defendant waives a trial and pleads guilty to being a Youthful Offender. The court finds that the defendant voluntarily, intelligently and knowingly enters this plea of guilty.

Defendant is ordered to enroll in the Jefferson County Court Referral Office Program.

Defendant is ordered to remain drug and alcohol free.

Defendant is ordered to comply with all of the directives of the Drug Court Judge, Court Referral Office, and treatment providers.

Defendant is ordered to attend and be on time for all counseling sessions, NA and AA meetings ordered, and all Drug Court hearings and reviews.

Defendant is ordered to maintain employment or participate in educational programs.

Defendant is ordered to submit to random urinalysis.

Defendant is ordered to pay all drug court and treatment fees on time.

Defendant is ordered to obey all local, state, and federal laws.

Defendant is ordered not to change his residence, unless approved by the court.

Defendant is ordered to have no contact or association with any illegal drugs.

Defendant is ordered to have no connection with guns.

Defendant is ordered to return to court on _____ at 9:00 a.m. for defendant's last Drug Court Review. Clerk is ordered to notify Defendant and attorney of record of this setting.

District Judge

Revised 1-22-15

YO MISDEMEANOR DRUG COURT PLEA PACKET

(NOT ADULT DRUG COURT)

- If your client is pleading guilty as a YOUTHFUL OFFENDER to a MISDEMEANOR into the Drug Court Program, complete this packet in its entirety.
- This is NOT an Adult Drug Court Packet
- This is NOT a Misdemeanor Drug Court Packet
- This is NOT a Felony Plea Packet
- This is NOT a Misdemeanor Packet

**GIVE ALL PAPERWORK TO BAILIFF
ONCE COMPLETED**

Jefferson County Drug Court Misdemeanor Deferred Program
Attorney/Defendant Acknowledgement
Case Number: DC _____

1. The misdemeanor deferred program gives my client a **chance** for the dismissal of his/her misdemeanor drug charge. It does **not guarantee** that the charge will be dismissed.
2. The misdemeanor deferred program is **VOLUNTARY** and participants are expected to abide by ALL requirements. The defendant agrees to waive any right to a trial.
3. I understand that this program is completely discretionary with the District Attorney and is an agreement entered into between the Defendant, Defense Attorney, and the Judge.
4. I understand that this program may not be right for my client and it is my duty to assess each client individually, and it may be from time to time that I have a client who would be better pleading guilty than entering into this comprehensive deferred program.
5. If the DA's office has not received a toxicology report at the time of the plea, Defendant agrees to plead guilty without a toxicology report from the Alabama Dept. of Forensic Sciences in order to expedite his/her entry into the Deferred Misdemeanor Program.
6. Clients are responsible for **ALL financial obligations of this program**, UNLESS declared indigent by the Court.
7. The District Attorney must approve the case **prior** to application.
8. The defendant must live in the State of Alabama.
9. The defendant cannot commit any new offenses (excluding traffic offenses).
10. The Defendant **MUST** appear for his/her appointment with the TASC case manager **on the date set by the court** for evaluation. Failure to do so will result in being returned to the Court for further disposition.
11. **The defendant is responsible for paying a \$250.00 fee to TASC (3rd floor of the Criminal Justice Building) prior to the dismissal of this case. This fee can be made in payments to TASC. This fee will include the Drug & Alcohol classes, drug screens and case management. However, if the defendant tests at another location other than TASC, he/she will have to pay the additional cost to that facility.**
12. **The defendant must complete the Drug & Alcohol Education classes or other recommended treatment by the TASC case manager. The defendant is financially responsible for any outside treatment required.**
13. The defendant must submit to ALL required drug screens.
14. **The defendant is responsible for fines and court costs. These are to be paid at the clerk's office (9th floor) of the criminal justice building. If defendant completes program requirements fines and court cost may be remitted at the discretion of the court.**
15. All requirements must be completed within 3 months of acceptance, unless the defendant is referred to a treatment program. In such cases, the defendant will be required to complete the treatment program recommended by the assessor. The defendant **MAY** be given the opportunity to be released early if ALL requirements have been fulfilled **and all fees have been paid** (this will be at the discretion of the case manager).
16. The defendant will be allowed **ONE** sanction for noncompliance. Any further noncompliance will result in the sentence being placed into effect.
17. The return to court is **not a compliance date, but is a disposition date. On this date, the case will be dismissed if my client has successfully completed the terms of the plea agreement or my client will be sentenced if he/she has failed to successfully complete the terms of the plea agreement.** I know I must be back in Court with my client on the date indicated on the plea agreement.
18. I agree to keep in touch with my client from the date that he/she makes application into the misdemeanor deferred program to the date the he/she comes back for his/her plea. I will never come in on the date of the pleas and ask for more time because my client has not completed the requirements that he/she agreed to do per the terms of the plea agreement.
19. I expect the District Attorney to abide by the agreement, and I understand he/she expects me and my client to abide by the agreement. The date on the plea agreement will not be extended.

By signing this, I am verifying that I have read and understand this document and agree to its contents and terms, and further acknowledge that the Misdemeanor Deferred Program is completely discretionary by the Prosecutor and that not every client is a candidate for this program. I have explained ALL requirements of the program to my client and am confident that my client understands the programs requirements.

Attorney

Date

Why should I complete the Misdemeanor Drug Court Program?

Completing the program means:

- You will not lose your driver's license.
- You will not have a drug conviction on your record.
- If you are diligent you can have everything completed in 2 months.
- You may not have to pay court cost.
- If you complete the program you will not have to test.
- All court supervision will stop.
- Assistance with health insurance (includes family).
- Assistance with jobs/education referral if needed.

If you do not complete the program:

- You will have a drug conviction on your record which may affect you getting a good job.
- You will lose your driver's license for six months.
- You may be placed on probation and court supervision and testing will be longer.
- You will be required to pay more money to the courts and expense of getting your license back.

"COURT'S EXHIBIT B"

STATE OF ALBAMA

VS

IN THE DISTRICT COURT OF

JEFFERSON COUNTY, ALABAMA

CASE NO. DC _____

DEFENDANT'S STATEMENT OF SATISFACTION OF
SERVICES RENDERED BY 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 (these cases)?

yes _____ no _____
2. Are you satisfied with the plea bargaining in this case (these cases)?

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 (these cases)?

yes _____ no _____
5. Has anyone promised you anything to get you to plead guilty?

yes _____ no _____

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

Defendant

Witness:

District Judge

(Revised 11-9-04)

State of Alabama Unified Judicial System Form C-44A (front) Rev. 10/2012	EXPLANATION OF RIGHTS OF YOUTHFUL OFFENDER AND PLEA OF GUILTY	Case Number DC-
--	--	---------------------------

IN THE _____ DISTRICT _____ COURT OF _____ JEFFERSON _____, 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 country/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.

EXPLANATION OF RIGHTS OF YOUTHFUL OFFENDER AND
PLEA OF GUILTY

IF YOU PLEAD GUILTY, THERE WILL BE NO TRIAL AND YOU WILL BE WAIVING THE RIGHTS LISTED ABOVE.

The Court will go over these rights, as well as the nature of the charge and the material elements of the offense, with you. If you have any questions about any of them, upon your request, the judge will make further explanation to you.

Date_____
Judge

I state to the Court that I have had the matters and rights set forth above read to me, that my attorney has discussed these matters and rights with me in detail and that I, the defendant, fully understand them, that I am not under the influence of any drugs, medicines or alcoholic beverages and have not been threatened or abused or offered and inducement or hope of reward to get me to plead guilty other than _____.

I further state to the Court that I am guilty as charged in this case, desire to plead guilty, and knowingly, voluntarily and intelligently waive my right to a trial of this cause.

Date_____
Defendant

I certify that the above rights were read to the defendant by me, that I discussed these rights with the defendant in detail, and that a copy of the rights was given to the defendant by me. Having gone over the defendant's rights and the consequences of entering a plea of guilty with the defendant, in my judgment, the defendant understands those rights and knowingly, intelligently, and voluntarily waives the right to a trial and knowingly, intelligently, and voluntarily waives the right to a trial and knowingly, voluntarily, and intelligently enters a plea of guilty.

Date_____
Attorney to Defendant

CASE ACTION SUMMARY

STATE OF ALABAMA

Case Number

CONTINUATION

UNIFIED JUDICIAL SYSTEM

ID YR Number

Style: State of Alabama vs.

Page Number 1 of 1 Pages

DATE:

ACTIONS, JUDGMENTS, CASE NOTES

MISDEMEANOR DRUG COURT PLEA

Defendant, accompanied by his attorney, and having executed the Plea Agreement and Explanation of Rights and Plea of Guilty, which said agreement and Explanation of Rights are made a part of this record, states to the court that he has read and understands the plea of guilty, that there is a factual basis for the Defendant to enter a plea and for the Court to accept his plea, and that Defendant is intelligently and voluntarily entering a plea of guilty with a full understanding of the nature of the charge and the consequences of his plea. Defendant waives the right to a trial and enters a plea of guilty to the charge of _____.

The court is satisfied that defendant is guilty.

Defendant is ordered to enroll in the Jefferson County Court Referral Office Program.

Defendant is ordered to remain drug and alcohol free.

Defendant is ordered to comply with all of the directives of the Drug Court Judge, Court Referral Office, and treatment providers.

Defendant is ordered to attend and be on time for all counseling sessions, NA and AA meetings ordered, and all Drug Court hearings and reviews.

Defendant is ordered to maintain employment or participate in educational programs.

Defendant is ordered to submit to random urinalysis.

Defendant is ordered to pay all drug court and treatment fees on time.

Defendant is ordered to obey all local, state, and federal laws.

Defendant is ordered not to change his residence, unless approved by the court.

Defendant is ordered to have no contact or association with any illegal drugs.

Defendant is ordered to have no connection with guns.

Defendant is ordered to return to court on _____ at 9:00 a.m. for defendant's last Drug Court Review. Clerk is ordered to notify Defendant and attorney of record of this setting.

District Judge

Revised 1-22-15

CASE ACTION SUMMARY
CONTINUATION

Case Number

ID YR Number

Style:

Page Number of Pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

DRUG COURT
YOUTHFUL OFFENDER PLEA

After investigation and examination by the court as outlined above in order of _____ and on request of defendant and his counsel and defendant having executed Courts Exhibit A and the Plea Agreement which said Exhibit and Plea Agreement are hereby made a part of this record. The court finds that there is a factual basis for the defendant to enter a plea and for the court to accept the defendant's plea. The court finds that the defendant is represented by competent counsel. The court adjudges the defendant to be a Youthful Offender. The defendant is ordered arraigned as a Youthful Offender. Defendant in open court and represented by his counsel, _____, having had the act or acts which defendant allegedly committed in this case explained to defendant, defendant waives a jury trial and pleads guilty to being a Youthful Offender as charged in the information/indictment. The court finds that the defendant voluntarily, intelligently and knowingly enters this plea of guilty. This offense occurred on _____.

Defendant is ordered to pay Court Costs of \$300.00

Defendant is ordered to enroll in Drug Court treatment program prescribed by TASC and defendant's Drug Court Counselor.

Defendant is ordered to maintain weekly contact with his Drug Court Counselor.

Defendant is ordered to remain drug and alcohol free.

Defendant is ordered to comply with all of the directives of the Drug Court Judge, Drug Court Staff and treatment providers.

Defendant is ordered to attend and be on time for all counseling sessions, NA and AA meetings ordered, and all Drug Court hearings and reviews.

Defendant is ordered to continue to be employed.

Defendant is ordered to submit to random urinalysis.

Defendant is ordered to perform *community service as required.*

Defendant is ordered to pay all Drug Court fees on time.

Defendant is ordered to obey all local, state and federal laws.

Defendant is ordered not to change defendant's residence unless approved by the court.

Defendant is ordered to have no contact or association with any illegal drug sales.

Defendant is ordered to have no connection with guns.

Defendant is ordered to return to court on 12/25/2020, 200____ at 1:30 P.M. for defendant's last Drug Court Review.

Plea is recorded by court reporter Tape Recorder

Judge

CASE ACTION SUMMARY

STATE OF ALABAMA

Case Number

CONTINUATION

UNIFIED JUDICIAL SYSTEM

ID YR Number

Style: State of Alabama vs.

Page Number 1 of 1 Pages

DATE:

ACTIONS, JUDGMENTS, CASE NOTES

YOUTHFUL OFFENDER PLEA

After investigation and examination by the court as outlined above in order of _____ and on request of Defendant and his counsel and Defendant having executed Courts Exhibits A & B, which said Exhibits are hereby made a part of this record, the court adjudges the Defendant to be a Youthful Offender. The Court finds that there is a factual basis for the Defendant to enter a plea and for the Court to accept the Defendant's plea. The Defendant is ordered arraigned as a Youthful Offender. Defendant, in open Court and represented by his counsel, _____ having had the act or acts which Defendant allegedly committed in this case explained to Defendant, Defendant waives a jury trial and pleads guilty to being a Youthful Offender. The Court finds that Defendant voluntarily, intelligently and knowingly enters this plea of guilty. Defendant having plead guilty to Youthful Offender in this case, Defendant is adjudged to be guilty of Violation of the Youthful Offender Act. Defendant being called before the court and asked whether Defendant has anything to say as to why sentence should not be pronounced against him, ___ Defendant had nothing to say, or ___ Defendant had his/her say (see transcript of proceedings). Defendant advised that he has a right to appeal after a conviction or a plea of guilty.

Defendant is sentenced to the custody of the Director of the Dept of Corrections as a Youthful Offender for a term of _____ month(s) _____ year(s).

- ☐ The imposition of sentence is hereby suspended and the Defendant is placed on supervised/unsupervised probation for _____ month(s) _____ year(s), pending the good behavior of the Defendant. Defendant is ordered to perform _____ hours of community service as a condition of probation.
- ☐ Probation is denied and Defendant's sentence is ordered placed into effect. Defendant given credit for time served in jail unless serving some other sentence.
- ☐ This sentence is split with _____ years _____ months to serve in the Penitentiary/Jefferson County Jail followed by _____ years _____ months supervised probation with the State Probation Office. Defendant is given credit for time served in jail unless serving some other sentence.

Defendant is ordered to pay the costs of court as determined by the Clerk's office. Defendant ordered to pay a case fine of \$ 125. Defendant is ordered to pay a fine of \$ 25 payable to the Crime Victim's Compensation Commission and a fine of \$ 25 payable to the Office of Prosecution Services, and Defendant is ordered to pay a fine of \$ 25 payable to the Indigent Defense Fund. Defendant is ordered to pay Restitution in the amount of \$ _____ payable to the Clerk to be paid to _____.

Partial payment of fines, costs, and restitution is allowed at the rate of \$ _____ per month. Passed to _____ for first payment.

- ☐ Pursuant to 13A-12-290, Defendant is ordered to surrender his/her driver's license, and have all driving privileges suspended for a term of 6 months. _____

Additional Orders of the Court: _____

Plea is recorded by TAPE RECORDER in good working condition.

_____ District Judge

ORDER OF PROBATION

(Effective January 30, 2016)

Case Number
DC

IN THE _____ DISTRICT _____ COURT OF _____ JEFFERSON _____, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)
STATE OF ALABAMA v. _____

Defendant

It appears to the court the above-named defendant ☒ has been convicted of ☐ has been adjudicated a Youthful Offender for the offense of _____

and has been sentenced to _____

The defendant having applied for the benefits of probation and the court having examined the cause, it is ORDERED, ADJUDGED, and DECREED that the sentence is hereby suspended and that the defendant is placed on probation for a period of _____

It is the order of the court that the probationer comply with the following conditions of probation:

1. Do not violate any Federal, State, or local law.
 2. Avoid injurious or vicious habits.
 3. Avoid persons or places of disreputable or harmful conduct or character.
 4. Report to the Probation Officer as directed.
 5. Permit the Probation Officer to visit defendant at home or elsewhere.
 6. Work faithfully at suitable employment as much as possible.
 7. Remain within a specified place, to-wit: _____
 8. Support his/her dependents to the best of his/her ability.
 9. Do not change residence or employment without the consent of the Probation Officer.
 10. Submit to substance abuse tests when ordered to do so by the Probation Officer. These tests may include urinalysis, breathalyzer, and blood samples, but are not limited thereto. Probationer will pay costs of tests.
 11. Submit to searches by the Probation Officer of his person, residence, vehicle, or any property under his/her control.
 12. Pay to the Probation Officer \$40.00 per month during the probation period, pursuant to law.
 13. Do not possess, receive, or transport firearms.
 14. If the defendant was convicted of any offense specified in Section 36-18-24, Ala. Code 1975, he or she must submit to DNA testing According to Section 36-18- 25(c), Ala. Code 1975.
 15. The defendant is ordered to pay fines, court costs, restitution, assessments, and other court-ordered monies at the rate of \$ _____ per month on or before the 1ST day of each month, beginning _____. Payments of cash, money orders, or certified funds may be brought to the clerk's office. Money orders or certified funds may be mailed to the Clerk of Court: Jacqueline Anderson-Smith Clerk-District Court Criminal*
- Name _____
207 Richard Arrington Jr. Blvd. N # (205) 325-5309 Birmingham AL 35203
Address _____ City _____ State _____ Zip Code _____
- At each report to the Probation Officer, the defendant shall furnish written proof (Clerk's receipt or money order receipt) of any previous month's payment of court-ordered monies.
16. Notify the Clerk of Court of any change of mailing address and appear in court whenever ordered.
 17. Report to the Court Referral Officer immediately, and attend, pay for, and successfully complete the recommended program. The telephone number is _____.
 18. The defendant shall perform _____ hours of community service to be approved by the court.
 19. The defendant shall submit to behavioral treatment, substance abuse treatment, Global Positioning System (GPS) monitoring, and other treatment deemed necessary by the court or Probation Officer.
 20. The defendant shall submit to periods of confinement imposed by the Probation Officer, not to exceed 2-3 day periods at a time, 6 days per month, and 18 days for the supervision term.
 21. The defendant shall not abscond by actively avoiding supervision through making his/her whereabouts unknown to the Probation Officer.
 22. Other conditions of probation ordered by the court are as follows:

It is the further order of the court that the defendant is hereby advised that the court may at any time revoke or modify any conditions of this probation or change the period of probation and may discharge defendant from probation or extend the period of probation. the probationer shall be subject to arrest for violation of any condition of the probation herein granted. The court may, at any time, for cause, order the original sentence executed.

Date _____

Judge _____

NOTICE

If you have been convicted of a misdemeanor crime of domestic violence, which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, against your current or former spouse; your child of whom you are a parent or guardian; a person with whom you share a child in common; a spouse, parent, or guardian with whom you are, or have been, cohabiting or to whom you are similarly situated, and you ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or if you receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, YOU ARE SUBJECT TO BEING PROSECUTED IN FEDERAL COURT FOR VIOLATING 18 U.S.C. 922(g)(9). Also, Section 13A-11-72(a) provides that it is a Class C felony for a person convicted in the state or elsewhere of a misdemeanor offense of domestic violence or subject to a valid protection order for domestic abuse to own a firearm or have one in his or her possession or under his or her control.

A copy of this order has been delivered to the probationer, who has been instructed regarding this order.

Date _____

Probation Officer _____

The above instructions and conditions have been explained to me. I have received a copy of this order, I understand the conditions, and I agree to abide by them.

Date _____

Probationer's Address _____

Probationer's Signature _____

City _____ State _____ Zip Code _____

Probationer's Telephone Number _____

State of Alabama Unified Judicial System 8-1-12	Case Action Summary - Continuation FELONY SENTENCING ORDER Page One of Two	Case Number DC
---	---	--------------------------

IN THE DISTRICT COURT OF JEFFERSON - BIRMINGHAM COUNTY, ALABAMA

STATE OF ALABAMA v.

The Defendant appears in court for sentencing with counsel, _____, and having pled or been found guilty, is adjudicated guilty of _____, under Section _____, Code of Alabama 1975, as charged/embraced/amended in Count _____ of the Information/Indictment. A Presentence Report ☐ is considered by the Court ☒ is waived ☐ will be considered at probation hearing. Having been given an opportunity to say why sentence should not now be imposed, the Defendant is hereby sentenced to a term of _____ months (includes enhancements where applicable) in the custody of: ☒ Department of Corrections ☐ Community Corrections ☐ County Jail.

The Defendant shall be given ☐ _____ days jail credit ☐ jail credit in an amount certified by the Court Clerk. The sentence shall run ☐ consecutively ☒ concurrently, with _____ ANY AND ALL CASES

I. SENTENCE LENGTH DETERMINATION

- A. This is a sentencing event covered by the sentencing standards. ☒ Yes ☐ No
- If no, go to paragraph B.
 - If yes, the Court has considered the worksheet recommendations. ☒ Yes ☐ No
 - The recommended sentence disposition is ☐ Prison ☐ Non-Prison.
 - The recommended sentence length is _____ to _____ months (total); _____ to _____ months (incarceration portion, if split).
- B. Because this sentence is not imposed under the sentencing standards, the following enhancements apply and were incorporated in the sentence imposed above:
- ☐ Habitual Offender Act; the Court finds the Defendant has been duly convicted of _____ prior adult felony offense(s) and had reasonable notice of the State's intention to seek enhancement under this Act
 - ☐ 5 years for the Sale of Drugs within 3 miles of a school
 - ☐ 5 years for the Sale of Drugs within 3 miles of a housing project
 - ☐ Firearm or Deadly Weapon enhancement
 - ☐ _____

II. COURT COSTS, FINES, ASSESSMENTS, FEES & RESTITUTION

- A. The Defendant shall pay to the Court Clerk:
- ☒ Court Costs. Bail Bond Fee of \$ 25.00 (Act 2012-535, §2(a)(1)b.).
 - ☒ Fine of \$ 125.00
 - ☒ Alabama Crime Victims Compensation Assessment of \$ 50.00
 - ☐ Appointed Attorney Fees of ☐ \$ _____ ☐ in an amount to be determined.
 - ☐ Restitution (jointly & severally with any co-defendant) to _____ of ☐ \$ _____ ☐ in an amount to be determined by further hearing on _____

B. The following are remitted: _____

III. ☒ DRUG OFFENSE - The Defendant shall surrender all Driver's Licenses to the Department of Public Safety for suspension, pay CRO Fees, successfully complete a Substance Abuse Program, pay the Forensic Science Trust Fund fee of \$100, and pay the Drug Demand Reduction Assessment of \$ 1,000 which may be suspended pursuant to Section 13A-12-284, Code of Alabama 1975.

IV. PAYMENT

- A. The full amount shall be paid: ☐ in full by _____ ☒ in installments in the amount of \$ _____ each month with the first payment on _____ and on or before the same day each month thereafter.
- B. Payment shall be a condition of probation, parole, community corrections, work release, SIR, SRP or any other release program.
- C. ADOC or the Sheriff, if the inmate is incarcerated in the county jail, shall collect monthly _____% of the inmate's institutional account and forward payments to the Court Clerk at least once every three months.
- D. ☐ Court Clerk shall apply payments to restitution first.

V. ☐ APPLICATION FOR PROBATION is set for a hearing on _____. Imposition of this sentence is hereby suspended and the Defendant is continued on the ☐ same ☐ \$ _____ bond until the hearing. A pre-sentence investigation report ☐ shall ☐ shall not be prepared.

DONE and ORDERED / / 2021 (date)

MARIA C. FORTUNE

JUDGE

State of Alabama Unified Judicial System 8-1-12	Case Action Summary – Continuation FELONY SENTENCING ORDER Page Two of Two	Case Number DC
---	---	--------------------------

VI. DISPOSITION

- ☐ This is a **straight** sentence to be served.
- ☐ This sentence is **suspended**. The Defendant is placed on straight probation for a term of _____ months. The Defendant shall abide by all conditions, rules and regulations of the supervising agency and those specifically noted in this Order.

This probation shall be supervised by:

- ☐ State Probation ☐ Community Corrections ☐ _____ ☐ Unsupervised.

- ☐ This is a **split** sentence. The Defendant shall **serve** a term of _____ months, in the:
- ☐ Department of Corrections ☐ Community Corrections ☐ County Jail ☐ _____, beginning on _____.
- ☐ The Court may reconsider the split portion of this sentence after the defendant completes
- ☐ ADOC Substance Abuse Program ☐ _____

Following incarceration, the unserved portion of the sentence shall be suspended and the defendant shall be placed on probation for a term of _____ months.

The Defendant shall abide by all conditions, rules and regulations of the supervising agency and those noted in this Order.

This probation shall be supervised by:

- ☐ State Probation ☐ Community Corrections ☐ _____ ☐ Unsupervised.

VII. SPECIAL CONDITIONS

The Defendant shall fulfill every item marked as a special condition of probation, community corrections or other such program.

☒ Enroll in, cooperate fully with, and successfully complete all of the following marked programs as directed by any supervising agency, and file proof of completion with the supervising agency:

- | | |
|---|--|
| <input type="checkbox"/> Anger Management Training | <input type="checkbox"/> Parenting Skills Training |
| <input type="checkbox"/> Domestic Violence | <input type="checkbox"/> Sex Offender Evaluation /Treatment |
| <input type="checkbox"/> Education/Treatment | <input checked="" type="checkbox"/> Substance Abuse Evaluation/Treatment |
| <input type="checkbox"/> Life Skills Training | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Mental Health Evaluation/Treatment | |

☐ Avoid initiating any contact with _____

☐ Complete _____ hours of community service at _____

☒ _____

VIII. APPEAL

The Defendant pled guilty and for appeal ☒ did not reserve any issues ☐ reserved these issues:

IX. DISTRIBUTION OF COPIES

If the conviction is a sentencing standards worksheet offense (see I.A.), the Court Clerk shall forward to the Alabama Sentencing Commission within 45 days of this Order a copy of this Sentencing Order and a copy of the Sentencing Standards worksheet in this case.

The Court Clerk shall provide a copy of this Sentencing Order to counsel for all parties.

DONE and ORDERED / /2021 (date) MARIA C. FORTUNE , JUDGE

CASE ACTION SUMMARY

STATE OF ALABAMA

UNIFIED JUDICIAL SYSTEM

Case Number

CONTINUATION

DC _____

ID YR Number

Style: State of Alabama vs.

Page Number 1 of 1 Pages

DATE: 1 / 1 / 2021 ACTIONS, JUDGMENTS, CASE NOTES

MISDEMEANOR PLEA

Defendant, accompanied by his attorney, and having executed the Plea Agreement and Explanation of Rights and Plea of Guilty, which said agreement and Explanation of Rights are made a part of this record, states to the court that he has read and understands the plea of guilty, that there is a factual basis for the Defendant to enter a plea and for the Court to accept the plea, and that Defendant is intelligently and voluntarily entering a plea of guilty with a full understanding of the nature of the charge and the consequences of his plea. Defendant is advised that he has a right to appeal after a conviction or a plea of guilty. Defendant waives the right to a trial and enters a plea of guilty to the charge of _____. The court is satisfied that defendant is guilty.

☒ It is the judgment and sentence of the Court that Defendant be imprisoned in the Jefferson County Jail for 12 months at hard labor. Defendant is to receive all credit for time served.

☐ Said hard labor sentence is suspended and Defendant is place on Supervised / Unsupervised probation for 12 months.

☒ Sentence is to run concurrently with All Cases.

☒ For Drug-Related Offenses only: Defendant shall pay an additional fine \$100 to AL Dept. of Forensic Sciences, Pursuant to 36-18-7, (code of Alabama (1975)).

Defendant is ordered to pay court costs and determined by the Clerk's Office. Defendant is ordered to pay a case Fine of \$ 125.00, and Defendant is ordered to pay a fine of \$ 25.00 to the Clerk to the State of Alabama for the Indigent Defense Fund, and Defendant is ordered to pay a fine of \$ 25.00 to the clerk to the Crime Victim's Compensation Commission, and Defendant is ordered to pay Bail Bond Fee of \$ 25.00 (Act 2012-535, §2(a)(1)(b)).

The full amount shall be paid: ☐ in full by _____ ☐ installments in the amount of \$ _____ each Month with the first payment on 1 / 1 / 2021 and on or before the same day each month thereafter.

☐ All Fees are Remitted

Additional Orders:

DRUG COURT PLEA PACKET

(NOT YOUTHFUL OFFENDER DRUG COURT)

- If your client is NOT a Youthful Offender, but is pleading guilty to a Felony offense into the Drug Court Program, complete this packet in its entirety.
- This is NOT a YO Drug Court Packet
- This is NOT a Misdemeanor Drug Court Packet
- This is NOT a Felony Plea Packet
- This is NOT a Misdemeanor Packet

GIVE ALL PAPERWORK TO BAILIFF
ONCE COMPLETED

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)

Case Number

IN THE _____ COURT OF _____, 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 (c), 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)

***Enhanced Punishment for Class D felonies**

Note that Section 15-18-8 also provides that in all cases when it is shown that a defendant has been previously convicted of any three or more felonies or has been previously convicted of any two or more felonies that are Class A or Class B felonies, and after such convictions has committed a Class D felony, upon conviction, he or she must be punished for a Class C felony.

- ☐ **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. **Loss of Driving Privileges:** Pursuant to Section 13A-12-291, Ala. Code 1975, a driver's license shall be suspended for six months for a conviction for any of the following: attempting to commit, criminally conspiring to commit, criminal solicitation to commit, or committing the crime of trafficking in specified substances under Section 13A-12-231; attempting to commit, criminal solicitation to commit, or committing the crime of trafficking in specified substances under subsections (c) and (d) of Section 13A-12-211. Suspension of a driver's license for a conviction of driving under the influence of a controlled substance or under the combined influence of a controlled substance and alcohol shall be governed by Section 32-5A-191, the DUI 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.
- ☐ **Enhanced Punishment for a Criminal Sex Offense:** A person convicted of a sex offense is required to comply with the requirements of the Alabama Sex Offender Registration and Notification Act (Section 15-20A-1, et seq., Ala. Code, 1975).
- ☐ **Drug Trafficking Offenses:** Convictions for an offense under §13A-12-231, Code of Alabama 1975, include mandatory minimum terms of incarceration and a mandatory fine. 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 an ignition interlock devices on motor vehicles. Pursuant to Section 32-5A-191, Ala. Code 1975, a conviction for driving under the influence carries a mandatory driver's license suspension.
- ☐ **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-12-211 to 13A-12-260, inclusive, Ala. Code 1975, an additional fee of \$100.00 will be assessed pursuant to Section §6-18-7, Ala. Code 1975.
- ☐ **Other:**

RIGHTS YOU HAVE AND THE WAIVER OF YOUR RIGHTS

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. Your attorney cannot disclose any confidential talks he/she has had with you. You do not have 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, or stand on if previously entered, a plea of "Not Guilty" or "Not Guilty by Reason of Mental Disease or Defect," or "Not Guilty and 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 chose 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 subject to cross examination. If you elect 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 do to see that you 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.

Pursuant to Section 15-22-27.3, Ala. Code 1975, if you are pleading guilty to a sex offense involving a child as defined in Section 15-20A-4, Ala. Code 1975, which constitutes a Class A or B felony, you will not be eligible for parole.

If you are convicted of a misdemeanor crime of domestic violence, which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, against your current or former spouse; your child of whom you are a parent or guardian; a person with whom you share a child in common; a spouse, parent, or guardian with whom you are, or have been, cohabiting or to whom you are similarly situated, and you ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or if you receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, YOU ARE SUBJECT TO BEING PROSECUTED IN FEDERAL COURT FOR VIOLATING 18 U.S.C. § 922(g)(9).

If you plead guilty, there will be no trial. You will be waiving the 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, 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.

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

IN THE DISTRICT COURT OF JEFFERSON COUNTY

STATE OF ALABAMA

VS.

AGE: _____

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 A COPY OF THE ABOVE NOTICE.

Date: _____

Defendant

Date: _____

Attorney

DRUG COURT REQUIREMENTS

1. You are to return to court on _____ at 9:00 a.m.
2. YOU MUST remain drug and alcohol free for the duration of Drug Court.
3. YOU MUST comply with all of the directives of the Drug Court Judge, the Drug Court Staff, and the treatment providers.
4. YOU MUST attend and be on time for all case manager appointments and all Drug Court hearings and reviews.
5. YOU MUST continue to be employed or participate in the Career Center or Educational Programs.
6. YOU MUST submit to random urinalysis for drug testing.
7. YOU MUST not change residence unless approved by the Court.
8. YOU MUST perform community service as required.
9. YOU MUST pay Drug Court Fees totaling between \$425 to \$1680, depending on track placement.
10. YOU MUST make the first payment within 2 weeks of date of plea.
11. YOU MUST pay all Drug Court fees and treatment fees on time.
12. YOU MUST obtain a Driver's License or State ID.
13. YOU MUST obey all local, state, and federal laws.
14. YOU MUST have no contact or association with any illegal drug sales.
15. YOU MUST have no contact with any person using illegal drugs.
16. YOU MUST talk with your Drug Court case manager as required.
17. YOU MUST stay away from known Drug areas.
18. YOU MUST become a registered voter.
19. YOU MUST obtain a GED, graduate from high school, or obtain a certified skill or trade before you can graduate from Drug Court.

In order for you to graduate from Drug Court, you must complete all of the requirements listed above. If you relapse or fail to follow directives of the court or your case manager, you will be sanctioned up to and including night(s) in Jail or a Prison sentence.

If you are successful in Drug Court, you will graduate and your conviction in this case will be set aside and the case will be dismissed.

DRUG COURT PLEA AGREEMENT

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

1. Defendant will enter a plea of guilty to the charge of _____ in the Drug Court of Jefferson County.
2. Defendant states to the court that Defendant has _____ prior felony convictions.
3. Upon Defendant's pleading guilty, the Defendant will enter the Drug Court treatment program.
4. Defendant agrees to enroll in a drug treatment program prescribed by TASC and Defendant's Drug Court case manager.
5. Defendant agrees to remain drug and alcohol free.
6. Defendant agrees to comply with all of the directives of the Drug Court Judge, the Drug Court staff, and the treatment providers.
7. Defendant agrees to attend and be on time for all case manager appointments, counseling sessions, and Drug Court hearings and reviews.
8. Defendant agrees to continue to be employed or participate in the Career Center or Educational Programs.
9. Defendant agrees to submit to random urinalysis.
10. Defendant agrees to perform Community Service as required.
11. Defendant agrees to pay Drug court fees totaling between \$425 to \$1680, depending on track placement.
12. Defendant agrees to obey all local, State, and Federal laws.
13. Defendant agrees to have no contact or association with any illegal drugs.
14. Defendant agrees to have no contact with any firearms while in Drug Court.
15. Defendant agrees to obtain his/her Driver's License or State ID.
16. Defendant agrees to obtain his/her High School Diploma, GED, or a certified skill or trade.
17. Defendant agrees to become a Registered Voter, if eligible.
18. If the DA's office has not received a toxicology report at the time of the plea, Defendant agrees to plead guilty without a toxicology report from the Alabama Dept of Forensic Sciences in order to expedite his/her entry into the Drug Court Program. However, unless Defendant signs a "Waiver of Toxicology Report," Defendant will not be sentenced out of the Drug Court program without a toxicology report revealing the evidence to be a controlled substance in the state of Alabama. If the toxicology report is negative, Defendant will be notified and the case will be dismissed immediately.
19. Pursuant to the Drug Court Plea Agreement, the following cases will be dismissed (include all case numbers)

20. Defendant, Defendant's Attorney, and the District Attorney agree that if the Defendant successfully completes the prescribed Drug Court program, then the Plea will be set aside and the case will be dismissed.
21. By pleading guilty into the Drug Court Program, this Plea Agreement is Notice that Defendant AGREES that Failure to successfully complete the Program (i.e. Getting kicked out of Drug Court) is an AGGRAVATING FACTOR under the Presumptive Sentencing Guidelines. Defendant stipulates to the existence of this aggravator.

Date _____

Defendant_____
Defendant's Attorney_____
Deputy District Attorney

"COURT'S EXHIBIT B"

STATE OF ALBAMA

VS

IN THE DISTRICT COURT OF
JEFFERSON COUNTY, ALABAMA

CASE NO. DC _____

DEFENDANT'S STATEMENT OF SATISFACTION OF
SERVICES RENDERED BY 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 (these cases)?
yes _____ no _____
2. Are you satisfied with the plea bargaining in this case (these cases)?
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 (these cases)?
yes _____ no _____
5. Has anyone promised you anything to get you to plead guilty?
yes _____ no _____

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

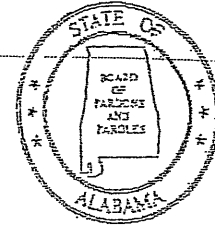
Defendant

Witness:

District Judge



STATE OF ALABAMA
BOARD OF PARDONS AND PAROLES
2721 2nd Avenue North, Birmingham, AL 35203
Phone: (205) 323-1091 Fax: (205) 252-3267



Drug Court Application

Today's Date

Court Date

- ☐ Drug Court
☐ Deferred
☐ YO Drug Court
☐ YO Deferred

- ☐ In Jail
☐ On Bond

Name _____ SSN _____

DOB _____ Race _____ Sex _____

Address _____

City _____ State _____ Zip _____

Attorney for the defendant _____

Case # Charge

Case # Charge

Case # Charge

Case # Charge

MISDEMEANOR DRUG COURT PLEA PACKET

- If your client is pleading guilty to a MISDEMEANOR into the Drug Court Program, complete this packet in its entirety.
- This is NOT an Adult Drug Court Packet
- This is NOT a YO Misd Drug Court Packet
- This is NOT a Felony Plea Packet
- This is NOT a Misdemeanor Plea Packet

**GIVE ALL PAPERWORK TO BAILIFF
ONCE COMPLETED**

**EXPLANATION OF RIGHTS AND
PLEA OF GUILTY**
(Misdemeanors and Municipal Ordinance Violations)

Case Number

DC

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:

**BY ENTERING A PLEA OF GUILTY TO THE OFFENSE CITED BELOW, YOU ARE WAIVING CERTAIN
CONSTITUTIONAL RIGHTS WHICH INCLUDE A RIGHT TO A TRIAL IN THIS COURT BEFORE A JUDGE.**

This is to inform you of your rights as a defendant in this criminal case. You are charged with the offense of _____

which is a ☐ misdemeanor ☐ municipal ordinance violation.

In the event you plead guilty to the above offense, or if the court finds that you are guilty of the offense, the law provides for punishment by imprisonment, which may include hard labor, for not less than _____

nor more than _____, nor more than \$ _____ for this offense and/or by imposition of a fine of not less than \$ _____, including the following enhanced sentencing provisions: _____

If you have been sentenced to imprisonment for another crime, the sentence imposed in this case may run consecutively or concurrently with your other sentence. 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 you are charged with a misdemeanor offense and plead guilty or are found guilty, you will be ordered to pay a victim's compensation assessment of not less than \$25.00 nor more than \$1,000.00. Further, you may be required to pay up to \$20.00 per day of costs of incarceration plus actual medical expenses incurred by you, pursuant to Section 14-6-22, Ala. Code 1975.

You should also be aware that you are pleading guilty or are found guilty of a traffic offense, a record of your conviction will be sent to the Alabama Department of Public Safety (or the state which issued your driver's license) which may result in the suspension or revocation of your license to drive and may adversely affect your ability to maintain or secure automobile insurance.

If you are convicted for a violation of Section 13A-12-202 (criminal solicitation to commit a controlled substance crime), Section 13A-12-203 (attempt to commit a controlled substance crime), or Section 13A-12-204 (criminal conspiracy to commit a controlled substance crime), Ala. Code 1975, you may be assessed an additional penalty of \$1,000.00 if you are a first offender, or \$2,000.00 if this is your second or subsequent offense. Collection of this penalty may be suspended if you agree to enter a drug rehabilitation program approved by the court and if you agree to pay for all or some portion of the costs of the program. Upon successful completion of the program, you may apply to the court to reduce the penalty by the amount you actually paid for your participation in the program. If your participation in the program is terminated for any reason before you successfully complete the program, the court will take action to collect immediately the entire penalty.

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 a 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.

EXPLANATION OF RIGHTS AND PLEA OF GUILTY (Misdemeanors and Municipal Ordinance Violations - Circuit or District Court)

BY ENTERING A PLEA OF GUILTY IN THIS COURT, YOU ARE WAIVING YOUR RIGHT TO A TRIAL BEFORE THIS COURT AND THE FOLLOWING RIGHTS TO WHICH YOU WOULD OTHERWISE BE ENTITLED:

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, you have the right to testify on your own behalf, if you so desire, but no one can require you to do so. If you testify, you can be cross-examined by the prosecutor. If you do not testify, no one can even comment as to your failure to testify. Your 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 the right to a public trial before a judge. In a trial, the judge would determine whether you are guilty, 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 attorney felt were incorrect or prejudicial, question witnesses for the prosecution, examine your own witnesses, and argue your case before the trial judge. Your attorney would be bound to 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 presumed innocent and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the prosecution convinces the judge, beyond a reasonable doubt, of your guilt. The burden is upon the prosecution to convince the judge, from the evidence in the case, that you are guilty beyond a reasonable doubt. If the prosecution does not meet such burden of proof, you must be found not guilty. You 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 PLEAD GUILTY TO THE OFFENSE, THERE WILL BE NO TRIAL BEFORE A JUDGE OF THIS COURT AND YOU WILL BE WAIVING THE RIGHTS LISTED ABOVE.**

If you are convicted of a misdemeanor crime of domestic violence, which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, against your current or former spouse, your child or whom you are a parent or guardian, a person with whom you share a child in common, a spouse, parent, or guardian with whom you are, or have been, cohabiting or to whom you are similarly situated, and you ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or if you receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, **YOU ARE SUBJECT TO BEING PROSECUTED IN FEDERAL COURT FOR VIOLATING 18 U.S.C. 922(g)(9).**

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.

By entering a plea of guilty, you will waive your right to appeal, unless in an appeal to the Court of Criminal Appeals or 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 issues reserved, or (2) you have timely filed a motion to withdraw the plea or 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 record and the reporter's transcript will be provided at no cost to you. If the appeal is from a municipal or district court, you have a right to demand a jury trial if you indicate your wish to assert this right on the Notice of Appeal.

Except in minor misdemeanors (a misdemeanor offense or municipal ordinance violation for which the defendant will not be punished by a sentence of imprisonment), the court will go over these rights, as well as the nature of the charge and the material elements of the offense, with you. If you have any questions about any of them, upon your request, the judge will make a further explanation to you.

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

Date _____

Judge _____

I certify that the above rights were read to the defendant by me, that I discussed these rights with the defendant, in detail, and that a written copy of the above rights was given to the defendant by me. Having gone over the defendant's rights and the consequences of entering a plea of guilty with the defendant, in my judgment, the defendant understands those rights and knowingly, intelligently, and voluntarily waives the right to a trial and knowingly, voluntarily, and intelligently enters a plea of guilty.

Date _____

Attorney for Defendant _____

I state to the court that I have had the matters and rights set forth above read to me, that my attorney has discussed these matters and rights with me in details and that I, the defendant, fully understand them; that I am not under the influence of any drugs, medicines or alcoholic beverages and have not been threatened or abused or offered any inducement or hope of reward to get me to plead guilty other than

I further state to the court that I am guilty as charged in this case, desire to plead guilty, and knowingly, voluntarily and intelligently waive my right to a trial of this cause. I further state to the court that I am satisfied with my attorney's services and his/her handling of my case.

Date _____

Defendant _____

Jefferson County Drug Court Misdemeanor Deferred Program
Attorney / Defendant Acknowledgement
Case Number: DC _____

1. The misdemeanor deferred program gives my client a chance for the dismissal of his/her misdemeanor drug charge. It does not guarantee that the charge will be dismissed.
2. The misdemeanor deferred program is **VOLUNTARY** and participants are expected to abide by ALL requirements. The defendant agrees to waive any right to a trial.
3. I understand that this program is completely discretionary with the District Attorney and is an agreement entered into between the Defendant, Defense Attorney, and the Judge.
4. I understand that this program may not be right for my client and it is my duty to assess each client individually, and it may be from time to time that I have a client who would be better pleading guilty than entering into this Comprehensive deferred program.
5. If the DA's office has not received a toxicology report at the time of the plea, Defendant agrees to plead guilty without a toxicology report from the Alabama Dept. of Forensic Sciences in order to expedite his/her entry into the Deferred Misdemeanor Program.
6. Clients are responsible for ALL financial obligations of this program, **UNLESS** declared indigent by the Court.
7. The District Attorney must approve the case prior to application.
8. The defendant must live in the State of Alabama.
9. The defendant cannot commit any new offenses (excluding traffic offenses).
10. The Defendant **MUST** appear of his/her appointment with the TASC case manager on the date set by the court for Evaluation. Failure to do so will result in being returned to the Court for further disposition.
11. The defendant is responsible for paying a **\$250.00** fee to TASC (3rd floor of the Criminal Justice Building) prior to the dismissal of this case. This fee can be made in payments to TASC. This fee will include the Drug & Alcohol Classes, drug screens and case management. However, if the defendant tests at another location other than TASC, he/she will have to pay the additional cost to that facility.
12. The defendant must complete the Drug & Alcohol Education classes or other recommended treatment by the TASC Case manager. The defendant is financially responsible for any outside treatment required.
13. The defendant must submit to ALL required drug screens.
14. The defendant is responsible for fines and court costs. These are to be paid at the clerk's office (9th floor) of the criminal justice building. If defendant completes program requirement fines and court cost may be remitted at the discretion of the court.
15. All requirements must be completed within 3 months of acceptance, unless the defendant is referred to a Treatment program. In such cases, the defendant will be required to complete the treatment program recommended by the assessor. The defendant **MAY** be given the opportunity to be released early if ALL requirements have been fulfilled and all fees have been paid (this will be at the discretion of the case manager).
16. The defendant will be allowed ONE sanction for noncompliance. Any further noncompliance will result in the sentence being placed into effect.
17. The return to court is not a compliance date, but is a disposition date. On this date, the case will be dismissed if my client has successfully completed the terms of the plea agreement or my client will be sentenced if he/she has failed to successfully complete the terms of the plea agreement. I know I must be back in the Court with my client on the date indicated on the plea agreement.
18. I agree to keep in touch with my client from the date that he/she makes application into the misdemeanor Deferred program to the date the he/she comes back for his/her plea. I will never come in on the date pleas and ask for more time because my client has not completed the requirements that he/she agreed to do per the terms of the plea agreement.
19. I expect the District Attorney to abide by the agreement, and I understand he/she expects me and my client to abide by the agreement. The date on the plea agreement will not be extended.

By signing this, I am verifying that I have read and understand this document and agree to its contents and terms, and further acknowledge that the Misdemeanor Deferred Program is completely discretionary by the Prosecutor and that not every client is a candidate for this program. I have explained ALL requirements of the program to my client and am confident that my client understands the programs requirements.

Attorney

Date

Defendant

Date

PLEA AGREEMENT SHEET – Complete this form in its entirety

Defendant's Name _____

Defendant's Attorney _____

Prior Felony Conviction(s) _____

Defendant is to sign here acknowledging such) _____

	CASE #	CASE #	CASE #	CASE #	CASE#
CHARGE					
AMEND CHARGE					
SENTENCE					
RESTITUTION					
CONCURRENT CASE					

ALL CASES DISMISSED PURSUANT
TO PLEA AGREEMENT

At ALL cases to be dismissed,
including misdemeanors and
felony offenses)

Case Number(s)	Charger(s)

WORTHFUL OFFENDER APPLICATION YES/NO

APPLY FOR PROBATION YES/NO

*It should be understood by all parties that the terms of this plea agreement are between the defendant, his counsel, and the deputy
attorney, and such terms are not binding upon the judge. This is only a recommendation to Judge Maria Fortune. The
sentence to be imposed, and the determination of probation, if applicable, is solely at the Judge's discretion.*

Defendant's Signature _____ Date _____

Attorney's Signature _____

Attorney's Signature

"COURT'S EXHIBIT B"

STATE OF ALABAMA

VS

IN THE DISTRICT COURT-OF

JEFFERSON COUNTY, ALABAMA

CASE NO. DC-_____

DEFENDANT'S STATEMENT OF SATISFACTION OF
SERVICES RENDERED BY 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 (these cases)?

Yes _____ No _____

2. Are you satisfied with the plea bargaining in this case (these cases)?

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 (these cases)?

Yes _____ No _____

5. Has anyone promised you anything to get you to plead guilty?

Yes _____ No _____

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

Defendant

Witness:

District Judge, Maria Fortune

*Give to Def. / Client

Why should I complete the Misdemeanor Drug Court Program?

Completing the program means:

- You will not lose your driver's license.
- You will not have a drug conviction on your record.
- If you are diligent you can have everything completed in 2 months.
- You may not have to pay court cost.
- If you complete the program you will not have to test.
- All court supervision will stop.
- Assistance with health insurance (includes family).
- Assistance with jobs/education referral if needed.

If you do not complete the program:

- You will have a drug conviction on your record which may affect you getting a good job.
- You will lose your driver's license for six months.
- You may be placed on probation and court supervision and testing will be longer.
- You will be required to pay more money to the courts and expense of getting your license back.

Give to Def. / Client



ALABAMA AT BIRMINGHAM

Misdemeanor Drug Court requirements:

1. Within 48 hours of your court date you must report in person to meet with your Misdemeanor Drug Court Case Manager on a Monday/Wednesday/Friday between 10:00am-3:00pm at UAB Community Justice Programs.
2. You must pay at least \$100.00 of your \$250.00 Misdemeanor Drug Court fee in order to complete your intake appointment with your Case Manager. Completion of the intake appointment is the first step to starting Misdemeanor Drug Court.
3. All Misdemeanor Drug Court clients are required to test on color code Blue. The phone number for the color code line is (205) 934-9644.
4. All Misdemeanor Drug Court clients are required to complete an assessment with UAB Beacon Recovery by calling (205) 580-3278 to schedule an appointment. Based on that assessment, all Misdemeanor Drug Court clients are required to complete an educational course or substance abuse treatment.
5. Upon completion of these requirements, the Case Manager will complete the client from Misdemeanor Drug Court and notify the Court and attorney in writing.

Contact information for Misdemeanor Drug Court:

UAB Community Justice Programs
530 Beacon Parkway West
Suite 101
Birmingham, AL 35209

Misdemeanor Drug Court Staff to contact:

Ronnie Floyd
(205) 382-2373
ronniefloyd@uabmc.edu

Chris Armistead
(205) 934-2261 or (205) 202-0321
csarmistead@uabmc.edu

SCHOOL OF MEDICINE
Psychiatry and Behavioral Neurobiology

UAB Department of Psychiatry, Community Justice Programs Misdemeanor Programs

- If the court determines you to be eligible for the program, and you wish to participate, you will be required enter a plea of guilty and waive your rights to appeal your guilty plea. The Judge will accept your plea but withhold adjudication and sentencing pending your completion of the program.
- You are required to report to the UAB Community Justice Programs, (Birmingham location) for an intake appointment as scheduled on your court paperwork. If you are not given an appointment in court, you will be required to call and schedule an appointment within 7 days of your plea of guilty. **If contact is not made within 7 days, the court will be notified**
- You must pay all program fees and court costs
- You must comply with all program requirements and directives of the Judge. Program requirements include following case plan recommendations and referrals made by your case manager. Case plans are developed to best meet the specific needs of each individual. Case plan requirements may include but are not limited to -
 - Observed urine drug testing on a randomized "color code" system (required for all participants)
 - Maintain contact with case manager and attend appointments as directed(required for all participants)
 - Attendance and participation in required program activities including drug education classes, treatment, mental health and/or substance abuse assessment and /or other referrals (will vary based on individual needs)
- Program duration is three months but may be extended if deemed necessary by the Court
- Upon successful completion of the program and payment of court costs, your guilty plea will be set aside and the case will be dismissed. If you do not successfully complete the program, you will be returned to the court for final adjudication and sentencing. Any and all fees paid to the UAB Community Justice Programs will be forfeited.

I acknowledge that I have received this notice.

Initials

Date

MISDEMEANOR PLEA PACKET
(NOT DRUG COURT)

- If your client is NOT applying for Drug Court, but is pleading guilty to a Misdemeanor offense), complete this packet in its entirety.
- This is NOT a Youthful Offender Packet
- This is NOT a Drug Court Packet
- This is NOT a Felony Plea Packet

**GIVE ALL PAPERWORK TO BAILIFF
ONCE COMPLETED**

**EXPLANATION OF RIGHTS AND
PLEA OF GUILTY**
(Misdemeanors and Municipal Ordinance Violations)

Case Number

DL

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:

**BY ENTERING A PLEA OF GUILTY TO THE OFFENSE CITED BELOW, YOU ARE WAIVING CERTAIN
CONSTITUTIONAL RIGHTS WHICH INCLUDE A RIGHT TO A TRIAL IN THIS COURT BEFORE A JUDGE.**

This is to inform you of your rights as a defendant in this criminal case. You are charged with the offense of _____

which is a ☐ misdemeanor ☐ municipal ordinance violation.

In the event you plead guilty to the above offense, or if the court finds that you are guilty of the offense, the law provides for punishment by imprisonment, which may include hard labor, for not less than _____ nor more than _____

offense and/or by imposition of a fine of not less than \$ _____, nor more than \$ _____, for this including the following enhanced sentencing provisions: _____

If you have been sentenced to imprisonment for another crime, the sentence imposed in this case may run consecutively or concurrently with your other sentence. 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 you are charged with a misdemeanor offense and plead guilty or are found guilty, you will be ordered to pay a victim's compensation assessment of not less than \$25.00 nor more than \$1,000.00. Further, you may be required to pay up to \$20.00 per day of costs of incarceration plus actual medical expenses incurred by you, pursuant to Section 14-6-22, Ala. Code 1975.

You should also be aware that you are pleading guilty or are found guilty of a traffic offense, a record of your conviction will be sent to the Alabama Department of Public Safety (or the state which issued your driver's license) which may result in the suspension or revocation of your license to drive and may adversely affect your ability to maintain or secure automobile insurance.

If you are convicted for a violation of Section 13A-12-202 (criminal solicitation to commit a controlled substance crime), Section 13A-12-203 (attempt to commit a controlled substance crime), or Section 13A-12-204 (criminal conspiracy to commit a controlled substance crime), Ala. Code 1975, you may be assessed an additional penalty of \$1,000.00 if you are a first offender, or \$2,000.00 if this is your second or subsequent offense. Collection of this penalty may be suspended if you agree to enter a drug rehabilitation program approved by the court and if you agree to pay for all or some portion of the costs of the program. Upon successful completion of the program, you may apply to the court to reduce the penalty by the amount you actually paid for your participation in the program. If your participation in the program is terminated for any reason before you successfully complete the program, the court will take action to collect immediately the entire penalty.

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 a 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 device 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.

EXPLANATION OF RIGHTS AND PLEA OF GUILTY (Misdemeanors and Municipal Ordinance Violations - Circuit or District Court)

BY ENTERING A PLEA OF GUILTY IN THIS COURT, YOU ARE WAIVING YOUR RIGHT TO A TRIAL BEFORE THIS COURT AND THE FOLLOWING RIGHTS TO WHICH YOU WOULD OTHERWISE BE ENTITLED:

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, you have the right to testify on your own behalf, if you so desire, but no one can require you to do so. If you testify, you can be cross-examined by the prosecutor. If you do not testify, no one can even comment as to your failure to testify. 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 the right to a public trial before a judge. In a trial, the judge would determine whether you are guilty, 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 attorney felt were incorrect or prejudicial, question witnesses for the prosecution, examine your own witnesses, and argue your case before the trial judge. Your attorney would be bound to everything that he or she could honorably and reasonably go to see that you obtain a fair and impartial trial.

In the trial of your case, you will come into court presumed innocent and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the prosecution convinces the judge, beyond a reasonable doubt, of your guilt. The burden is upon the prosecution to convince the judge, from the evidence in the case, that you are guilty beyond a reasonable doubt. If the prosecution does not meet such burden of proof, you must be found not guilty. You 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 PLEAD GUILTY TO THE OFFENSE, THERE WILL BE NO TRIAL BEFORE A JUDGE OF THIS COURT AND YOU WILL BE WAIVING THE RIGHTS LISTED ABOVE.**

If you are convicted of a misdemeanor crime of domestic violence, which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, against your current or former spouse, your child of whom you are a parent or guardian, a person with whom you share a child in common, a spouse, parent, or guardian with whom you are, or have been, cohabiting or to whom you are similarly situated, and you ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or if you receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, **YOU ARE SUBJECT TO BEING PROSECUTED IN FEDERAL COURT FOR VIOLATING 18 U.S.C. 922(g)(9).**

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.

By entering a plea of guilty, **you will waive your right to appeal**, unless in an appeal to the Court of Criminal Appeals or 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 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 record and the reporter's transcript will be provided at no cost to you. If the appeal is from a municipal or district court, you have a right to demand a jury trial if you indicate your wish to assert this right on the Notice of Appeal.

Except in minor misdemeanors (a misdemeanor offense or municipal ordinance violation for which the defendant will not be punished by a sentence of imprisonment), the court will go over these rights, as well as the nature of the charge and the material elements of the offense, with you. If you have any questions about any of them, upon your request, the judge will make a further explanation to you.

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

Date _____

Judge _____

I certify that the above rights were read to the defendant by me, that I discussed these rights with the defendant, in detail, and that a written copy of the above rights was given to the defendant by me. Having gone over the defendant's rights and the consequences of entering a plea of guilty with the defendant, in my judgment, the defendant understands those rights and knowingly, intelligently, and voluntarily waives the right to a trial and knowingly, voluntarily, and intelligently enters a plea of guilty.

Date _____

Attorney for Defendant _____

I state to the court that I have had the matters and rights set forth above read to me; that my attorney has discussed these matters and rights with me in details and that I, the defendant, fully understand them; that I am not under the influence of any drugs, medicines or alcoholic beverages and have not been threatened or abused or offered any inducement or hope or reward to get me to plead guilty other than

I further state to the court that I am guilty as charged in this case, desire to plead guilty, and knowingly, voluntarily and intelligently waive my right to a trial of this cause. I further state to the court that I am satisfied with my attorney's services and his/her handling of my case.

Date _____

Defendant _____

PLEA AGREEMENT SHEET – Complete this form in its entirety

Defendant's Name _____

Defendant's Attorney _____

Prior Felony Conviction(s) _____

(Defendant is to sign here acknowledging such) _____

	CASE #	CASE #	CASE #	CASE #	CASE#
CHARGE					
AMEND CHARGE					
SENTENCE					
RESTITUTION					
CONCURRENT CASE					

CASE DISMISSED PURSUANT TO PLEA AGREEMENT (List ALL cases to be dismissed, Including misdemeanors and Traffic offenses)	Case Number(s)	Charger(s)

WITHFUL OFFENDER APPLICATION YES/NO

APPLY FOR PROBATION YES/NO

It should be understood by all parties that the terms of this plea agreement are between the defendant, his counsel, and the deputy district attorney, and such terms are not binding upon the judge. This is only a recommendation to Judge Maria Fortune. The sentence to be imposed, and the determination of probation, if applicable, is solely at the Judge's discretion.

Defendant's Signature _____ Date _____

Attorney's Signature _____

District Attorney's Signature _____

"COURT'S EXHIBIT B"

STATE OF ALABAMA

VS

IN THE DISTRICT COURT-OF

JEFFERSON COUNTY, ALABAMA

CASE NO. DC-_____

DEFENDANT'S STATEMENT OF SATISFACTION OF
SERVICES RENEDED BY 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 (these cases)?
Yes _____ No _____

2. Are you satisfied with the plea bargaining in this case (these cases)?

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 (these cases)?

Yes _____ No _____

5. Has anyone promised you anything to get you to plead guilty?

Yes _____ No _____

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

Defendant

/itness:

istrict Judge, Maria Fortune

FELONY PLEA PACKET

(NOT DRUG COURT)

- If your client is NOT applying for Youthful Offender status or Drug Court, but is pleading guilty to a FELONY offense complete this packet in its entirety.
- This is NOT a Youthful Offender Packet
- This is NOT a Drug Court Packet
- This is NOT a Misdemeanor Packet

**GIVE ALL PAPERWORK TO BAILIFF
ONCE COMPLETED**

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)

Case Number

IN THE _____ COURT OF _____, 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)

***Enhanced Punishment for Class D felonies**

Note that Section 15-18-8 also provides that in all cases when it is shown that a defendant has been previously convicted of any three or more felonies or has been previously convicted of any two or more felonies that are Class A or Class B felonies, and after such convictions has committed a Class D felony, upon conviction, he or she must be punished for a Class C felony.

- ☐ **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. Loss of Driving Privileges: Pursuant to Section 13A-12-291, Ala. Code 1975, a driver's license shall be suspended for six months for a conviction for any of the following: attempting to commit, criminally conspiring to commit, criminal solicitation to commit, or committing the crime of trafficking in specified substances under Section 13A-12-231; attempting to commit, criminal solicitation to commit, or committing the crime of unlawful possession with intent to distribute a controlled substance under subsections (c) and (d) of Section 13A-12-211. Suspension of a driver's license for a conviction of driving under the influence of a controlled substance or under the combined influence of a controlled substance and alcohol shall be governed by Section 32-5A-191, the DUI 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.
- ☐ **Enhanced Punishment for a Criminal Sex Offense:** A person convicted of a sex offense is required to comply with the requirements of the Alabama Sex Offender Registration and Notification Act (Section 15-20A-1, et seq., Ala. Code, 1975).
- ☐ **Drug Trafficking Offenses:** Convictions for an offense under §13A-12-231, Code of Alabama 1975, include mandatory minimum terms of incarceration and a mandatory fine. 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 an ignition interlock devices on motor vehicles. Pursuant to Section 32-5A-191, Ala. Code 1975, a conviction for driving under the influence carries a mandatory driver's license suspension.
- ☐ **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-12-211 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.
- ☐ **Other:** _____

RIGHTS YOU HAVE AND THE WAIVER OF YOUR RIGHTS

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. Your attorney cannot disclose any confidential talks he/she has had with you. You do not have 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, or stand on if previously entered, a plea of "Not Guilty" or "Not Guilty by Reason of Mental Disease or Defect," or "Not Guilty and 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 chose 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 subject to cross examination. If you elect 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 do to see that you 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.

Pursuant to Section 15-22-27.3, Ala. Code 1975, if you are pleading guilty to a sex offense involving a child as defined in Section 15-20A-4, Ala. Code 1975, which constitutes a Class A or B felony, you will not be eligible for parole.

If you are convicted of a misdemeanor crime of domestic violence, which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, against your current or former spouse; your child of whom you are a parent or guardian; a person with whom you share a child in common; a spouse, parent, or guardian with whom you are, or have been, cohabiting or to whom you are similarly situated, and you ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or if you receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, YOU ARE SUBJECT TO BEING PROSECUTED IN FEDERAL COURT FOR VIOLATING 18 U.S.C. § 922(g)(9).

If you plead guilty, there will be no trial. You will be waiving the 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, 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.

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

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 know 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

COURTS NOTICE TO DISTRICT ATTORNEY OF DEFENDANTS 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/she 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
he said offense for which he/she 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 _____, 20__ at _____ be and the same
s hereby set at the time for the hearing of such plea of guilty. It is further, ORDERED the Sheriff of said County be,
nd he/she is hereby directed to serve on the defendant and his attorney a copy of this notice setting the date for the
earing of said plea.

Date: _____

Judge, District Court of Jefferson County

I HEREBY ACCEPT SERVICE OF A COPY OF THE ABOVE NOTICE.

Date: _____

Defendant

Date: _____

Attorney

PLEA AGREEMENT SHEET – Complete this form in its entirety

Defendant's Name _____

Defendant's Attorney _____

Prior Felony Conviction(s) _____

(Defendant is to sign here acknowledging such) _____

	CASE #	CASE #	CASE #	CASE #	CASE#
CHARGE					
AMEND CHARGE					
SENTENCE					
RESTITUTION					
CONCURRENT CASE					

CASE DISMISSED PURSUANT TO PLEA AGREEMENT (List ALL cases to be dismissed, including misdemeanors and Traffic offenses)	Case Number(s)	Charger(s)

WITFUL OFFENDER APPLICATION YES/NO

APPLY FOR PROBATION YES/NO

It should be understood by all parties that the terms of this plea agreement are between the defendant, his counsel, and the deputy strict attorney, and such terms are not binding upon the judge. This is only a recommendation to Judge Maria Fortune. The sentence to be imposed, and the determination of probation, if applicable, is solely at the Judge's discretion.

Defendant's Signature _____ Date _____

Attorney's Signature _____

strict Attorney's Signature _____

"COURT'S EXHIBIT B"

STATE OF ALABAMA

VS

IN THE DISTRICT COURT OF

JEFFERSON COUNTY, ALABAMA

CASE NO. DC-_____

DEFENDANT'S STATEMENT OF SATISFACTION OF
SERVICES RENEDED BY 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 (these cases)?

Yes _____ No _____

2. Are you satisfied with the plea bargaining in this case (these cases)?

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 (these cases)?

Yes _____ No _____

5. Has anyone promised you anything to get you to plead guilty?

Yes _____ No _____

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

Defendant

Witness:

District Judge, Maria Fortune

YOUTHFUL OFFENDER PLEA PACKET **(NOT DRUG COURT)**

- If your client is NOT applying for Drug Court, but is pleading guilty as a YOUTHFUL OFFENDER (underlying offense being a Felony or Misdemeanor), complete this packet in its entirety.
- This is NOT a Drug Court Packet
- This is NOT a Felony Plea Packet

**GIVE ALL PAPERWORK TO BAILIFF
ONCE COMPLETED**

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

IF YOU PLEAD GUILTY, THERE WILL BE NO TRIAL AND YOU WILL BE WAIVING THE RIGHTS LISTED ABOVE.

The Court will go over these rights, as well as the nature of the charge and the material elements of the offense, with you. If you have any questions about any of them, upon your request, the judge will make further explanation to you.

Date_____
Judge

I state to the Court that I have had the matters and rights set forth above read to me, that my attorney has discussed these matters and rights with me in detail and that I, the defendant, fully understand them, that I am not under the influence of any drugs, medicines or alcoholic beverages and have not been threatened or abused or offered and inducement or hope of reward to get me to plead guilty other than

I further state to the Court that I am guilty as charged in this case, desire to plead guilty, and knowingly, voluntarily and intelligently waive my right to a trial of this cause.

Date_____
Defendant

I certify that the above rights were read to the defendant by me, that I discussed these rights with the defendant in detail, and that a copy of the rights was given to the defendant by me. Having gone over the defendant's rights and the consequences of entering a plea of guilty with the defendant, in my judgment, the defendant understands those rights and knowingly, intelligently, and voluntarily waives the right to a trial and knowingly, intelligently, and voluntarily waives the right to a trial and knowingly, voluntarily, and intelligently enters a plea of guilty.

Date_____
Attorney to Defendant

PLEA AGREEMENT SHEET— Complete this form in its entirety!

Defendant's Name _____

Defendant's Attorney _____

Prior Felony Conviction(s): _____

(Defendant is to sign here acknowledging such) _____

	CASE #	CASE #	CASE #	CASE #	CASE #
CHARGE					
AMENDED CHARGE					
SENTENCE					
RESTITUTION					
CONCURRENT CASES					

CASES DISMISSED PURSUANT TO PLEA AGREEMENT (List ALL cases to be dismissed, including misdemeanors and traffic offenses)	Case Number(s)	Charge(s)

YOUTHFUL OFFENDER APPLICATION YES / NO

APPLY FOR PROBATION YES / NO

It should be understood by all parties that the terms of this plea agreement are between the defendant, his counsel, and the deputy district attorney, and such terms are not binding upon the Judge. This is only a recommendation to Judge Shanta Owens. The sentence to be imposed, and the determination of probation, if applicable, is solely at the Judge's discretion.

Defendant's Signature _____ Date _____

Attorney's Signature _____

District Attorney's Signature _____

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, 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 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: _____, an 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'S EXHIBIT B"

STATE OF ALBAMA

VS

IN THE DISTRICT COURT OF

JEFFERSON COUNTY, ALABAMA

CASE NO. DC _____

**DEFENDANT'S STATEMENT OF SATISFACTION OF
SERVICES RENDERED BY 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 (these cases)?

yes _____ no _____
2. Are you satisfied with the plea bargaining in this case (these cases)?

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 (these cases)?

yes _____ no _____
5. Has anyone promised you anything to get you to plead guilty?

yes _____ no _____

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

Defendant

Witness:

District Judge

(Revised 11-9-04)

Beacon Assessment Referral Form (revised 9.24.17)

This form is to be completed for clients needing an assessment or an assessment update. E-mail completed forms to Beacon@uabmc.edu.
For clients with a current ASAM needing admission to Beacon Addiction Treatment Center, please e-mail Beacon@uabmc.edu and request an intake appointment.

Date

ASAM Completed? ☐ Yes

Client's Name

☒ No

Client's Address

Client's Phone Number(s)

Client's Social Security Number

Client's Date of Birth

- Priority Areas ☐ IV drug ☐ Juvenile in Detention If applicable, Drug Court Track ☐
☐ Pregnant
☐ In Jail
☐ In Jail (current Beacon client or Beacon involvement within last 6 months)
☐ Women w/ dependent children

Referral Source

Name of Person Making Referral

Reason for Referral

For criminal justice referrals (with assigned drop-in days):
I have provided my client with the "BAC Client Guide,"
and I expect her/him to present to Beacon Assessment
Center on: between 9 AM and 12 PM.

For all other referrals:

I have provided my client with the "BAC Client Guide," and

☐ I would like Beacon to call client to schedule an appointment OR

☐ I would like Beacon to respond to this e-mail with an appointment
time, and I will pass that along to the client.

<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>
Drug Court	Family Wellness Court	9 AM CCP	MH Court
	ASAP/JDC	12 PM CRO	Veterans/MDC

To be filled out by Beacon Assessment Center

Was the assessment completed? ☐ Yes Assessed by on

☐ No (if no, select a reason below)

☐ No show.

☐ Left without notice.

☐ Impaired mental status.

☐ Appointment rescheduled for

Assessed level of care

Treatment recommendation

Recommended additional services

Rx Medications reported

Comments

For clients admitted to Beacon:

Group start date

Primary counselor

Misdemeanor Drug Court requirements:

1. Within 48 hours of your court date you must report in person to meet with your Misdemeanor Drug Court Case Manager on a Monday/Wednesday/Friday between 10:00am-3:00pm at UAB Community Justice Programs.
2. You must pay at least \$100.00 of your \$250.00 Misdemeanor Drug Court fee in order to complete your intake appointment with your Case Manager. Completion of the intake appointment is the first step to starting Misdemeanor Drug Court.
3. All Misdemeanor Drug Court clients are required to test on color code Blue. The phone number for the color code line is (205) 934-9644.
4. All Misdemeanor Drug Court clients are required to complete an assessment with UAB Beacon Recovery by calling (205) 580-3278 to schedule an appointment. Based on that assessment, all Misdemeanor Drug Court clients are required to complete an educational course or substance abuse treatment.
5. Upon completion of these requirements, the Case Manager will complete the client from Misdemeanor Drug Court and notify the Court and attorney in writing.

Contact information for Misdemeanor Drug Court:

UAB Community Justice Programs
530 Beacon Parkway West
Suite 101
Birmingham, AL 35209

Misdemeanor Drug Court Staff to contact:

Ronnie Floyd
(205) 382-2373
ronniefloyd@uabmc.edu

Chris Armistead
(205) 934-2261 or (205) 202-0321
csarmistead@uabmc.edu

MAKING PAYMENTS BY MAIL TO TRAFFIC / CIRCUIT COURT

WE ONLY ACCEPT MONEY ORDERS AND CASHIER'S CHECKS FOR PAYMENTS MADE BY MAIL

NO PERSONAL CHECKS

NO DEBIT CARDS

NO CREDIT CARDS

HOW TO PREPARE YOUR MONEY ORDER OR CASHIER'S CHECK:

MAKE PAYABLE TO: **JACQUELINE ANDERSON SMITH, CIRCUIT CLERK**

YOU **MUST** PUT YOUR CASE NUMBER OR CITATION NUMBER ON YOUR PAYMENT

YOU **MUST** PUT YOUR DATE OF BIRTH ON YOUR PAYMENT

*IF SOMEONE ELSE MAILS YOUR PAYMENT FOR YOU, MAKE SURE THEY WRITE YOUR NAME, CASE NUMBER AND DATE OF BIRTH ON THE PAYMENT

MAILING ADDRESS:

**JACQUELINE ANDERSON SMITH, CIRCUIT CLERK
801 RICHARD ARRINGTON JR. BLVD N
ROOM 207
BIRMINGHAM, AL 35203-5285**

****YOU MUST INCLUDE A SELF-ADDRESSED, STAMPED ENVELOPED WITH YOUR PAYMENT****

****PLEASE FOLLOW THE ABOVE INSTRUCTIONS SO THAT YOUR PAYMENT WILL BE PROPERLY APPLIED.**

**THANK YOU
CIRCUIT CLERK**

****ATTENTION: YOU MUST HAVE YOUR CASE NUMBER TO MAKE A PAYMENT WHETHER YOU PAY BY MAIL OR IN PERSON**

ONLINE PAYMENTS can be made at www.alapay.com to pay Traffic Tickets and District Criminal cases PAY IN FULL by Credit or Debit Card. Use County Code 01 when paying online. (Excludes Circuit Criminal Cases and Restitution Payments).

PROBATION OFFICE NEW ADDRESS:

2112 12TH Avenue North

Birmingham, AL 35234

(205) 323-1091

THE DAY REPORTING CENTER

2020 12th Avenue North

Birmingham, AL 35234

(Directly down the hill from the New Probation Office)

“COMMUNITY SERVICE”

Fountain Heights Recreation Center
1101 15th Avenue North
Birmingham, Alabama 35204
(205) 515-3912

Community Service



Princeton Towers
909 Princeton Avenue SW
Birmingham, Alabama 35211
Contact: Janet Graham or Tiffany Jackson
(205) 783-3293 or (205) 777-3833