

PLEA OF NOT GUILTY AND WAIVER OF ARRAIGNMENT  
FOR NON CAPITAL OFFENSE

THE STATE OF ALABAMA

vs.

) IN THE CIRCUIT COURT OF  
)  
) JEFFERSON COUNTY, ALABAMA  
)  
) CRIMINAL CASE NO.: \_\_\_\_\_

COMES NOW the Defendant in the above styled matter, and to the offense charged enters a plea of Not Guilty (and Not Guilty by Reason of Mental Disease or Defect).

Defendant further waives the right to have an Arraignment at which the Defendant is present in person, or at which the Defendant is represented by an attorney.

But the Defendant specifically and expressly reserves the right and with leave of Court hereby granted to Defendant hereafter, but prior to the trial date, to interpose any special pleas or motions which he might legally have interposed prior to entering said plea of Not Guilty.

I, \_\_\_\_\_ Defendant, hereby acknowledge receipt of a copy of the charges against me. I am not eligible to be considered as a youthful offender.

Defense counsel served with Order for Discovery and Production.

DATED: \_\_\_\_\_, 20\_\_\_\_

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

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

**FILED IN OPEN COURT**

THIS \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

ALARIC O. MAY  
Circuit Judge

BY: \_\_\_\_\_



**"COURT'S EXHIBIT A"**

State of Alabama Unified Judicial System  Form CR-52(front) Rev. 1/2019	<b>EXPLANATION OF RIGHTS AND PLEA OF GUILTY</b> (Habitual Felony Offender – Circuit or District Court) (FOR OFFENSES COMMITTED ON OR AFTER JUNE 1, 2006 BUT BEFORE JANUARY 30, 2016)	Case Number _____  Count _____ (count #, If Applicable)
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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 criminal defendant.

**PENALTIES APPLICABLE TO YOUR CASE**

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

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

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

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

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

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

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

- ☐ **Enhanced Punishment For Use Of Firearm Or Deadly Weapon:** Sections 13A-5-6 (a) (4) and (a) (5), 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) (4) and (a) (5), 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.
- ☐ **Drug Demand Reduction Assessment Act and Loss of Driving Privileges:** Section 13A-12-281 provides that any person convicted of a violation of Sections 13A-12-202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-215 or 13A-12-231, Ala. Code 1975, shall be assessed an additional penalty of \$1,000 if he or she is a first-time offender or \$2,000 if he or she is a repeat offender under one of these sections. Collection of all or part of the penalty will be suspended if, with court approval, the defendant enters a drug rehabilitation program and if the defendant agrees to pay for a part or all of the program costs. Upon successful completion of the program, the defendant may apply to the court to reduce the penalty by the amount actually paid by him or her for participation in the program. Any suspension of the penalty can be withdrawn by the court if the defendant fails to enroll in or successfully pursue or otherwise fail to complete an approved program. In addition, pursuant to Section 13A-12-214 (unlawful possession of marijuana in the second degree), Section 32-5A-191(a)(3) or Section 32-5A 191(a)(4)(DUI offenses involving drugs), the defendant will lose his or her privilege to drive a motor vehicle for a period of six months, which shall be in addition to any suspension or revocation otherwise provided by law.

**EXPLANATION OF RIGHTS AND PLEA OF GUILTY**

(Habitual Felony Offender – Circuit/District Court)

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

**RIGHTS YOU HAVE AND 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. You attorney cannot disclose any confidential talks he/she has had with you. You are not required to answer any questions. If you do answer questions knowing that you have a right to remain silent, you will have waived this right. You have the right to enter, and continue to assert, a plea of "Not Guilty" or "Not Guilty by Reason of Mental Disease or Defect", and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed to trial, you would have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront and cross examine your accuser(s) and all the State's witnesses, you would have the right to subpoena witnesses to testify on your behalf and to have their attendance in court and their testimony required by the court, and you would have the right to take the witness stand and to testify, but only if you choose to do so, as no one can require you to do this. If you elect to testify, you can be cross examined by the State, just as any other witness is subjected to cross examination. If you decide not to testify, no one but your attorney will be allowed to comment about that fact to the jury. Your attorney is bound to do everything he/she can honorably and reasonably 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 plead guilty, there will be no trial. You will be waiving your rights outlined above, except your rights relating to representation by an attorney. The state will have nothing to prove and you will stand guilty on your guilty plea. By entering a plea of guilty, YOU WILL ALSO WAIVE YOUR RIGHT TO APPEAL, unless in appeals to the Court of Criminal Appeals or the Supreme Court (1) you have before entering the plea of guilty, expressly reserved the right to appeal with respect to a particular issue or issues, in which event appellate review shall be limited to a determination of the issue or issues reserved, (2) you have timely filed a motion to withdraw the plea of guilty after pronouncement of sentence on the ground that the withdrawal is necessary to correct a manifest injustice, and the court has denied your motion to withdraw your plea, or the motion has been deemed denied by operation of law.

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

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

Date \_\_\_\_\_

Judge \_\_\_\_\_

**ATTORNEY'S CERTIFICATE**

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

Date \_\_\_\_\_

Attorney \_\_\_\_\_

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

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

Date \_\_\_\_\_

Defendant \_\_\_\_\_

THE UNIVERSITY OF CHICAGO

Alabama Sentencing Commission <i>Presumptive Sentencing Standards</i>	<h2 style="margin: 0;">EXPLANATION OF RIGHTS AND PLEA OF GUILTY</h2> <p style="margin: 5px 0;">(Presumptive Sentencing Standards – Circuit or District Court)</p> <p style="margin: 0;">(For Offenses sentenced on or after October 1, 2013)</p>	Case Number _____  Count _____ <small>(count #, if applicable)</small>
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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. 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. As such this offense is a Presumptive Sentencing Standards Offense and the presumptive sentence range for this offense based on Presumptive Sentencing Standards worksheets and sentence length table for \_\_\_\_\_ Drugs \_\_\_\_\_ Property A. The Presumptive sentence disposition and range for this offense based on the worksheets and sentence length table is: \_\_\_\_\_ non-prison \_\_\_\_\_ prison and \_\_\_\_\_ to \_\_\_\_\_ months, with, when prison is imposed, an incarceration portion of a split sentence from \_\_\_\_\_ to \_\_\_\_\_ months. This sentence range includes the total sentence length that will apply to all offenses sentenced at this sentence hearing. The court may depart from the presumptive sentence disposition or sentence range upon a finding of the existence of an aggravating or mitigating factor. The State has asserted the following aggravating factors:

\_\_\_\_\_

The sentence range for any departure from the presumptive sentence range for the above crime(s) is set out below:

Prior Felonies This Offense	No Prior Felonies	One Prior Felonies	Two Prior Felonies	Three Prior Felonies
Class C Felony	1 Yr. & 1 Day – 10 Years In State Penitentiary (Up to 3 yrs may be in Co. jail) Fine up to \$15,000	2 – 20 Years In State Penitentiary (Up to 3 yrs may be in Co. jail) Fine up to \$30,000	10 – 99 Years In State Penitentiary Fine up to \$60,000	15 – 99 Years or Life In State Penitentiary Fine up to \$60,000
Class B Felony	2 – 20 Years In State Penitentiary (Up to 3 yrs may be in Co. jail) Fine up to \$30,000	10 – 99 Years or Life In State Penitentiary Fine up to \$60,000	15 – 99 Years or Life In State Penitentiary Fine up to \$60,000	Mandatory Life Imprisonment or any term of not less than 20 years, Fine up to \$60,000
Class A Felony <i>(No prior convictions for any Class A Felony)</i>	10 – 99 Years or Life In State Penitentiary Fine up to \$60,000	15 – 99 Years or Life In State Penitentiary Fine up to \$60,000	Life Imprisonment or any term of years not less than 99 Fine up to \$60,000	Mandatory Imprisonment for Life or Life Imprisonment without possibility of parole, Fine up to \$60,000
Class A Felony <i>(One or more prior convictions for any Class A Felony)</i>	10 – 99 Years or Life In State Penitentiary Fine Up to \$60,000	15 – 99 Years or Life In State Penitentiary Fine up to \$60,000	Life Imprisonment or any term of years not less than 99 Fine up to \$60,000	Mandatory Imprisonment for life without possibility of parole Fine up to \$60,000

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

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

☐ **Enhanced Punishment For Use Of Firearm Or Deadly Weapon:** Sections 13A-5-6 (a) (4) and (a) (5), 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 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.



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

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

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

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

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

☐ Drug Possession: If any person is convicted in any court of this state for drug possession, drug sale, drug trafficking, or drug paraphernalia offenses as defined in Section 13A-12-211 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.

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

☐ Other \_\_\_\_\_

## RIGHTS YOU HAVE AND WAIVER OF YOUR RIGHTS TRIAL

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

## DEPARTURE SENTENCE (Check if applicable)

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

## WAIVER

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





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

The court, having personally addressed the defendant, determines that the defendant has entered the plea voluntarily (.) \_\_\_\_\_ and has voluntarily admitted to the existence of the following aggravating factors.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

#### ATTORNEY'S CERTIFICATE

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant



"COURT'S EXHIBIT A"

State Of Alabama Unified Judicial System Form CR-51 (front) Rev. 1/2019	<p align="center"><b>EXPLANATION OF RIGHTS AND PLEA OF GUILTY</b></p> <p align="center">(Non-Habitual Offender – Felony and Misdemeanor – Circuit or District Court) (FOR OFFENSES COMMITTED ON OR AFTER January 30, 2016)</p>	Case Number
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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 Solit 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, 2015)

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

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

**ATTORNEY'S CERTIFICATE**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney

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

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant





STATE OF ALABAMA  
vs.

"COURT'S EXHIBIT B"

IN THE CIRCUIT COURT OF  
THE TENTH JUDICIAL CIRCUIT  
OF ALABAMA

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

\_\_\_\_\_  
Defendant

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

TO THE ABOVE NAMED DEFENDANT:

1. Are you satisfied that your attorney, \_\_\_\_\_, Esq., is a competent, good attorney and has represented you to your best interest in the settlement of this case (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.

DONE this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Defendant

Witness:

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



IN THE CIRCUIT COURT, TENTH JUDICIAL CIRCUIT  
JEFFERSON COUNTY, ALABAMA  
CRIMINAL DIVISION

STATE OF ALABAMA,

vs.

CASE NUMBER: \_\_\_\_\_

**DEFENDANT'S REQUEST FOR DISCLOSURE**

The Defendant hereby requests that the State: (Please check appropriate block)

- ☐ A. Permit Defendant to inspect and copy or photograph all statements, including the substance of any oral statements, of the Defendant as provided in the Alabama Rules of Criminal Procedure, Rule 16.1(a)(1) and (2).
- ☐ B. Permit the Defendant to inspect and copy or photograph all statements, including the substance of any oral statements, of any co-defendant or accomplice as provided in the Alabama Rules of Criminal Procedure, Rule 16.1(b)(1) and (2).
- ☐ C. Permit Defendant to inspect and copy or photograph all documents, papers, books, photographs, tangible objects, controlled substances, buildings, places or portions of these things as provided in the Alabama Rules of Criminal Procedure, Rule 16.1 (c)(1), (2) and (3).
- ☐ D. Permit Defendant to inspect and copy or photograph all results or reports of examinations, tests and experiments as provided in the Alabama Rules of Criminal Procedure, Rule 16.1(d).
- ☐ E. Provide Defendant with all exculpatory or otherwise favorable information as provided in Alabama Rules of Criminal Procedure, Rule 16.1(f) and as provided in such cases as *Brady v. Maryland*, *Giles v. Maryland*, *Giglio v. United States*, *William V. Dutton*, and *Kyles v. Whitely*.
- ☐ F. Provide the Defendant with such evidence and information that would fall within the guidelines of Rule 404(b) of the Alabama Rules of Evidence.
- ☐ G. (Special discovery requests).

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

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

\_\_\_\_\_  
Signature of Counsel

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

**NOTE:** Rule 16.3 of the Alabama Rules of Criminal Procedure imposes a continuing duty on each party to disclose information and evidence which is subject to discovery under Rule 16. Also, Rule 16.2 requires the Defendant to provide discovery to the State upon request.



IN THE DISTRICT COURT OF JEFFERSON COUNTY

STATE OF ALABAMA

AGE \_\_\_\_\_

VS.

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

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

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

Respectfully,

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

Defendant

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

Attorney

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

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

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

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

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

Judge, District Court of Jefferson County

I HEREBY ACCEPT SERVICE OF COPY OF THE ABOVE NOTICE.

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

Defendant

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

Attorney



# "COURT'S EXHIBIT A"

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

## PENALTIES APPLICABLE TO YOUR CASE

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

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

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

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

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

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

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

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





# EXPLANATION OF RIGHTS AND PLEA OF GUILTY (Habitual Felony Offender – Circuit/District Court)

- ☐ **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 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 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. You attorney cannot disclose any confidential talks he/she has had with you. You are not required to answer any questions. If you do answer questions knowing that you have a right to remain silent, you will have waived this right. You have the right to enter, and continue to assert, a plea of "Not Guilty" or "Not Guilty by Reason of Mental Disease or Defect", and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed to trial, you would have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront and cross examine your accuser(s) and all the State's witnesses, you would have the right to subpoena witnesses to testify on your behalf and to have their attendance in court and their testimony required by the court, and you would have the right to take the witness stand and to testify, but only if you choose to do so, as no one can require you to do this. If you elect to testify, you can be cross examined by the State, just as any other witness is subjected to cross examination. If you decide not to testify, no one but your attorney will be allowed to comment about that fact to the jury. Your attorney is bound to do everything he/she can honorably and reasonably 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 plead guilty, there will be no trial. You will be waiving your rights outlined above, except your rights relating to representation by an attorney. The state will have nothing to prove and you will stand guilty on your guilty plea. By entering a plea of guilty, **YOU WILL ALSO WAIVE YOUR RIGHT TO APPEAL**, unless in appeals to the Court of Criminal Appeals or the Supreme Court (1) you have before entering the plea of guilty, expressly reserved the right to appeal with respect to a particular issue or issues, in which event appellate review shall be limited to a determination of the issue or issues reserved, (2) you have timely filed a motion to withdraw the plea of guilty after pronouncement of sentence on the ground that the withdrawal is necessary to correct a manifest injustice, and the court has denied your motion to withdraw your plea, or the motion has been deemed denied by operation of law.



**EXPLANATION OF RIGHTS AND PLEA OF GUILTY**  
(Habitual Felony Offender – Circuit/District Court)

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

**ATTORNEY'S CERTIFICATE**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant



# COURT ORDERED PROBATION SERVICES

NAME \_\_\_\_\_

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

ADDRESS \_\_\_\_\_

Street

City \_\_\_\_\_

State

Zip

TELEPHONE \_\_\_\_\_

Sec. Sec. No.: \_\_\_\_\_

ACTION ORDERED:

DATE \_\_\_\_\_

\_\_\_\_\_ Must Go To TASC

\_\_\_\_\_ Pre-Sentence Investigation

\_\_\_\_\_ Probation Investigation

\_\_\_\_\_ Youthful Offender Investigation

\_\_\_\_\_ Notice of Conviction

\_\_\_\_\_ Update Previous Investigative Report

\_\_\_\_\_ Other \_\_\_\_\_

DEFENDANT MUST REPORT IN PERSON TO:

TASC

401 Beacon Pkwy, West

Birmingham, AL 35233

Telephone: (205) 917-3780

STATE PROBATION OFFICE

2112 12th Avenue N

Birmingham, AL 35234

Telephone: (205) 323-1091

( ) JAIL

( ) BOND

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

CONVICTED \_\_\_\_\_

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

Sentence \_\_\_\_\_

Sentence Deferred Until Hearing Date ( )

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

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

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

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

( ) Defendant Refused to Provide Information Requested.

REFERENCE:

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

Address \_\_\_\_\_

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

Address \_\_\_\_\_

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

Address \_\_\_\_\_

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

ATTORNEY'S SIGNATURE \_\_\_\_\_

Phone \_\_\_\_\_

CIRCUIT OR DISTRICT JUDGE \_\_\_\_\_

DISTRICT ATTORNEY \_\_\_\_\_

DEFENDANT'S SIGNATURE \_\_\_\_\_

WHITE — Court File

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



<div style="border: 1px solid black; padding: 2px;">State of Alabama Unified Judicial System Form C-44A (front) Rev. 07/02</div>	<b>EXPLANATION OF RIGHTS OF YOUTHFUL OFFENDER AND PLEA OF GUILTY</b>	Case Number _____
<div style="display: flex; justify-content: space-between;"><div>IN THE _____ COURT OF _____, ALABAMA</div><div>(Circuit, District, or Municipal) (Name of County or Municipality)</div></div> <div style="margin-top: 10px;"><input type="checkbox"/> STATE OF ALABAMA <input type="checkbox"/> MUNICIPALITY OF _____ v. _____ <div style="text-align: right; margin-right: 50px;">Defendant</div></div>		
<p style="text-align: center;"><b>TO THE ABOVE-NAMED DEFENDANT:</b></p> <p>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 _____.</p> <p>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.</p> <p>If that offense is a misdemeanor or municipal ordinance violation and you plead guilty to being a youthful offender, you may receive punishment of imprisonment in the county/municipal jail or to hard labor for up to _____ and, in addition, may be fined in an amount up to \$ _____.</p> <p>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 \$ _____.</p> <p>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.</p> <p><b>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:</b></p> <p>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 so 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.</p> <p>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.</p> <p>In the trial of your case, your attorney could subpoena witnesses on your behalf, make legal objections to matters that your attorney 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.</p> <p>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. You will have no burden of proof whatsoever in your trial.</p> <p>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."</p> <p>If you enter a plea of guilty, you will waive your right to appeal, unless (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.</p> <p>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.</p>		

**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 discussed such 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, voluntarily waives the right to a trial and knowingly, voluntarily and intelligently enters a plea of guilty.

\_\_\_\_\_  
Date\_\_\_\_\_  
Attorney for Defendant



# COURT ORDERED PROBATION SERVICES

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

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

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

TELEPHONE \_\_\_\_\_ Soc. Sec. No.: \_\_\_\_\_

ACTION ORDERED: \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_ Must Go To TASC

\_\_\_\_\_ Pre-Sentence Investigation

\_\_\_\_\_ Probation Investigation

\_\_\_\_\_ Youthful Offender Investigation

\_\_\_\_\_ Notice of Conviction

\_\_\_\_\_ Update Previous Investigative Report

\_\_\_\_\_ Other \_\_\_\_\_

## DEFENDANT MUST REPORT IN PERSON TO:

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

STATE PROBATION OFFICE

2112 12th Avenue N  
Birmingham, AL 35234

Telephone: (205) 323-1091

( ) JAIL

( ) BOND

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

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

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

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

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

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

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

( ) Defendant Refused to Provide Information Requested.

## REFERENCE:

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

Address \_\_\_\_\_

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

Address \_\_\_\_\_

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

Address \_\_\_\_\_

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

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

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

WHITE — Court File

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



# PROPOSED PLEA AGREEMENT

Defendant's Name: \_\_\_\_\_

Defense Attorney: \_\_\_\_\_

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

Deputy District Attorney Signature: \_\_\_\_\_

## Present Charges: (include all counts)

Case Number: \_\_\_\_\_ Charge: \_\_\_\_\_

Case Number: \_\_\_\_\_ Charge: \_\_\_\_\_

Case Number: \_\_\_\_\_ Charge: \_\_\_\_\_

Case Number: \_\_\_\_\_ Charge: \_\_\_\_\_

## Terms of Plea Agreement:

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

Restitution Information To be Attached by Separate Sheet:

Prior Felony Convictions: \_\_\_\_\_

\_\_\_\_\_

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 Alaric O. May. The sentence to be imposed, and the determination of probation if applicable, is solely at the Judge's discretion.

I have reviewed and discussed this offer with my client.

Defense Attorney: \_\_\_\_\_ Date: \_\_\_\_\_

I have discussed the offer with my attorney, and I wish to:

Accept the Offer \_\_\_\_\_ Date: \_\_\_\_\_  
Defendant's Signature

Reject the offer \_\_\_\_\_ Date: \_\_\_\_\_  
Defendant's Signature



**AFFIDAVIT OF SUBSTANTIAL  
HARDSHIP AND ORDER**  
(Request for Court-Appointed Attorney and/or  
Waiver of Fees)

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

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

☐ STATE OF ALABAMA

☐ MUNICIPALITY OF \_\_\_\_\_ v. \_\_\_\_\_, Defendant

- ☐ I, because of financial hardship, am unable to hire an attorney and request that the court appoint one for me.
- ☐ I, because of financial hardship, am unable to pay for ignition interlock device fees in this case and request that these fees be waived.
- ☐ I, because of financial hardship, am unable to pay the expungement petition administrative filing fee and request a payment plan for this fee.

**AFFIDAVIT**

**1. IDENTIFICATION**

Full Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Spouse's Full Name (if married) \_\_\_\_\_  
Complete Home Address \_\_\_\_\_  
Total Number of People I am Supporting Financially in Household Including Myself \_\_\_\_\_  
Telephone Number (Cell) \_\_\_\_\_ (Home) \_\_\_\_\_ (Other) \_\_\_\_\_  
State & Last 4 Digits of Driver License's Number \_\_\_\_\_ Last 4 Digits of Social Security Number \_\_\_\_\_  
Employer's Name & Address \_\_\_\_\_ Employer's Telephone Number \_\_\_\_\_

**2. ASSISTANCE BENEFITS**

Some of the residents in my household or I receive benefits from any of the following sources (check those which apply)

- ☐ Temporary Assistance for Needy Families (TANF) ☐ Food Stamps ☐ Medicaid  
☐ Social Security Income (SSI) ☐ Disability ☐ Other: \_\_\_\_\_

The monthly value of these benefits combined is \$ \_\_\_\_\_.

**3. INCOME/EXPENSE  
STATEMENT**

Monthly Gross Income:

My monthly gross income is \$ \_\_\_\_\_  
My spouse's monthly gross income (unless a marital offense) is \$ \_\_\_\_\_  
My other monthly earnings (commissions, bonuses, interest income, etc.) are \$ \_\_\_\_\_  
The combined monthly income received by other members of my household is \$ \_\_\_\_\_  
Monthly Unemployment / Worker's Compensation, Social Security, Retirements, etc. \$ \_\_\_\_\_  
Child Support Payment(s)/Alimony Received \$ \_\_\_\_\_  
Other Monthly Income (be specific): \_\_\_\_\_ \$ \_\_\_\_\_

3a. TOTAL MONTHLY GROSS INCOME

\$ \_\_\_\_\_



**AFFIDAVIT OF SUBSTANTIAL  
HARDSHIP AND ORDER  
(Request for Court-Appointed Attorney and/or  
Waiver of Fees)**

Court Case Number

The monthly expenses I pay are:

Rent/Mortgage	\$	_____
Total Utilities: Gas, Electricity, Water, etc.	\$	_____
Food	\$	_____
Clothing	\$	_____
Health Care/Medical Insurance	\$	_____
Car Payment(s)/Transportation Expenses	\$	_____
Loan Payment(s)	\$	_____
Credit Card Payment(s)	\$	_____
Educational/Employment Expenses	\$	_____
Cell Phone Expenses	\$	_____
Other Expenses ( <i>be specific</i> ): _____	\$	_____

**3b. Subtotal** \$ \_\_\_\_\_

3c. Child Support Payment(s)/Alimony (Subtotal) \$ \_\_\_\_\_

3d. Exceptional Expenses (Subtotal) \$ \_\_\_\_\_

**3e. TOTAL MONTHLY EXPENSES (Add totals from 3b, 3c., & 3d. monthly only)** \$ \_\_\_\_\_

**Total Monthly Gross Income (3a.) minus Total Monthly Expenses (3e.)** \$ \_\_\_\_\_

**4. Assets**

My assets are as follows:

Cash on Hand/Bank (*or otherwise available such as stocks, bonds, certificates of deposit*) \$ \_\_\_\_\_

Equity in Real Estate (value of property less what you owe) \$ \_\_\_\_\_

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, TV, electronics, furnishing, jewelry, tools, guns, less what you owe) \$ \_\_\_\_\_

Other (*be specific*): \_\_\_\_\_ \$ \_\_\_\_\_

Do you own anything else of value? ☐ Yes ☐ No

(land, house, boat, TV, stereo, jewelry)

If so, describe: \_\_\_\_\_ \$ \_\_\_\_\_

Total Assets \$ \_\_\_\_\_

**5. Affidavit/Request**

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel, in addition to all or part of the costs associated with this case.

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(Judge/Clerk/Notary)

\_\_\_\_\_  
(Affiant's Signature)

\_\_\_\_\_  
(Print or Type Name)





**ORDER ON AFFIDAVIT OF  
SUBSTANTIAL HARDSHIP**  
(Request for Court-Appointed Attorney and/or  
Waiver of Fees)

Court Case Number

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

☐ STATE OF ALABAMA

☐ MUNICIPALITY OF \_\_\_\_\_ v. \_\_\_\_\_, Defendant

The Court has considered the Affiant's testimony, his or her poverty level as measured by the United States poverty guidelines and the potential for substantial hardship that payment by the Affiant would cause. IT IS, THEREFORE, ORDERED AND ADJUDGED BY THE COURT AS FOLLOWS:

☐ The request is **DENIED**.

☐ The Court finds that the Affiant is **NOT INDIGENT** pursuant to § 15-12-1, et seq., Ala. Code 1975.

☐ The case or situation is not one for which the request is applicable.

☐ Other (please specify): \_\_\_\_\_

☐ The Affiant is **INDIGENT**. Further, affiant has the following income level based on the United States poverty guidelines:

☐ at or below 125%; or

☐ greater than 125% but less than 200%. However, the Court finds that not providing indigent defense services would cause the Affiant substantial hardship; or

☐ greater than 200%. However, the Affiant is charged with a felony, and the Court finds that not providing indigent defense services would cause the Affiant substantial hardship.

☐ The following fees shall be assessed as follows:

☐ Ignition interlock device fees are waived.

☐ Payment of Expungement filing fees shall be waived and assessed at the conclusion of the case.

☐ Other (please specify): \_\_\_\_\_

☐ The request for appointment of counsel is **GRANTED**, and \_\_\_\_\_ is hereby appointed as counsel for the Defendant.

☐ The Affiant is able to contribute monetarily toward payment of the fees of his or her appointed counsel and/or the fees and costs of this case. Therefore, the Affiant is **ordered to pay \$** \_\_\_\_\_ to the clerk of court for his or her appointed attorney and \$ \_\_\_\_\_ toward his or her fees and costs. Said fees and costs shall be due as follows: \$ \_\_\_\_\_ monthly.

☐ Other (please specify): \_\_\_\_\_

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and other expenses, fees, and costs.

Done this \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of \_\_\_\_\_, Judge)  
(Printed Name)



**Defendant.**

Comes now \_\_\_\_\_, Attorney at Law,  
and enters this Notice of Appearance as attorney of record for the above  
named Defendant.

DATED this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

