

State Of Alabama Unified Judicial System Form CR-52 (front) Rev. 1/2019	EXPLANATION OF RIGHTS AND PLEA OF GUILTY (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 CIRCUIT COURT OF JEFFERSON COUNTY 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

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

Case Number _____

IN THE _____ CIRCUIT COURT OF _____ JEFFERSON COUNTY, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☒ STATE OF ALABAMA

☐ MUNICIPALITY OF _____ v. _____
Defendant

TO THE ABOVE-NAMED DEFENDANT:

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

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

which is a ☐ misdemeanor ☐ municipal ordinance violation.

In the event you plead guilty to the above offense, or if the court finds that you are guilty of the offense, the law provides for punishment by imprisonment, which may include hard labor, for not less than _____ nor more than _____ for this offense and/or by imposition of a fine of not less than \$ _____, nor more than \$ _____, including the following enhanced sentencing provisions: _____

If you have been sentenced to imprisonment for another crime, the sentence imposed in this case may run consecutively or concurrently with your other sentence. You will also be assessed court costs and may be ordered to pay restitution in an amount determined by the Court. In accordance with Section 15-23-17, Ala. Code 1975, if you are charged with a misdemeanor offense and plead guilty or are found guilty, you will be ordered to pay a victim's compensation assessment of not less than \$25.00 nor more than \$1,000.00. Further, you may be required to pay up to \$20.00 per day of costs of incarceration plus actual medical expenses incurred by you, pursuant to Section 14-6-22, Ala. Code 1975.

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

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

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

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

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

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

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

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

You have the right to stand trial on your plea of not guilty and the right to a public trial before a judge. In a trial, the judge would determine whether you are guilty, based upon the evidence in the case.

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

In the trial of your case, you will come into court presumed innocent and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the prosecution convinces the judge, beyond a reasonable doubt, of your guilt. The burden is upon the prosecution to convince the judge, from the evidence in the case, that you are guilty beyond a reasonable doubt. If the prosecution does not meet such burden of proof, you must be found not guilty. You will have not burden of proof whatsoever in your trial.

You have the right to enter a plea of "Guilty", "Not Guilty", "Not Guilty By Reason of Mental Disease or Defect," or "Not Guilty and Not Guilty By Reason of Mental Disease or Defect." **IF YOU PLEAD GUILTY TO THE OFFENSE, THERE WILL BE NO TRIAL BEFORE A JUDGE OF THIS COURT AND YOU WILL BE WAIVING THE RIGHTS LISTED ABOVE.**

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

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

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

If you have a right to appeal under one of the conditions above and you are determined by the court to be indigent, counsel will be appointed to represent you on appeal if you so desire and if the appeal is form a circuit court judgment or sentence, a copy of the record and the record and the reporter's transcript will be provided at no cost to you. If the appeal is from a municipal or district court, you have a right to demand a jury trial if you indicate your wish to assert this right on the Notice of Appeal.

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

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

Date

Judge

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

Date

Attorney for Defendant

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

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

Date

Defendant

PLEA AGREEMENT

Defendant's Name _____

Case Number _____ Count Number, if any _____

Indictment Charge _____ Amended Charge _____

Case Number _____ Count Number, if any _____

Indictment Charge _____ Amended Charge _____

Case Number _____ Count Number, if any _____

Indictment Charge _____ Amended Charge _____

Prior Felony Convictions _____

Sentence range under Habitual Offender Act: _____

Sentence range under Voluntary Guidelines: Straight _____ mos to _____ mos

Split Range _____ mos to _____ mos Prison: In/Out (Circle One)

Terms of Plea Agreement: _____

Cases or Counts to be Dismissed as part of Plea Agreement: _____

Restitution: \$ _____ Case # _____ Restitution: _____ Case # _____

Payable to: _____ Payable to: _____

Deputy District Attorney: _____ Date: _____

I have reviewed and discussed this offer with my client: _____

Defense Attorney: _____ Date: _____

I have discussed the offer with my attorney and understand that all conditions of the plea agreement are set out above in this single document. Moreover, this is the entirety of the agreement and no other promises have been made. I wish to:

Accept the offer: _____ Date: _____
Defendant's Signature

Reject the offer: _____ Date: _____
Defendant's Signature

PRINTED DEFENDANT'S NAME _____

"COURT'S EXHIBIT B"

STATE OF ALABAMA
VS.

IN THE CIRCUIT COURT OF
THE 10TH JUDICIAL CIRCUIT
OF ALABAMA

Defendant

Case(s) No. _____

**DEFENDANT'S STATEMENT OF SATISFACTION OF
SERVICES RENDERED BY HIS/HER ATTORNEY**

TO THE ABOVE-NAMED DEFENDANT:

1. Are you satisfied that your attorney, _____, is a competent, good attorney and has represented you to your best interest in the settlement of your case(s)?

Yes _____ No _____

2. Are you satisfied with the plea bargaining in your case(s)? Yes _____ No _____

3. Did you plead guilty of your own free will? Yes _____ No _____

4. Has anyone forced you or coerced you in any manner to get you to plead guilty in your case(s)?

Yes _____ No _____

5. Has anyone promised you anything to get you to plead guilty? Yes _____ No _____

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

DONE this the _____ day of _____, _____.

Defendant

Witness:

Circuit Judge

State of Alabama
Unified Judicial System

Form CR-9

Rev.3/95

**PLEA OF NOT GUILTY AND WAIVER OF
ARRAIGNMENT**

Case Number

IN THE _____ CIRCUIT COURT OF _____ JEFFERSON COUNTY, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☒ STATE OF ALABAMA v. _____, Defendant

Comes now, the defendant in the above-styled matter, and to the offense charged enters a plea of

- ☐ Not Guilty
☐ Not Guilty by Reason of Mental Disease or Defect
☐ Not Guilty by Reason of Mental Disease or Defect

Defendant acknowledges receipt of the copy of the charge against him/her and 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 upon the filing hereof to hereafter, but before trial or before such date as may be set by the court, to interpose any defenses, objections, or motions which the defendant had the right as a matter of law or rule to interpose in this cause, prior to the filing hereof.

Defendant's date of birth is _____ Defendant's age is _____

The defendant is not eligible for consideration by the court for youthful offender status as provided by law.

Date _____

Defendant _____

Date _____

Attorney for Defendant _____

This is to certify that I am the attorney for the defendant in this matter, and that I have fully explained this form and all matters set forth herein, and pertaining hereto, to the defendant. I further state to the court that I have explained to the defendant his right to be arraigned in person and his right to have me represent him at arraignment. I further certify to the court that my client hereby knowingly, voluntarily, and intelligently waives these rights after a full and complete explanation of each and every one of them to him/her by me. BOTH MYSELF AND THE DEFENDANT UNDERSTAND THAT I AM RESPONSIBLE FOR ASCERTAINING WHAT DATE, IF ANY, HAS BEEN SET BY THE COURT FOR THE MAKING OR FILING OF ANY DEFENSES, OBJECTIONS, OR MOTIONS. I FURTHER UNDERSTAND THAT I AM RESPONSIBLE FOR NOTIFYING MY CLIENT OF THE DATE HIS/HER CASE IS SET FOR TRIAL, AND THAT I HAVE ADVISED AND INFORMED HIM/HER THAT IN THE EVENT HE/SHE FAILS TO APPEAR ON THE DATE HIS/HER CASE IS SET FOR TRIAL, ALL APPROPRIATE LEGAL ACTION WILL BE TAKEN BY THE COURT AGAINST THE DEFENDANT AND HIS/HER BOND. I further certify to the court that I have advised my client that he/she is responsible for obtaining the date his/her case is set for trial in this matter and that in the event he/she fails to appear on the date his/her case is set for trial all appropriate legal action will be taken by the court against the defendant and his/her bond, and I hereby certify that the defendant knows that he/she is personally responsible for obtaining the date his/her case is set for trial and for being present in court on that date.

Date _____

Attorney for Defendant Signature _____

I certify that I served a copy of the foregoing plea and waiver of arraignment on the Prosecutor by mailing/delivering a copy of the same to him/heron:

Printed or Typed Attorney's Name _____

Date _____

Address _____

This is to certify that my attorney has explained each and every matter and right set forth in this form and I have completely and fully read and do understand each and every matter set forth in this form. I further state to the court that I do not wish to be personally present at an arraignment in this case and that I do not want to have an attorney represent me at an arraignment and WITH FULL KNOWLEDGE OF EACH OF THESE RIGHTS, I HEREBY EXPRESSLY WAIVE SUCH RIGHTS. I further state to the court that I have been informed of the charge against me and have received a copy of the charge.

Date _____

Defendant Signature _____

Filed in office this date _____

Clerk _____ By _____

Alabama Sentencing Commission <i>Presumptive Sentencing Standards</i>	EXPLANATION OF RIGHTS AND PLEA OF GUILTY (Presumptive Sentencing Standards – Circuit or District Court) (For Offenses sentenced on or after October 1, 2013)	Case Number _____ Count _____ (count #, if Applicable)																									
IN THE <u>CIRCUIT</u> <u>COURT OF JEFFERSON COUNTY</u> , ALABAMA (Circuit or District) (Name of County) STATE OF ALABAMA v. _____ <div style="text-align: center;">Defendant</div>																											
<p>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.</p> <p style="text-align: center;"><u>PENALTIES APPLICABLE TO YOUR CASE</u></p> <p>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:</p> <p style="margin-top: 20px;">The sentence range for any departure from the presumptive sentence range for the above crime(s) is set out below:</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 15%;">Prior Felonies This Offense</th> <th style="width: 15%;">No Prior Felonies</th> <th style="width: 15%;">One Prior Felonies</th> <th style="width: 15%;">Two Prior Felonies</th> <th style="width: 15%;">Three Prior Felonies</th> </tr> </thead> <tbody> <tr> <td>Class C Felony</td> <td>1 Yr. & 1 Day – 10 Years In State Penitentiary (Up to 3 yrs may be in Co. jail) Fine up to \$15,000</td> <td>2 – 20 Years In State Penitentiary (Up to 3 yrs may be in Co. jail) Fine up to \$30,000</td> <td>10 – 99 Years In State Penitentiary Fine up to \$60,000</td> <td>15 – 99 Years or Life In State Penitentiary Fine up to \$60,000</td> </tr> <tr> <td>Class B Felony</td> <td>2 – 20 Years In State Penitentiary (Up to 3 yrs may be in Co. jail) Fine up to \$30,000</td> <td>10 – 99 Years or Life In State Penitentiary Fine up to \$60,000</td> <td>15 – 99 Years or Life In State Penitentiary Fine up to \$60,000</td> <td>Mandatory Life Imprisonment or any term of not less than 20 years, Fine up to \$60,000</td> </tr> <tr> <td>Class A Felony (No prior convictions for any Class A Felony)</td> <td>10 – 99 Years or Life In State Penitentiary Fine up to \$60,000</td> <td>15 – 99 Years or Life In State Penitentiary Fine up to \$60,000</td> <td>Life Imprisonment or any term of years not less than 99 Fine up to \$60,000</td> <td>Mandatory Imprisonment for Life or Life Imprisonment without possibility of parole, Fine up to \$60,000</td> </tr> <tr> <td>Class A Felony (One or more prior convictions for any Class A Felony)</td> <td>10 – 99 Years or Life In State Penitentiary Fine Up to \$60,000</td> <td>15 – 99 Years or Life In State Penitentiary Fine up to \$60,000</td> <td>Life Imprisonment or any term of years not less than 99 Fine up to \$60,000</td> <td>Mandatory Imprisonment for life without possibility of parole Fine up to \$60,000</td> </tr> </tbody> </table>			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 (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
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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. You attorney cannot disclose any confidential talks he/she has had with you. You are not required to answer any questions. If you do answer questions knowing that you have a right to remain silent, you will have waived this right. You have the right to enter, and continue to assert, a plea of "Not Guilty" or "Not Guilty by Reason of Mental Disease or Defect," and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed to trial, you would have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront and cross examine your accuser(s) and all the State's witnesses, you would have the right to subpoena witnesses to testify on your behalf and to have their attendance in court and their testimony required by the court, and you would have the right to take the witness stand and to testify, but only if you choose to do so, as no one can require you to do this. If you elect to testify, you can be cross examined by the State, just as any other witness is subjected to cross examination. If you decide not to testify, no one but your attorney will be allowed to comment about that fact to the jury. Your attorney is bound to do everything he/she can, honorably and reasonably, for you to obtain a fair and impartial trial. If you elect to proceed to trial, you come to court presumed to be innocent. This presumption of innocence will follow you throughout the trial until the State produces sufficient evidence to convince the jury (or the court if the trial is non-jury) of your guilt beyond a reasonable doubt. You have no burden of proof in this case. If the State fails to meet its burden, you would be found not guilty. If you are entering a guilty plea to a charge for which you have not yet been indicted, you are waiving indictment by a grand jury and you will be pleading guilty to a charge preferred against you by a District Attorney's Information filed with the court. If you are not a United States citizen, a guilty plea may subject you to adverse immigration consequences, including deportation (See 8 U.S.C. §1227), exclusion from reentry to the United States and amnesty, and that the appropriate consulate may be informed of the plea and conviction.

DEPARTURE SENTENCE (Check if applicable)

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

WAIVER

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

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

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

Case Number

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
(Circuit or District) (Name of County)

STATE OF ALABAMA v.
Defendant

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

PENALTIES APPLICABLE TO YOUR CASE

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

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

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

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

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

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

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

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

***Enhanced Punishment for Class D felonies**

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

- ☐ **Drug Demand Reduction Assessment Act and Loss of Driving Privileges:** Section 13A-12-281 provides that any person convicted of a violation of Sections 13A-12-202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-215 or 13A-12-231, Ala. Code 1975, shall be assessed an additional penalty of \$1,000 if he or she is a first-time offender or \$2,000 if he or she is a repeat offender under one of these sections. Collection of all or part of the penalty will be suspended if, with court approval, the defendant enters a drug rehabilitation program and if the defendant agrees to pay for a part or all of the program costs. Upon successful completion of the program, the defendant may apply to the court to reduce the penalty by the amount actually paid by him or her for participation in the program. Any suspension of the penalty can be withdrawn by the court if the defendant fails to enroll in or successfully pursue or otherwise fail to complete an approved program. **Loss of Driving Privileges:** Pursuant to Section 13A-12-291, Ala. Code 1975, a driver's license shall be suspended for six months for a conviction for any of the following: attempting to commit, criminally conspiring to commit, criminal solicitation to commit, or committing the crime of trafficking in specified substances under Section 13A-12-231; attempting to commit, criminal solicitation to commit, or committing the crime of unlawful possession with intent to distribute a controlled substance under subsections (c) and (d) of Section 13A-12-211. Suspension of a driver's license for a conviction of driving under the influence of a controlled substance or under the combined influence of a controlled substance and alcohol shall be governed by Section 32-5A-191, the DUI law.
- ☐ **Alcohol/Drug Related Offenses:** A person convicted of an alcohol or drug-related offense will be required to undergo an evaluation for substance abuse. Based upon the results of any such evaluation, he or she will be required to complete the recommended course of education and/or treatment and to pay for the evaluation and any program to which the defendant is referred. Failure to submit to an evaluation or failure to complete any program to which the defendant may be referred will be considered a violation of any probation or parole he or she may be granted. The defendant may also be required to attend monitoring sessions, including random drug and alcohol testing or blood, urine and/or breath tests and to pay a fee for this service. The defendant may request a waiver of part or all of the fees assessed if he or she is indigent or for any portion of time he or she is financially unable to pay. Community service may be ordered by the court in lieu of the monetary payment of fees by an indigent.
- ☐ **Enhanced Punishment for a Criminal Sex Offense:** A person convicted of a sex offense is required to comply with the requirements of the Alabama Sex Offender Registration and Notification Act (Section 15-20A-1, et seq., Ala. Code, 1975).
- ☐ **Drug Trafficking Offenses:** Convictions for an offense under §13A-12-231, Code of Alabama 1975, include mandatory minimum terms of incarceration and a mandatory fine. Convictions for drug trafficking while in possession of a firearm includes an additional mandatory period of incarceration of 5 years and a mandatory fine of \$25,000.
- ☐ **DUI Offenses:** Pursuant to 32-5A-191.4, Code of Alabama 1975, persons convicted of driving under the influence are subject to installation of an ignition interlock devices on motor vehicles. Pursuant to Section 32-5A-191, Ala. Code 1975, a conviction for driving under the influence carries a mandatory driver's license suspension.
- ☐ **Drug Possession:** If any person is convicted in any court of this state for drug possession, drug sale, drug trafficking, or drug paraphernalia offenses as defined in Section 13A-12-211 to 13A-12-260, inclusive, Ala. Code 1975, an additional fee of \$100.00 will be assessed pursuant to Section 36-18-7, Ala. Code 1975.
- ☐ **Other:** _____

RIGHTS YOU HAVE AND THE WAIVER OF YOUR RIGHTS

Under the Constitution of the United States and the Constitution and laws of the State of Alabama, you have a right to remain silent and you may not be compelled to give evidence against yourself. Your attorney cannot disclose any confidential talks he/she has had with you. You do not have to answer any questions. If you do answer questions knowing that you have a right to remain silent, you will have waived this right.

You have the right to enter, or stand on if previously entered, a plea of "Not Guilty" or "Not Guilty by Reason of Mental Disease or Defect," or "Not Guilty and Not Guilty by Reason of Mental Disease or Defect" and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed to trial, you would have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront and cross examine your accuser(s) and all the State's witnesses, you would have the right to subpoena witnesses to testify on your behalf and to have their attendance in court and their testimony required by the court, and you would have the right to take the witness stand and to testify, but only if you chose to do so, as no one can require you to do this. If you elect to testify, you can be cross examined by the State just as any other witness is subject to cross examination. If you elect not to testify, no one but your attorney will be allowed to comment about that fact to the jury. Your attorney is bound to do everything he/she can honorably and reasonably do to see that you obtain a fair and impartial trial.

If you elect to proceed to trial, you come to court presumed to be innocent. This presumption of innocence will follow you throughout the trial until the State produces sufficient evidence to convince the jury (or the court if the trial is non-jury) of your guilt beyond a reasonable doubt. You have no burden of proof in this case. If the State fails to meet its burden, you would be found not guilty.

If you are entering a guilty plea to a charge for which you have not yet been indicted, you are waiving indictment by a grand jury and you will be pleading guilty to a charge preferred against you by a District Attorney's Information filed with the court.

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

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

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

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

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

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

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

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

Date_____
Judge**ATTORNEY'S CERTIFICATE**

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

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

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

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

Date_____
Defendant