

State of Alabama
Unified Judicial System
10th Circuit
Jefferson County

CASE ACTION SUMMARY
CONTINUATION

Case Number

DC
ID YR Number

Style: **State of Alabama v.**

Defendant's Request to Plead Guilty

I, _____, the Defendant in this case asks the Court to accept my plea of guilty to the charge of: _____

I waive my right to have an attorney represent me.

I understand the elements of the charge(s) against me and possible range of punishment(s).

I understand and agree to the terms and conditions of the plea of guilty as set out below.

Date: _____

DEFENDANT

*****GUILTY PLEA and SENTENCE*****

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

The Court hereby imposes punishment at a fine of \$ _____ and the costs of Court, and that the Defendant is ordered to perform hard labor for Jefferson County for _____. Said labor sentence is suspended and the Defendant is placed on unsupervised probation for a period of _____. As a condition of the probation, the Defendant is Ordered:

1. Not to commit an additional crimes while on probation.
2. Pay the costs of the Court to include:
 - () Restitution in the amount of \$ _____ to the Clerk of the District Court for the use and benefit of: _____
 - () Court appointed attorney fees of \$ _____
 - () Crime Victim's Compensation fees of \$ _____
 - () Court Costs are retaxed.
3. To perform, for the benefit of the people of Jefferson County, community service work for a period of _____ hours.
4. The Defendant is further Ordered to : _____

The Defendant has fourteen (14) days to appeal.

This case is passed until _____ for the payment of any fines. Court Costs, restitution or for compliance of Order(s).

Done and Ordered this the _____ day of _____, 20 _____.

DISTRICT COURT JUDGE

COURT'S EXHIBIT "B"

STATE OF ALABAMA

IN THE DISTRICT COUNTY OF JEFFERSON COUNTY,
ALABAMA

vs.

CASE NO.: DC _____

DEFENDANT'S STATEMENT OF SATISFACTION OF SERVICES RENDERED BY ATTORNEY
TO THE ABOVE NAMED DEFENDANT:

1. Are you satisfied that your attorney, _____, is a competent, good attorney and has represented you to your best interest in the settlement of this cases/cases?

Yes _____ No _____

2. Are you satisfied with the plea bargain in this case/cases?

Yes _____ No _____

3. Did you plead guilty of your own free will?

Yes _____ No _____

4. Has anyone forced or coerced you in any manner to get you to plead guilty in this case/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 and 3, and "no" to questions 4 and 5, sign this form indicating your attorney has looked to your best interest and your agreement with this Statement of Satisfaction.

Defendant

Witness:

District Judge

CASE ACTION SUMMARY
CONTINUATION

Case Number

DC
ID

YR

Number

Style: State of Alabama v.

DATE

JUDGES ORDER

MOTION FOR REDUCTION OF CHARGE

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

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

DEPUTY DISTRICT ATTORNEY

DEFENDANT

DEFENDANT'S ATTORNEY

*****GUILTY PLEA and SENTENCE*****

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

The Court hereby imposes punishment at a fine of \$ _____ and the costs of Court, and that the Defendant is ordered to perform hard labor for Jefferson County for _____. Said labor sentence is suspended and the Defendant is placed on unsupervised probation for a period of _____. As a condition of the probation, the Defendant is Ordered:

1. Not to commit an additional crimes while on probation.
2. Pay the costs of the Court to include:
 - () Restitution in the amount of \$ _____ to the Clerk of the District Court for the use and benefit of: _____
 - () Court appointed attorney fees of \$ _____
 - () Crime Victim's Compensation fees of \$ _____
 - () Court Costs are retaxed.
3. To perform, for the benefit of the people of Jefferson County, community service work for a period of _____ hours.
4. The Defendant is further Ordered to : _____

The Defendant has fourteen (14) days to appeal.

This case is passed until _____ for the payment of any fines. Court Costs, restitution or for compliance of Order(s).

Done and Ordered this the _____ day of _____, 20 _____.

DISTRICT COURT JUDGE

PROPOSED PLEA AGREEMENT

Defendant's name: _____

Case No.: _____ Indictment Charge _____ Amended Charge _____

Case No.: _____ Indictment Charge _____ Amended Charge _____

Case No.: _____ Indictment Charge _____ Amended Charge _____

Prior Felony Convictions: _____

Sentence Range under Habitual Felony Offender Act: _____

Sentence Range under Voluntary Guidelines: Straight _____ months to _____ months

Split Range _____ months to _____ months 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: _____

Date: _____

Deputy District Attorney

.....
I have reviewed and discussed this offer with my Client.

Date: _____

Defense Attorney

I have discussed this offer with my attorney and I wish to:

Accept the offer _____ Date: _____

Reject the offer _____ Date: _____

COURT'S EXHIBIT "B"

STATE OF ALABAMA

IN THE DISTRICT COUNTY OF JEFFERSON COUNTY,
ALABAMA

vs.

CASE NO.: DC _____

DEFENDANT'S STATEMENT OF SATISFACTION OF SERVICES RENDERED BY ATTORNEY
TO THE ABOVE NAMED DEFENDANT:

1. Are you satisfied that your attorney, _____, is a competent, good attorney and has represented you to your best interest in the settlement of this cases/cases?

Yes _____ No _____

2. Are you satisfied with the plea bargain in this case/cases?

Yes _____ No _____

3. Did you plead guilty of your own free will?

Yes _____ No _____

4. Has anyone forced or coerced you in any manner to get you to plead guilty in this case/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 and 3, and "no" to questions 4 and 5, sign this form indicating your attorney has looked to your best interest and your agreement with this Statement of Satisfaction.

Defendant

Witness:

District Judge

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

Case Number _____

IN THE _____ COURT OF _____, ALABAMA
(Circuit or District) (Name of County)
STATE OF ALABAMA v. _____
Defendant

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

PENALTIES APPLICABLE TO YOUR CASE

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

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

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

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

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

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

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

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

***Enhanced Punishment for Class D felonies**

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

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

RIGHTS YOU HAVE AND THE WAIVER OF YOUR RIGHTS

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

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

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

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

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

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

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

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

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

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

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

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

Date

Judge

ATTORNEY'S CERTIFICATE

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

Date

Attorney

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

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

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

Date

Defendant

COURT'S EXHIBIT "B"

STATE OF ALABAMA

IN THE DISTRICT COUNTY OF JEFFERSON COUNTY,

vs.

ALABAMA

CASE NO.: DC _____

**DEFENDANT'S STATEMENT OF SATISFACTION OF SERVICES RENDERED BY ATTORNEY
TO THE ABOVE NAMED DEFENDANT:**

1. Are you satisfied that your attorney, _____, is a competent, good attorney and has represented you to your best interest in the settlement of this cases/cases?

Yes _____ No _____

2. Are you satisfied with the plea bargain in this case/cases?

Yes _____ No _____

3. Did you plead guilty of your own free will?

Yes _____ No _____

4. Has anyone forced or coerced you in any manner to get you to plead guilty in this case/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 and 3, and "no" to questions 4 and 5, sign this form indicating your attorney has looked to your best interest and your agreement with this Statement of Satisfaction.

Defendant

Witness:

District Judge

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

PROPOSED PLEA AGREEMENT

Defendant's name: _____

Case No.: _____ Indictment Charge _____ Amended Charge _____

Case No.: _____ Indictment Charge _____ Amended Charge _____

Case No.: _____ Indictment Charge _____ Amended Charge _____

Prior Felony Convictions: _____

Sentence Range under Habitual Felony Offender Act: _____

Sentence Range under Voluntary Guidelines: Straight _____ months to _____ months

Split Range _____ months to _____ months 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: _____

Date: _____

Deputy District Attorney

.....
I have reviewed and discussed this offer with my Client.

Date: _____

Defense Attorney

I have discussed this offer with my attorney and I wish to:

Accept the offer _____ Date: _____

Reject the offer _____ Date: _____

Alabama Sentencing Commission
Presumptive Sentencing Standards

**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 _____
DC- _____
Count _____
(count if Applicable)

IN THE DISTRICT 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. 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 _____ months, with, when prison is imposed, an incarceration portion of a split sentence from _____ to _____ months. The 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 (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.

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 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 complete 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 36-13-7, 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 \$1,600 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 enter, 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 me, 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 written 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 B"

STATE OF ALABAMA

VS

IN THE DISTRICT COURT OF

JEFFERSON COUNTY, ALABAMA

CASE NO. DC _____

DEFENDANT'S STATEMENT OF SATISFACTION OF
SERVICES RENDERED BY ATTORNEY

TO THE ABOVE NAMED DEFENDANT:

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

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

Defendant

Witness:

District Judge

(Revised 11-9-04)

IN THE DISTRICT COURT OF JEFFERSON COUNTY

STATE OF ALABAMA

vs.

AGE: _____

DISTRICT COURT NO: _____

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

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

Respectfully,

Date: _____

Defendant

Date: _____

Attorney

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

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

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

The defendant is represented by: _____ an attorney at law.

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

Date: _____

Judge, District Court of Jefferson County

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

Date: _____

Defendant

Date: _____

Attorney

PROPOSED PLEA AGREEMENT

Defendant's name: _____

Case No.: _____ Indictment Charge _____ Amended Charge _____

Case No.: _____ Indictment Charge _____ Amended Charge _____

Case No.: _____ Indictment Charge _____ Amended Charge _____

Prior Felony Convictions: _____

Sentence Range under Habitual Felony Offender Act: _____

Sentence Range under Voluntary Guidelines: Straight _____ months to _____ months

Split Range _____ months to _____ months Prison: IN / OUT (circle one)

Terms of Plea Agreement: _____

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

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

Payable to: _____

_____ Date: _____

Deputy District Attorney

.....
I have reviewed and discussed this offer with my Client.

_____ Date: _____

Defense Attorney

I have discussed this offer with my attorney and I wish to:

Accept the offer _____ Date: _____

Reject the offer _____ Date: _____

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) 917-3730

STATE PROBATION OFFICE
2176 Parkway Lake Dr
Hoover, AL 35244

Telephone: (205) 872-1308

() JAIL

() BOND

CHARGE(S) _____ CONVICTED _____

Date of Conviction or Plea _____

Sentence _____ Sentence Deferred Until Hearing Date () _____

Sentences: _____ 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



TENTH JUDICIAL CIRCUIT OF ALABAMA

801 Richard Arrington Jr. Blvd. North
Criminal Justice Center, Room 205
Birmingham, Alabama 35203

Katrina Ross
District Judge

Telephone
(205) 325-5296
Fax
(205) 325-4809

COMMUNITY SERVICE

Defendant's Name: _____

Case Number: _____

Number of Hours to complete: _____

You must have service completed by: _____

Verification of the community service to be furnished to the Court
by either:

Bringing in person to Court

Faxing: (205) 325-4809

Or Scan and Email to: lindy.roy@alacourt.gov

**Birmingham Humane Society Animal Care
and Control**

6227 5th Avenue North
Birmingham, AL 35212
(205) 591-6522 ext 0

Crossroads to Intervention

181 West Valley Avenue
Suite 106
Birmingham, AL 35209
(205) 202-5620

Birmingham Humane Society

300 Snow Drive
Birmingham, AL 35209
(205) 942-1211 ext 0

Community Food Bank of Central Alabama

107 Walter Davis Drive
Birmingham, AL 35209
(205) 942-8911

Habitat of Humanity Store

7952 Crestwood Blvd.
Birmingham, AL 35210
(205) 951-1234

Noble Work - Building homes for veterans

2215 Hwy. 78, Suite 220
Dora, AL 35062
(205) 255-6790

PROPOSED PLEA AGREEMENT

Defendant's name: _____

Case No.: _____ Indictment Charge _____ Amended Charge _____

Case No.: _____ Indictment Charge _____ Amended Charge _____

Case No.: _____ Indictment Charge _____ Amended Charge _____

Prior Felony Convictions: _____

Sentence Range under Habitual Felony Offender Act: _____

Sentence Range under Voluntary Guidelines: Straight _____ months to _____ months

Split Range _____ months to _____ months 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: _____

Date: _____

Deputy District Attorney

.....
I have reviewed and discussed this offer with my Client.

Date: _____

Defense Attorney

I have discussed this offer with my attorney and I wish to:

Accept the offer _____ Date: _____

Reject the offer _____ Date: _____