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**IN THE CIRCUIT COURT OF THE STATE OF OREGON**

STATE OF OREGON,

Plaintiff,

Vs.

**CASE NO:** \_\_\_\_\_

**CHARGE(s):**

\_\_\_\_\_,

Defendant

**PETITION TO ENTER PLEA OF  
GUILTY OR NO CONTEST AND  
ORDER FOR PARTICIPATION  
IN WELLNESS COURT**

The above-named Defendant respectfully represents to the Court as follows:

1. My true name is \_\_\_\_\_.

2. I am \_\_\_ years of age; my date of birth is \_\_\_\_\_.

\_\_\_\_\_ I read, write and understand the English language.

\_\_\_\_\_ I do not read, write and understand the English language, however I have had the assistance of a qualified interpreter for this case and plea.

3. I request all proceedings against me to be had in the name which I have hereby declared to be my true name.

4. I am represented by counsel and the name of my attorney is \_\_\_\_\_.  
I have received a copy of the complaint/information/indictment before being called upon to plead and have read the same, discussed it with my attorney and fully understand all charges made against me.

5. I have told my attorney all the facts and surrounding circumstances as known to me concerning the matters mentioned in the complaint/information/indictment and believe that my attorney is fully informed as to all such matters. My attorney has since informed me and has counseled and advised with me at length as to the nature and cause of each accusation against me as set forth in the complaint/information/indictment and as to any possible defenses I might have in this case.

6. My attorney has advised me as to the maximum punishment which the law provides for the offense charged in the complaint/information/indictment as follows:

Count 1: \$	Fine	Year(s) Imprisonment
Count 2: \$	Fine	Year(s) Imprisonment
Count 3: \$	Fine	Year(s) Imprisonment

1 I have also been advised, if I am pleading to a felony, that under Oregon Sentencing  
2 Guidelines the potential period of incarceration is determined by relating the crime  
3 severity of the crime of conviction to the criminal history scale. I have also been advised  
4 that is the court finds substantial and compelling reasons may impose either more or less  
5 time than is called for in the presumptive grid block range. An upward durational  
6 departure from presumptive incarceration term shall not total more than double the  
7 maximum duration of the presumptive incarceration term. I also have been advised as  
8 to the possibility of consecutive sentences being imposed.

9  
10 7. I understand that I am not required to plead guilty or no contest and may plead not guilty  
11 if I choose. If I plead not guilty, I understand I am entitled to a speedy trial before a jury  
12 of my peers; that I have the right to call witnesses in my behalf and at no expense to me,  
13 and that any such witnesses so called would be compelled to appear and testify; that I  
14 have an absolute right to confront any witness that would testify against me and cross  
15 examine such witness; that I need not take the witness stand or give any testimony against  
16 myself; that the sole burden of proof is upon the State of Oregon to establish my guilt  
17 which must be established beyond a reasonable doubt and to a moral certainty; that I  
18 have a right to the assistance of a lawyer for my defense at all stages of the proceedings,  
19 including a lawyer at State expense if I cannot afford one. I understand that by pleading  
20 guilty I give up these rights.

21  
22 8. I also understand that a prior criminal record could not be used against me except for  
23 impeachment purposes; that any admissions, statements or confessions which I may  
24 have made or any evidence obtained by virtue of a search and seizure of my property may  
25 well be inadmissible against me in evidence unless my constitutional rights have been  
26 safeguarded, which rights have been explained to me I understand that if I would like to  
27 speak to an attorney concerning my constitutional rights that the Court will grant me time  
28 for that purpose.

9. I declare that no officer or agent of any branch of government nor any lawyer or any other  
person has made any promise to me, or within my knowledge to anyone else, that I would  
receive a lighter sentence or any other form of leniency by pleading guilty or no contest  
with the exception that:

**[Enter plea agreement terms]**

10. Upon successful completion of the Wellness Court program, the plea agreement is as  
follows: \_\_\_\_\_ **[disposition of charges].**

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11. If I am unsuccessful and as a result, terminated from the Wellness Court program prior to successful completion, the plea agreement is as follows: \_\_\_\_\_ **[disposition of charges]** \_\_\_\_\_.
  12. I fully understand that the actual sentence is up to the Court, no matter what any recommendations may be.
  13. I believe that my attorney has done all that anyone could do to counsel and assist me and that there is nothing about the proceedings in this case against me which I do not fully understand. I am satisfied with the advice and help my attorney has given me.
  14. I know that the Court will not permit anyone who claims to be innocent to plead guilty and with that in mind and because I am guilty and make no claim of innocence, I wish to plead guilty and respectfully request the Court to accept my plea of guilty. Or, if I am pleading no contest, I am saying that I do not contest that the State has evidence of my guilt and wish to have the conviction entered without admitting guilt.
  15. I know if I claim to be innocent, the court will not accept my guilty plea. I am pleading to the crime(s): \_\_\_\_\_.
  16. I have taken no drink or drug nor anything else which would in any way impair my judgment at this time, and I feel that I am now fully alert and that in executing this petition I am doing so knowingly and voluntarily and offer my plea of my own free will and accord with a full understanding of all the matters set forth in the complaint/information/indictment and in this petition.
  17. The factual basis of my guilty plea is: \_\_\_\_\_.
  18. I now pray the Court to enter my plea of \_\_\_\_\_ in reliance upon my representations and the fact that there is a factual basis for my plea and the State possesses evidence which may lead a jury to find that I am guilty if I stand trial. I believe it to be in my best interest that I now so declare and plead.
  19. I have been advised by my attorney that a criminal conviction may result in deportation, exclusion from admission to the United States or denial of naturalization if I am not a U.S. citizen.
  20. I understand that if I am not a citizen of the United States and am pleading guilty to a crime which is considered as aggravated felony under 8 USC 1101 this conviction will result in removal proceedings against me unless the United States Attorney General or his designee choose not to pursue removal. I also understand that this conviction will result in a change in my immigration status.
  21. In addition to the sentence imposed, I understand that there may be other significant consequences if I enter a "Guilty" or "No Contest" plea, including but not limited to, a

prohibition from leaving the state without first requesting transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

22. I understand that if I enter a plea of “Guilty” or “No Contest” to an offense involving domestic violence, as defined in ORS 135.230, and am convicted of the offense, federal law may prohibit me from possessing, receiving, shipping, or transporting any firearm or firearm ammunition and that the conviction may negatively affect my ability to serve in the Armed Forces of the United States as defined in ORS 348.282 or to be employed in law enforcement.

23. I agree that if I withdraw or if a court later reverses, vacates, or sets aside my plea of “Guilty” or “No Contest” in this case, the court will reinstate any charge(s) that were dismissed in return for my plea and the district attorney no longer will be bound by any promises made to me in exchange for my plea. If the court reinstates the charge(s), I waive the statute of limitations and any statutory or constitutional speedy trial or double jeopardy rights applicable to the dismissed charges.

***24. I hereby acknowledge that my attorney or the Court has furnished me with a Notice and Advice of Right to Appeal pursuant to ORS 137.020 (5).***

Signed by me in open Court on:

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

DEFENDANT

#### **CERTIFICATE OF COUNSEL**

The undersigned, as attorney for the Defendant above named hereby certifies as follows:

1. That I have read and fully explained to the Defendant the allegations contained in the complaint/information/indictment in this case.
2. That I have explained to defendant the maximum and minimum penalties that could be imposed for each charge and for all charges together.
3. That to the best of my knowledge and belief the statements, representations and declarations made by the Defendant in the foregoing petition are in all respects accurate and true.
4. That the plea of guilty or no contest as offered by the Defendant in the foregoing petition and stipulation to a factual basis for this plea as related to me by the Defendant is consistent with my advice to the Defendant.



1 To perfect your appeal, you or your attorney must do the following: (1) prepare a written and  
2 signed notice of appeal, (2) file the Original, signed notice of appeal and proof of service on the  
3 parties with the State Court Administrator, Appellate Court Records Section, 1163 State Street,  
4 Salem, Oregon 97301-2563, and (3) serve copies of the notice of appeal with all parties including  
5 the district attorney and the trial court administrator.

6 During your appeal, you may ask the trial court to release you from custody or stay your financial  
7 obligations. This is discretionary with the trial court and may be with any conditions that the trial  
8 court decides to impose.

9 There is no filing fee for criminal cases, but there may be a filing fee for appeals of other types of  
10 cases. You may contact the Court of Appeals for information regarding those fees at (503) 986-5555.

11 \* \* \* **ORDER** \* \* \*

12 This Court Finds:

- 13 1. Good cause appearing therefore from the foregoing petition of the defendant above  
14 named, and the certificate of Defendant's counsel and from all proceedings  
15 heretofore had in this case;
- 16 2. Defendant's Wellness Court Petition, Waiver & Agreement has been voluntarily  
17 signed and accepted by the Court;
- 18 3. Defendant's plea of guilty is voluntarily, intelligently, and knowingly made;
- 19 4. Defendant's waiver of counsel, if proceeding without an attorney, is voluntarily,  
20 intelligently, and knowingly made.

21 IT IS HEREBY ORDERED AND ADJUDGED by the Court that the petition be granted and  
22 that the Defendant's plea(s) of:

23 [ ] GUILTY be accepted and entered as prayed in the above petition and as  
24 recommended by the certificate of counsel;

25 [ ] NO CONTEST be accepted and entered as prayed in the aforesaid petition and as  
26 recommended by the certificate of counsel.

27 **IT IS SO ORDERED by the Court that Defendant enters and completes the  
28 Jackson County Wellness Court Program.**

Date/Circuit Court Judge Signature: \_\_\_\_\_