

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

STATE OF OREGON)	
)	Case Number _____
) Plaintiff,	
v.)	
_____) Defendant.	PETITION TO ENTER PLEA OF GUILTY OR NO CONTEST
)	Misdemeanor Charge or Charges

The Defendant hereby states his/her intention to plead GUILTY* to the following charge or charges:

Count	Charge or Charges	Class

My Rights: I understand that I may plead Not Guilty to any offense charged against me. If I choose to plead Not Guilty, the Constitution guarantees me:

- a. the right to a speedy and public trial by jury; this jury would consist of six persons and the state would have to convince all six beyond a reasonable doubt before I could be convicted of the offense(s);
- b. the right to face, in open court, all witnesses called to testify against me; the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor;
- c. the right to have the assistance of a lawyer at all stages of the proceedings and, if I cannot afford an attorney, the court will appoint one to represent me; and
- d. the right to take the witness stand at my sole option, the district attorney cannot force me to testify against myself, and, if I do not take the witness stand, the jury will be told that this may not be held against me or will be told nothing, at my option.

The Potential Penalties and Consequences: I understand that if I plead Guilty or No Contest I give up the above rights. I know that if I plead Guilty or No Contest, the maximum possible sentence is as follows:

- Class A Misdemeanor: One year in jail and/or a fine of \$6,250.00. Minimum Fine: \$ _____
- Class B Misdemeanor: Six months in jail and/or a fine of \$2,500.00.
- Class C Misdemeanor: 30 days in jail and/or a fine of \$1,250.00.
- There may be additional statutory fees, assessments and potential driver's license suspension or revocation.
- If community service is a part of the sentence, I consent to that service.
- If I am not a citizen of the United States, I understand that conviction of a crime may result, under the laws of the United States, in deportation, exclusion from admission to the United States, or denial of naturalization.
- If I plead guilty to a crime involving domestic violence, federal law may prohibit me from possessing, receiving, shipping, or transporting any firearm or firearm ammunition, and the conviction may negatively affect my ability to serve in the Armed Forces of the United States or to be employed in law enforcement.
- I understand that if I am presently on probation, parole and/or post-prison supervision, that by pleading guilty in this case, this may cause revocation of my probation or parole, and/or post-prison supervision in the other cases. I further understand that if my probation, parole or post-prison supervision is revoked, any sentence in that case may be consecutive to or in addition to any sentence in this case.
- I understand each of the additional matters on the reverse side of this petition.

I offer my plea or pleas of guilty or no contest freely and voluntarily. I certify that I fully understand all matters set forth in the complaint and in this petition. I acknowledge that there is a basis in fact for the guilty plea(s). I acknowledge receipt of the advice of right to appeal set forth on the reverse side of this document.

Date: _____ Signed: _____

Address: _____

Attorney: _____

* Substitute "NO CONTEST" if applicable.

PLEA NEGOTIATION AND SENTENCING

(Reverse side of Petition, including copies)

VOLUNTARINESS OF MY PLEA; PLEA NEGOTIATIONS:

- **Sentencing Recommendations:** I know that, unless there is a stipulated plea and sentence, the court is not bound by sentencing recommendations made by either side. The sentence is up to the judge. Where there are multiple crimes, the court has full discretion to impose sentences to run together (concurrently) or one after the other (consecutively).
- **Stipulated Pleas and Sentence.** If the district attorney and my attorney are presenting the judge with an agreed upon or "stipulated" recommendation sentence, and I am entering a guilty plea based on that agreed upon recommendation, the court must impose the sentence recommended and agreed upon, so long as the judge determines that I am acting voluntarily, there is a factual basis for the plea and the recommended sentence is otherwise appropriate. If the judge determines that the agreed sentencing recommendation is inappropriate in a particular case, the judge will so advise the parties and allow me an opportunity to withdraw my plea or pleas.
- **Satisfaction with services of counsel.** I AM SATISFIED WITH THE ADVICE AND HELP MY ATTORNEY HAS GIVEN ME. I recognize that if I have been told by my attorney that I might receive probation or a light sentence, this is merely his or her prediction and, except as noted above, is not binding on the court.
- **Factual Basis for the Plea(s).** I plead GUILTY. I ask that the court accept that plea or pleas and assure the court that I am IN FACT guilty of the crime or crimes to which I am pleading guilty.

RIGHT TO APPEAL

Following your conviction of an offense and entry of judgment of conviction, you have the right to appeal from a judgment that:

- Imposes a sentence or suspends imposition or execution of a sentence;
- Extends a period of probation.
- Imposes or modifies a condition of probation or of sentence suspension.
- Imposes or executes a sentence after revocation of probation or sentence suspension.

LIMITATIONS ON THE RIGHT TO APPEAL

- If you were FOUND GUILTY AFTER A TRIAL by a jury, to the judge or on stipulated facts, you may appeal legal errors in the decisions, orders, and proceedings of the court. You also may appeal whether the sentence or term of probation exceeds the maximum allowed by law or is unconstitutionally cruel and unusual.
- If you PLEADED GUILTY or NO CONTEST, you may appeal only whether your sentence exceeds the maximum allowed by law or is unconstitutionally cruel and unusual.
- If you entered a CONDITIONAL PLEA OF GUILTY or a CONDITIONAL PLEA OF NO CONTEST and reserved in the judgment the right to appeal the court's ruling on a pretrial motion, the same guilty or no contest plea limitations apply, but you may also appeal the ruling reserved in the judgment.

PROCEDURES FOR PROTECTING YOUR RIGHT TO APPEAL: The Oregon Revised Statutes and Oregon Rules of Appellate Procedure control your appeal. You could lose your right to appeal by not following them. The Oregon Rules of Appellate Procedure and forms for appeal may be accessed at the Public Defender's website: <http://www.oregon.gov/OPDS/> If you are indigent, represented by a lawyer in the trial court, and eligible for representation by an appointed lawyer on appeal, your trial lawyer is required to determine if you wish to appeal and, if you wish to appeal, to transmit to Office of Public Defense Services the information necessary to file the appeal.

Within 30 days from the entry date of this court's judgment in the court register, you or an attorney on your behalf must:

1. Prepare a written and signed notice of appeal.
2. Serve copies of the notice of appeal on all parties, including the district attorney, and the trial court administrator. If you want the transcript of oral proceedings to be part of the record on appeal, a copy of the notice of appeal must be served on the office of the trial court administrator, "Attention: Transcript Coordinator." Even if an audio or video record was made of the oral proceedings, rather than a stenographic record, serve the transcript coordinator with a copy of the notice of appeal.
3. File the original, signed notice of appeal and proof of service for the service listed in No. 2 above with the State Court Administrator, Appellate Court Records Section, 1163 State Street, Salem, Oregon 97301-2563.

THERE IS NO FILING FEE for criminal cases, but there is a filing fee for appeals of some traffic, boating, fish, and wildlife and other violations. You may contact the Court of Appeals for information on those fees at (503) 986-5555.

COLORABLE CLAIM OR ERROR SHOWING. In the following kinds of cases, after filing a notice of appeal, you or a lawyer on your behalf must file a motion showing the Court of Appeals that your appeal presents a colorable claim of error: If you pled guilty or no contest, or the court revoked your probation or revoked your suspended sentence, or you were re-sentenced on remand from an appellate court or at the direction of a court granting post-conviction relief, you must also show that the sentence was cruel and unusual or exceeds the statutory limits. A *colorable claim of error* is a non-frivolous, substantial, and seemingly valid, genuine, or plausible claim of error.

APPOINTED COUNSEL ON APPEAL. If you are without funds for a lawyer and/or transcript on appeal, you may ask the Office of Public Defense Services to appoint a lawyer to represent you and to provide a transcript for the purposes of appeal. To inquire if you are eligible for an appointed lawyer to handle your appeal, contact the Oregon Public Defense Services directly by mail. The address is 1320 Capital St., NE, Suite 200, Salem, OR 97303-6469. Telephone (503) 378-3349. This request should be made within 15 days. If you qualify, an attorney will be appointed to represent you on appeal.