

## **MISDEMEANOR GUILTY PLEA ADMONITIONS**

### **The following portion may be given as mass admonitions**

I have been advised that there are those who wish to plead guilty. Before I can allow you to plead guilty, there are certain rights I must advise you of – rights you would be giving up if you plead guilty. You have the right to plead not guilty and have a trial – a trial before a judge alone, or, if you prefer, before a jury. At this trial, you could see, hear, confront, and through your lawyer cross-examine any witness who would testify against you. You could present witnesses of your own, and compel their attendance through power of subpoena. You could testify personally if you wish. On the other hand, if you did not wish to testify, no one could force you to, or comment on your failure to testify. The important thing for you to understand is that if you plead guilty, there never will be a trial, and by that I mean that no one will ever have to come into this courtroom and identify you or give any evidence to suggest you committed the crime you are accused of.

### **The following portion must be addressed to each defendant individually:**

Mr. X, were you in the courtroom when I explained your rights to trial?

Do you have any questions about those rights?

In 2005-TR-123, you are accused of Driving While License Suspended. This charge alleges that on 1/1/05 you were operating a Ford vehicle at Bradley and McKinley in Champaign at a time when the Secretary of State had suspended your right to do so. The possible penalties are from zero to 364 days in jail, and fines of up to \$2,500. Do you understand what you are accused of and the possible penalties?

Has anyone forced, threatened, or pressured you in any way to get you to plead guilty?

Mr. Prosecutor, would you state a factual basis for the plea.

Mr. P/D, do you agree that the state has witnesses who if called could testify substantially as indicated?

Have there been plea agreements?

Mr. Defendant, did you hear that agreement?

Is that what you are agreeing to?

Have you been promised anything different from what I just heard to get you to plead guilty?

Do you now plead guilty to Driving While License Suspended as alleged in 2005-TR-123?

### **Findings to be made by the court:**

The record should reflect the defendant has been advised of his rights, knowingly, intelligently and voluntarily waives those rights, the plea is made voluntarily, and there is a factual basis for the plea. Based on those findings, the plea is accepted.

### **Articulate the sentence**

**Appellate admonitions for a negotiated plea (may be given as mass admonitions):**

Even though you plead guilty, you have the right to appeal. Prior to exercising this right, you would have to file a motion in writing, within 30 days, asking this court to withdraw your guilty plea and vacate the judgement [unless the sentence was court supervision, in which case there is no judgement]. If this motion was allowed, I would set this matter for trial, along with, at the request of the state, any matters which were dismissed as a part of this plea. If you could not afford it, I would order a transcript of the proceedings prepared, and a lawyer appointed to assist you with the motion. Any issues or claims of error not stated in the motion would be deemed waived. The important thing to understand is you lose forever your right to appeal if you do not file a written motion with 30 days.

Show compliance with Supreme Court Rule 605.

**Appellate admonitions for an open plea:**

Even though you plead guilty, you have the right to appeal. Prior to exercising this right, you would have to file a motion in writing, within 30 days, asking this court to either withdraw your guilty plea and vacate the judgement [unless the sentence was court supervision] or to reconsider the sentence. If the motion was allowed, I would either set this matter for trial, along with, at the request of the state, any matters which were dismissed as a part of this plea, or I could modify the sentence. If you could not afford it, I would order a transcript of the proceedings prepared, and a lawyer appointed to assist you with the motion. Any issues or claims of error not stated in the motion would be deemed waived. The important thing to understand is you lose forever your right to appeal if you do not file a written motion within 30 days.

Show compliance with Supreme Court Rule 605.