

[Questions or comments may
be directed to 609-292-4638.]

Directive # 13-05
(Modifies Directives
#4-02 and #12-03)

TO: ASSIGNMENT JUDGES
CRIMINAL PRESIDING JUDGES

FROM: PHILIP S. CARCHMAN

SUBJ: PLEA FORMS

DATE: SEPTEMBER 19, 2005

This Directive promulgates amendments to certain plea forms as recommended by the Criminal Practice Committee in its 2002-04 Report and Supplemental Report and at its recent meetings during the 2004-06 committee term. These amendments, to forms promulgated by Directives #4-02 (issued August 21, 2002) and #12-03 (issued November 6, 2003; supplemented December 31, 2003), are necessitated by recent legislative enactments and changes in case law. The amendments are promulgated pursuant to *Rule* 3:9-2, which provides that plea forms are to be in a form “prescribed by the Administrative Director of the Courts.” Both the English and Spanish versions of the plea forms are included. Amendments to the Judgments of Conviction promulgated by Directives #4-02 and 12-03 will be forthcoming.

1. Three-Page Plea Form.

Attachment 1

(Supersedes Attachment 1 of Directive #12-03,
which Superseded Attachments 1 and 6 of Directive #4-02)

The three-page *Plea Form* has been amended to correct two clerical errors. First, questions #5(b) and (c) erroneously referred to the “Violent Crimes Compensation Board Assessment.” They have been corrected to refer to the “Victims of Crimes Compensation Board Assessment.” Also, question #14 has been amended to delete the unnecessary words “[YES]” and “[NO]” from the first line of this question.

2. Additional Questions for Certain Sexual Offenses
(Megan’s Law and Sexually Violent Predator Form)

Attachment 2

(Supersedes Attachment 3 of Directive #12-03,
which Superseded Attachment 5 of Directive #04-02)

[Questions or comments may
be directed to 609-292-4638.]

**Supplement to
Directive # 13-05**

**TO: ASSIGNMENT JUDGES
CRIMINAL PRESIDING JUDGES**

FROM: PHILIP S. CARCHMAN

Subj: Plea Forms – Corrected “Three-Page Plea Form”

DATE: SEPTEMBER 28, 2005

Directive #13-05 (dated September 19, 2005) promulgated amendments to certain plea forms, with those amendments necessitated by recent case law and legislative enactments. On one of those amended plea forms – the English version of the basic three-page Plea Form (designated as Attachment 1 to the Directive) – we inadvertently omitted at the bottom of the first two pages the line on which the defendant must write his or her initials. Attached is a corrected version of that three-page Plea Form (English version) with those lines added. While the English-Spanish version of the form as appended to the Directive did include the defendant-initial lines, attached here is an updated English-Spanish version as well.

Attachments

cc: Chief Justice Deborah T. Poritz
Attorney General Peter C. Harvey
Public Defender Yvonne Smith Segars
County Prosecutors
Vaughn McKoy, DCJ Director
AOC Directors and Assistant Directors
Regional Deputy Public Defenders
Trial Court Administrators
Criminal Division Managers
Vance D. Hagins, Criminal Practice Division
John Wieck, Criminal Practice Division
Melaney S. Payne, Criminal Practice Division
Steven D. Bonville, Special Assistant

PLEA FORM

County _____

Prosecutor File Number _____

DEFENDANT’S NAME _____

before Judge _____

1. List the charges to which you are pleading guilty:

Defendant's Initials _____

Ind./Acc./Comp.#	Count	Nature of Offense	Degree		<u>Statutory Maximum</u>		<u>VCCB Assmt</u> *
					Time	Fine	
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
Your total exposure as the result of this plea is:				TOTAL	_____	_____	_____

PLEASE CIRCLE
APPROPRIATE ANSWER

2. a. Did you commit the offense(s) to which you are pleading guilty? [YES] [NO]
b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? [YES] [NO]
3. Do you understand what the charges mean? [YES] [NO]
4. Do you understand that by pleading guilty you are giving up certain rights? Among them are:
a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? [YES] [NO]
b. The right to remain silent? [YES] [NO]
c. The right to confront the witnesses against you? [YES] [NO]
5. Do you understand that if you plead guilty:
a. You will have a criminal record? [YES] [NO]
b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crime Compensation Board Assessment? [YES] [NO]
c. You must pay a minimum Victims of Crime Compensation Board assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.) [YES] [NO]
d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? [YES] [NO]
5. e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? [YES] [NO]
f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? [YES] [NO]
g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? [YES] [NO]

* VICTIMS OF CRIME COMPENSATION BOARD ASSESSMENT

Defendant's Initials _____

- h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? [YES] [NO]
6. Do you understand that the court could, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed? [YES] [NO]
7. Did you enter a plea of guilty to any charges that require a mandatory period of parole ineligibility or a mandatory extended term? [YES] [NO]
- a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is _____ years and _____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be _____ years and _____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.
8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? [YES] [NO]
9. Are you presently on probation or parole? [YES] [NO]
- a. Do you realize that a guilty plea may result in a violation of your probation or parole? [YES] [NO] [N/A]
10. Are you presently serving a custodial sentence on another charge? [YES] [NO]
- a. Do you understand that a guilty plea may affect your parole eligibility? [YES] [NO] [N/A]
11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? [YES] [NO] [N/A]
12. List any charges the prosecutor has agreed to recommend for dismissal:
- | Ind./Acc./Compl.# | Count | Nature of Offense and Degree |
|-------------------|-------|------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

13. Specify any sentence the prosecutor has agreed to recommend:

Defendant's Initials _____

14. Has the prosecutor promised that he or she will NOT:
- | | | |
|--|-------|------|
| a. Speak at sentencing? | [YES] | [NO] |
| b. Seek an extended term of confinement? | [YES] | [NO] |
| c. Seek a stipulation of parole ineligibility? | [YES] | [NO] |
15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution? [YES] [NO] [N/A]
16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty? [YES] [NO] [N/A]
17. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty? [YES] [NO] [N/A]
18. Have you discussed with your attorney the legal doctrine of merger? [YES] [NO] [N/A]
19. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence? [YES] [NO] [N/A]
20. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:
- _____
- _____
21. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty? [YES] [NO]
22. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? [YES] [NO]
- b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea? [YES] [NO]
- c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? [YES] [NO]
23. Are you satisfied with the advice you have received from your lawyer? [YES] [NO]
24. Do you have any questions concerning this plea? [YES] [NO]

DATE _____ DEFENDANT _____

DEFENSE ATTORNEY _____

PROSECUTOR _____

[] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

PLEA FORM
FORMULARIO DE DECLARACIÓN
DE CULPABILIDAD

County _____

Condado _____

Prosecutor File Number _____

Número del expediente de la fiscalía _____

DEFENDANT'S NAME _____

NOMBRES Y APELLIDO DEL ACUSADO _____

before Judge _____

ante el Juez _____

1. List the charges to which you are pleading guilty: Enumere los cargos de que usted se declara culpable:

Ind./Acc./Comp.# Nº de Ac. Formal/ Ac./Denun.	Count Cargo	Nature of Offense Naturaleza de la Infracción	Degree Grado		<u>Statutory Maximum</u> <u>Máximo por Estatuto</u>		VCCB Assmt* Multa de la VCCB*
					Time Tiempo	Fine Multa	
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
Your total exposure as the result of this plea is:		Su exposición total como resultado de esta declaración es: TOTAL			_____	_____	_____

PLEASE CIRCLE
APPROPRIATE ANSWER
SÍRVASE MARCAR LA RESPUESTA
APROPIADA CON UN CÍRCULO

2. a. Did you commit the offense(s) to which you are pleading guilty? ¿Cometió usted la infracción (las infracciones) de que se declara culpable? [YES/SÍ] [NO]

*VICTIMS OF CRIME COMPENSATION BOARD ASSESSMENT
MULTA DE LA JUNTA DE COMPENSACIÓN PARA VÍCTIMAS DE DELITOS

Defendant's Initials
Iniciales del acusado _____

- b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? ¿Entiende que antes de que el juez lo pueda encontrar culpable, tendrá que decirle al juez qué es lo que usted hizo que lo hace culpable de la infracción particular (de las infracciones particulares)? [YES/SÍ] [NO]
3. Do you understand what the charges mean? ¿Entiende lo que significan los cargos? [YES/SÍ] [NO]

4. Do you understand that by pleading guilty you are giving up certain rights? Among them are: ¿Entiende que al declararse culpable, usted renuncia a ciertos derechos? Entre ellos están:
- a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? El derecho a juicio con jurado en que el Estado tiene que probar su culpabilidad fuera de duda razonable? [YES/SÍ] [NO]
 - b. The right to remain silent? El derecho de guardar silencio? [YES/SÍ] [NO]
 - c. The right to confront the witnesses against you? El derecho de confrontar a los testigos en su contra? [YES/SÍ] [NO]
5. Do you understand that if you plead guilty: ¿Entiende que si usted se declara culpable:
- a. You will have a criminal record? Tendrá antecedentes penales? [YES/SÍ] [NO]
 - b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crimes Compensation Board Assessment? A menos que el convenio declaratorio estipule otra cosa, se le podría sentenciar a cumplir el tiempo máximo de reclusión, a pagar la multa máxima y a pagar la multa máxima de la Junta de Compensación para Víctimas de Delitos? [YES/SÍ] [NO]
 - c. You must pay a minimum Victims of Crimes Compensation Board assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive, \$25 if offense occurred before January 1, 1986.) Tendrá que pagar una multa mínima de la Junta de Compensación para Víctimas de Delitos de \$50 (un mínimo de \$100 si se le condena por un delito violento) por cada cargo de que usted se declara culpable? (La multa es de \$30 si la infracción ocurrió entre el 9 de enero de 1986 y el 22 de diciembre de 1991, de \$25 si la infracción ocurrió antes del primero de enero de 1986.) [YES/SÍ] [NO]
 - d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? Si la infracción ocurrió el primero de febrero de 1993 o después de dicha fecha pero antes del 13 de marzo de 1995, y se le sentencia a libertad a prueba o a un instituto correccional del estado, usted tendrá que pagar un gasto de transacción de hasta \$1.00 en cada ocasión en que se haga un pago o en que se abone una cuota? Si la infracción ocurrió el 13 de marzo de 1995 o después de dicha fecha, y se le sentencia a libertad a prueba, o si la sentencia por otro motivo requiere pagos de obligaciones económicas a la división de libertad a prueba, usted tendrá que pagar un gasto de transacción de hasta \$2.00 en cada ocasión en que se haga un pago o se abone una cuota? [YES/SÍ] [NO]

Defendant's Initials
Iniciales del acusado

- | | | |
|---|--|---------------|
| 5. e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? | Si la infracción ocurrió el 2 de agosto de 1993 o después de dicha fecha, usted tendrá que pagar una multa de \$75 al Fondo de Servicios de Vecindarios Seguros por cada condena? | [YES/SÍ] [NO] |
| f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? | Si la infracción ocurrió el 5 de enero de 1994 o después de dicha fecha y se le sentencia a libertad a prueba, usted tendrá que pagar un cargo mensual de un máximo de \$25 durante el término de la libertad a prueba? | [YES/SÍ] [NO] |
| g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? | Si el delito ocurrió el 9 de enero de 1997 o después de esa fecha, usted tiene que pagar una multa de \$30 al Fondo de Capacitación y Equipamiento de Oficiales del Orden? | [YES/SÍ] [NO] |
| h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? | Se requerirá que usted suministre y pague el costo del análisis de una muestra de su ADN que podría ser usada por las autoridades del orden público en la investigación de actividades delictuosas. | [YES/SÍ] [NO] |
| 6. Do you understand that <u>the court could</u> , in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentenced imposed? | ¿Entiende que a su discreción <u>el juez podría</u> imponerle un tiempo mínimo de reclusión que cumplir antes de que usted esté en condiciones para estar en libertad condicional, y que ese período podría ser tan largo como la mitad del período de la sentencia de privación de libertad que se le haya impuesto a usted? | [YES/SÍ] [NO] |
| 7. Did you enter a plea of guilty to any charges <u>that require</u> a mandatory period of parole ineligibility or a mandatory extended term? | ¿Presentó usted una declaración de culpabilidad a cualquier cargo <u>que requiera</u> un período obligatorio sin posibilidades de libertad condicional o un término obligatorio prolongado? | [YES/SÍ] [NO] |
| a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is _____ years and _____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be _____ years and _____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits. | Si usted se declara culpable de tal cargo, el período mínimo obligatorio sin posibilidades de libertad condicional es _____ años y _____ meses (llene la cantidad de años/meses) y el período máximo antes de que usted pueda aspirar a que se le otorgue la libertad condicional podrá ser de _____ años y _____ meses (llene la cantidad de años/meses) y dicho período no se podrá reducir por créditos por buen comportamiento, trabajo o custodia mínima. | |

Defendant's Initials
Iniciales del acusado

8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? ¿Se declara usted culpable de un delito que conlleva la presunción de encarcelamiento, lo cual quiere decir que es casi seguro que usted irá a una prisión del estado? [YES/SÍ] [NO]
9. Are you presently on probation or parole? ¿Actualmente se encuentra usted bajo libertad a prueba o libertad condicional? [YES/SÍ] [NO]
- a. Do you realize that a guilty plea may result in a violation of your probation or parole? ¿Se da cuenta usted de que una declaración de culpabilidad podrá dar como resultado una infracción de su libertad a prueba o libertad condicional? [YES/SÍ] [NO] [N/A] [NO APLICA]
10. Are you presently serving a custodial sentence on another charge? ¿Actualmente está cumpliendo usted una sentencia custodial por otro cargo? [YES/SÍ] [NO]
- a. Do you understand that a guilty plea may affect your parole eligibility? ¿Entiende usted que una declaración de culpabilidad podrá afectar sus posibilidades de conseguir libertad condicional? [YES/SÍ] [NO] [N/A] [NO APLICA]
11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? ¿Entiende usted que si se ha declarado culpable de otros cargos, o si lo han encontrado culpable de otros cargos, o si actualmente está cumpliendo un término de privación de libertad y el convenio declaratorio no menciona el tema, el juez podrá requerir que las sentencias sean consecutivas? [YES/SÍ] [NO] [N/A] [NO APLICA]
12. List any charges the prosecutor has agreed to recommend for dismissal: Enumere los cargos que el (la) fiscal haya acordado recomendar que se desestimen:

Ind./Acc./Compl.#
Nº de Ac.
Formal/Ac./Denun.

Count
Cargo

Nature of Offense and Degree
Naturaleza y Grado de la Infracción

Defendant's Initials
Iniciales del acusado

13. Specify any sentence the prosecutor has agreed to recommend: _____
Especifique cualquier sentencia que el fiscal haya acordado recomendar que se desestime:
14. Has the prosecutor promised that he or she will NOT:
a. Speak at sentencing?
b. Seek an extended term of confinement?
c. Seek a stipulation of parole ineligibility?
- ¿Ha prometido el fiscal que él o ella NO:
Hablará cuando lo sentencien a usted?
Tratará de obtener un término prolongado de reclusión?
Tratará de obtener una estipulación que limite sus posibilidades de conseguir libertad condicional?
- [YES/SÍ] [NO]
[YES/SÍ] [NO]
[YES/SÍ] [NO]
15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution?
¿Sabe usted que tendrá que pagar una restitución si el juez determina que existe una víctima que ha sufrido una pérdida y si el juez determina que usted puede o en el futuro podrá pagar una restitución?
- [YES/SÍ] [NO] [N/A]
[NO APLICA]
16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty?
¿Entiende usted que si ocupa un cargo público, o si es empleado público se podrá requerir que renuncie a su cargo o empleo en virtud de su declaración de culpabilidad?
- [YES/SÍ] [NO] [N/A]
[NO APLICA]
17. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty?
¿Entiende usted que si no es ciudadano o nacional de los Estados Unidos, podrá ser deportado en virtud de su declaración de culpabilidad?
- [YES/SÍ] [NO] [N/A]
[NO APLICA]
18. Have you discussed with your attorney the legal doctrine of merger?
¿Ha hablado usted con su abogado sobre la doctrina legal de fusión?
- [YES/SÍ] [NO] [N/A]
[NO APLICA]
19. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence?
¿Renuncia usted al derecho de argüir cuando lo sentencien que hay cargos de que se declaró culpable por los cuales no se le puede imponer una sentencia aparte?
- [YES/SÍ] [NO] [N/A]
[NO APLICA]
20. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:
Enumere cualquier otra promesa o representación que haya hecho usted, el fiscal, su abogado defensor, o cualquier otra persona como parte de esta declaración de culpabilidad:

Defendant's Initials
Iniciales del acusado

- | | | |
|--|---|----------------------|
| <p>21. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty?</p> | <p>¿Se le ha hecho alguna otra promesa además de las que se mencionan en este formulario o alguna amenaza para conseguir que usted se declare culpable?</p> | <p>[YES/SÍ] [NO]</p> |
| <p>22. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence?</p> | <p>¿Entiende usted que el juez no se encuentra obligado por ninguna promesa o recomendación del fiscal y que el juez tiene el derecho de rechazar la declaración de culpabilidad antes de sentenciarlo a usted y el derecho de imponerle una sentencia mayor?</p> | <p>[YES/SÍ] [NO]</p> |
| <p>b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea?</p> | <p>¿Entiende usted que si el juez decide imponerle una sentencia mayor que la que recomienda el fiscal, usted podrá retractar su declaración de culpabilidad?</p> | <p>[YES/SÍ] [NO]</p> |
| <p>c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial?</p> | <p>¿Entiende que si se permite que usted retracte su declaración de culpabilidad por la sentencia del juez, cualquier cosa que usted diga que promueva la declaración de culpabilidad no se podrá usar en su contra en un juicio?</p> | <p>[YES/SÍ] [NO]</p> |
| <p>23. Are you satisfied with the advice you have received from your lawyer?</p> | <p>¿Está usted conforme con los consejos que ha recibido de su abogado?</p> | <p>[YES/SÍ] [NO]</p> |
| <p>24. Do you have any questions concerning this plea?</p> | <p>¿Tiene usted alguna pregunta con respecto a esta declaración de culpabilidad?</p> | <p>[YES/SÍ] [NO]</p> |

DATE _____ DEFENDANT _____
FECHA _____ ACUSADO _____

DEFENSE ATTORNEY _____
ABOGADO DEFENSOR _____

PROSECUTOR _____
FISCAL _____

[] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

Esta declaración es el resultado de las indicaciones condicionales del juez en cuanto a la sentencia máxima que él o ella impondría sin consideración de la recomendación del fiscal. Por consiguiente, se ha completado el "Formulario Suplementario para Declaraciones No Negociadas".

This form has been revised as follows:

A. New Megan's Law Crimes.

Effective April 8, 2004, L. 2003, c. 219 and L. 2003, c. 220 amended *Megan's Law* to require persons convicted of two specific child pornography crimes to register as sex offenders. The *Additional Questions for Certain Sexual Offenses Form* has been amended to include these two crimes.

B. Parole Supervision for Life.

Legislation enacted in January 2004 made several amendments to N.J.S.A. 2C:43-6.4 to clarify that a special sentence of "community supervision for life" is actually "parole supervision for life." L. 2003, c. 267. The law also adds endangering the welfare of a child, pursuant to N.J.S.A. 2C:24-4b(3), to the list of crimes for which parole supervision for life must be imposed.

The following language has been added to Question #4a on the form:

4a. Community Supervision for Life. If the offense occurred before January 14, 2004. (If the offense occurred on or after January 14, 2004, the defendant should complete Question 4b Parole Supervision for Life)

Question 4b has been added to the form to address Parole Supervision for Life. This question should be filled out for offenses occurring on or after January 14, 2004, the effective date of the law.

C. New Questions Regarding Failure to Register and Failure to Verify.

Question 1(c) has been added to the form to address the potential consequences for failure to register or re-register under Megan's Law. In State v. Gyorj, 373 N.J. Super. 559 (App. Div. 2004), the Appellate Division held that a defendant's failure to verify his address annually with the local police department with which he had registered constituted the crime of failure to register under Megan's Law. In response to this case, Question 2(b) has been added to address the potential consequences for failure to verify an address.

D. Sex Crime Victim Treatment Fund

Legislation enacted on April 26, 2005, and effective immediately, requires that a new monetary penalty for the Sex Crime Victim Treatment Fund be assessed against sex offenders. L. 2005, c. 73. Specifically, any person convicted of a sex offense (as defined in N.J.S.A. 2C:7-2) must be assessed a penalty for each offense, not to exceed \$2,000 for a crime of the first degree, \$1,000 for a crime of the second degree, \$750 for a crime of the third degree, and \$500 for a crime of the fourth degree. These penalties are in addition to, not in lieu of, any fine currently authorized by law. Accordingly, a new Question 8 has been added to the form.

**3. Certification Application for Appointment
as a Private Prosecutor**
(This is a new form.)

Attachment 3

The Supreme Court in 2004 amended Rule 3:23-9 so as to permit an attorney for a complainant to represent the State in a municipal appeal to the Law Division with approval by the State. The *Certification Application for Appointment as a Private Prosecutor Form* has been created to implement that rule.

You should begin using these forms as soon as possible. As noted above, the new and revised plea forms promulgated by this Directive are issued in English and in Spanish. Any questions or comments regarding this Directive, or the appended forms, should be directed to Assistant Director Joseph J. Barraco, at (609) 292-4638.

P.S.C.

Attachments

cc: Chief Justice Deborah T. Poritz
Attorney General Peter C. Harvey
Public Defender Yvonne Smith Segars
County Prosecutors
Vaughn McKoy, DCJ Director
AOC Directors and Assistant Directors

Regional Deputy Public Defenders
Trial Court Administrators
Criminal Division Managers
Steven D. Bonville, Special Assistant
Vance D. Hagins, Esq.
John Wieck
Melaney S. Payne, Esq.

ATTACHMENT 1

THREE-PAGE PLEA FORM

ENGLISH AND ENGLISH-SPANISH VERSIONS

PLEA FORM

County _____

Prosecutor File Number _____

DEFENDANT'S NAME _____

before Judge _____

1. List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree		Statutory Maximum		VCCB Assmt*
					Time	Fine	
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
Your total exposure as the result of this plea is:				TOTAL	_____	_____	_____

PLEASE CIRCLE
APPROPRIATE ANSWER

2. a. Did you commit the offense(s) to which you are pleading guilty? [YES] [NO]
- b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? [YES] [NO]
3. Do you understand what the charges mean? [YES] [NO]
4. Do you understand that by pleading guilty you are giving up certain rights? Among them are:
- a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? [YES] [NO]
- b. The right to remain silent? [YES] [NO]
- c. The right to confront the witnesses against you? [YES] [NO]
5. Do you understand that if you plead guilty:
- a. You will have a criminal record? [YES] [NO]
- b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crime Compensation Board Assessment? [YES] [NO]
- c. You must pay a minimum Victims of Crime Compensation Board assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.) [YES] [NO]

* VICTIMS OF CRIME COMPENSATION BOARD ASSESSMENT

- d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? [YES] [NO]
5. e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? [YES] [NO]
- f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? [YES] [NO]
- g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? [YES] [NO]
- h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? [YES] [NO]
6. Do you understand that the court could, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed? [YES] [NO]
7. Did you enter a plea of guilty to any charges that require a mandatory period of parole ineligibility or a mandatory extended term? [YES] [NO]
- a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is _____ years and _____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be _____ years and _____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.
8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? [YES] [NO]
9. Are you presently on probation or parole? [YES] [NO]
- a Do you realize that a guilty plea may result in a violation of your . probation or parole? [YES] [NO] [N/A]
10. Are you presently serving a custodial sentence on another charge? [YES] [NO]
- a Do you understand that a guilty plea may affect your parole eligibility? [YES] [NO] [N/A]
11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? [YES] [NO] [N/A]
12. List any charges the prosecutor has agreed to recommend for dismissal:

Ind./Acc./Compl.#	Count	Nature of Offense and Degree
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

13. Specify any sentence the prosecutor has agreed to recommend:

14. Has the prosecutor promised that he or she will NOT:
- | | | |
|--|-------|------|
| a. Speak at sentencing? | [YES] | [NO] |
| b. Seek an extended term of confinement? | [YES] | [NO] |
| c. Seek a stipulation of parole ineligibility? | [YES] | [NO] |
15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution? [YES] [NO] [N/A]
16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty? [YES] [NO] [N/A]
17. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty? [YES] [NO] [N/A]
18. Have you discussed with your attorney the legal doctrine of merger? [YES] [NO] [N/A]
19. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence? [YES] [NO] [N/A]
20. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:
-
-
-
-
-
-
21. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty? [YES] [NO]
22. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? [YES] [NO]
- b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea? [YES] [NO]
- c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? [YES] [NO]
23. Are you satisfied with the advice you have received from your lawyer? [YES] [NO]
24. Do you have any questions concerning this plea? [YES] [NO]

DATE _____ DEFENDANT _____

DEFENSE ATTORNEY _____

PROSECUTOR _____

[] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

PLEA FORM
FORMULARIO DE DECLARACIÓN
DE CULPABILIDAD

County _____

Condado _____

Prosecutor File Number _____

Número del expediente de la fiscalía _____

DEFENDANT'S NAME _____

NOMBRES Y APELLIDO DEL ACUSADO _____

before Judge _____

ante el Juez _____

1. List the charges to which you are pleading guilty: Enumere los cargos de que usted se declara culpable:

Ind./Acc./Comp.# Nº de Ac. Formal/ Ac./Denun.	Count Cargo	Nature of Offense Naturaleza de la Infracción	Degree Grado		<u>Statutory Maximum</u> <u>Máximo por Estatuto</u>		VCCB Assmt* Multa de la VCCB*
					Time Tiempo	Fine Multa	
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
Your total exposure as the result of this plea is:		Su exposición total como resultado de esta declaración es: TOTAL			_____	_____	_____

PLEASE CIRCLE
APPROPRIATE ANSWER
SÍRVASE MARCAR LA RESPUESTA
APROPIADA CON UN CÍRCULO

2. a. Did you commit the offense(s) to which you are pleading guilty? ¿Cometió usted la infracción (las infracciones) de que se declara culpable? [YES/SÍ] [NO]

*VICTIMS OF CRIME COMPENSATION BOARD ASSESSMENT
MULTA DE LA JUNTA DE COMPENSACIÓN PARA VÍCTIMAS DE DELITOS

- | | | | |
|--|--|----------|------|
| b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? | ¿Entiende que antes de que el juez lo pueda encontrar culpable, tendrá que decirle al juez qué es lo que usted hizo que lo hace culpable de la infracción particular (de las infracciones particulares)? | [YES/SÍ] | [NO] |
| 3. Do you understand what the charges mean? | ¿Entiende lo que significan los cargos? | [YES/SÍ] | [NO] |

4. Do you understand that by pleading guilty you are giving up certain rights? Among them are: ¿Entiende que al declararse culpable, usted renuncia a ciertos derechos? Entre ellos están:
- a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? El derecho a juicio con jurado en que el Estado tiene que probar su culpabilidad fuera de duda razonable? [YES/SÍ] [NO]
 - b. The right to remain silent? El derecho de guardar silencio? [YES/SÍ] [NO]
 - c. The right to confront the witnesses against you? El derecho de confrontar a los testigos en su contra? [YES/SÍ] [NO]
5. Do you understand that if you plead guilty: ¿Entiende que si usted se declara culpable:
- a. You will have a criminal record? Tendrá antecedentes penales? [YES/SÍ] [NO]
 - b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crimes Compensation Board Assessment? A menos que el convenio declaratorio estipule otra cosa, se le podría sentenciar a cumplir el tiempo máximo de reclusión, a pagar la multa máxima y a pagar la multa máxima de la Junta de Compensación para Víctimas de Delitos? [YES/SÍ] [NO]
 - c. You must pay a minimum Victims of Crimes Compensation Board assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive, \$25 if offense occurred before January 1, 1986.) Tendrá que pagar una multa mínima de la Junta de Compensación para Víctimas de Delitos de \$50 (un mínimo de \$100 si se le condena por un delito violento) por cada cargo de que usted se declara culpable? (La multa es de \$30 si la infracción ocurrió entre el 9 de enero de 1986 y el 22 de diciembre de 1991, de \$25 si la infracción ocurrió antes del primero de enero de 1986.) [YES/SÍ] [NO]
 - d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? Si la infracción ocurrió el primero de febrero de 1993 o después de dicha fecha pero antes del 13 de marzo de 1995, y se le sentencia a libertad a prueba o a un instituto correccional del estado, usted tendrá que pagar un gasto de transacción de hasta \$1.00 en cada ocasión en que se haga un pago o en que se abone una cuota? Si la infracción ocurrió el 13 de marzo de 1995 o después de dicha fecha, y se le sentencia a libertad a prueba, o si la sentencia por otro motivo requiere pagos de obligaciones económicas a la división de libertad a prueba, usted tendrá que pagar un gasto de transacción de hasta \$2.00 en cada ocasión en que se haga un pago o se abone una cuota? [YES/SÍ] [NO]

Defendant's Initials
Iniciales del acusado

- | | | |
|---|--|---------------|
| 5. e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? | Si la infracción ocurrió el 2 de agosto de 1993 o después de dicha fecha, usted tendrá que pagar una multa de \$75 al Fondo de Servicios de Vecindarios Seguros por cada condena? | [YES/SÍ] [NO] |
| f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? | Si la infracción ocurrió el 5 de enero de 1994 o después de dicha fecha y se le sentencia a libertad a prueba, usted tendrá que pagar un cargo mensual de un máximo de \$25 durante el término de la libertad a prueba? | [YES/SÍ] [NO] |
| g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? | Si el delito ocurrió el 9 de enero de 1997 o después de esa fecha, usted tiene que pagar una multa de \$30 al Fondo de Capacitación y Equipamiento de Oficiales del Orden? | [YES/SÍ] [NO] |
| h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? | Se requerirá que usted suministre y pague el costo del análisis de una muestra de su ADN que podría ser usada por las autoridades del orden público en la investigación de actividades delictuosas. | [YES/SÍ] [NO] |
| 6. Do you understand that <u>the court could</u> , in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentenced imposed? | ¿Entiende que a su discreción <u>el juez podría</u> imponerle un tiempo mínimo de reclusión que cumplir antes de que usted esté en condiciones para estar en libertad condicional, y que ese período podría ser tan largo como la mitad del período de la sentencia de privación de libertad que se le haya impuesto a usted? | [YES/SÍ] [NO] |
| 7. Did you enter a plea of guilty to any charges <u>that require</u> a mandatory period of parole ineligibility or a mandatory extended term? | ¿Presentó usted una declaración de culpabilidad a cualquier cargo <u>que requiera</u> un período obligatorio sin posibilidades de libertad condicional o un término obligatorio prolongado? | [YES/SÍ] [NO] |
| a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is _____ years and _____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be _____ years and _____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits. | Si usted se declara culpable de tal cargo, el período mínimo obligatorio sin posibilidades de libertad condicional es _____ años y _____ meses (llene la cantidad de años/meses) y el período máximo antes de que usted pueda aspirar a que se le otorgue la libertad condicional podrá ser de _____ años y _____ meses (llene la cantidad de años/meses) y dicho período no se podrá reducir por créditos por buen comportamiento, trabajo o custodia mínima. | |

Defendant's Initials
Iniciales del acusado

8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? ¿Se declara usted culpable de un delito que conlleva la presunción de encarcelamiento, lo cual quiere decir que es casi seguro que usted irá a una prisión del estado? [YES/SÍ] [NO]
9. Are you presently on probation or parole? ¿Actualmente se encuentra usted bajo libertad a prueba o libertad condicional? [YES/SÍ] [NO]
- a. Do you realize that a guilty plea may result in a violation of your probation or parole? ¿Se da cuenta usted de que una declaración de culpabilidad podrá dar como resultado una infracción de su libertad a prueba o libertad condicional? [YES/SÍ] [NO] [N/A] [NO APLICA]
10. Are you presently serving a custodial sentence on another charge? ¿Actualmente está cumpliendo usted una sentencia custodial por otro cargo? [YES/SÍ] [NO]
- a. Do you understand that a guilty plea may affect your parole eligibility? ¿Entiende usted que una declaración de culpabilidad podrá afectar sus posibilidades de conseguir libertad condicional? [YES/SÍ] [NO] [N/A] [NO APLICA]
11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? ¿Entiende usted que si se ha declarado culpable de otros cargos, o si lo han encontrado culpable de otros cargos, o si actualmente está cumpliendo un término de privación de libertad y el convenio declaratorio no menciona el tema, el juez podrá requerir que las sentencias sean consecutivas? [YES/SÍ] [NO] [N/A] [NO APLICA]
12. List any charges the prosecutor has agreed to recommend for dismissal: Enumere los cargos que el (la) fiscal haya acordado recomendar que se desestimen:

Ind./Acc./Compl.#
Nº de Ac.
Formal/Ac./Denun.

Count
Cargo

Nature of Offense and Degree
Naturaleza y Grado de la Infracción

Defendant's Initials
Iniciales del acusado

13. Specify any sentence the prosecutor has agreed to recommend:

Especifique cualquier sentencia que el fiscal haya acordado recomendar que se desestime:

14. Has the prosecutor promised that he or she will NOT:	¿Ha prometido el fiscal que él o ella NO:		
a. Speak at sentencing?	Hablará cuando lo sentencien a usted?	[YES/SÍ]	[NO]
b. Seek an extended term of confinement?	Tratará de obtener un término prolongado de reclusión?	[YES/SÍ]	[NO]
c. Seek a stipulation of parole ineligibility?	Tratará de obtener una estipulación que limite sus posibilidades de conseguir libertad condicional?	[YES/SÍ]	[NO]
15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution?	¿Sabe usted que tendrá que pagar una restitución si el juez determina que existe una víctima que ha sufrido una pérdida y si el juez determina que usted puede o en el futuro podrá pagar una restitución?	[YES/SÍ]	[NO]
			[N/A] [NO APLICA]
16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty?	¿Entiende usted que si ocupa un cargo público, o si es empleado público se podrá requerir que renuncie a su cargo o empleo en virtud de su declaración de culpabilidad?	[YES/SÍ]	[NO]
			[N/A] [NO APLICA]
17. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty?	¿Entiende usted que si no es ciudadano o nacional de los Estados Unidos, podrá ser deportado en virtud de su declaración de culpabilidad?	[YES/SÍ]	[NO]
			[N/A] [NO APLICA]
18. Have you discussed with your attorney the legal doctrine of merger?	¿Ha hablado usted con su abogado sobre la doctrina legal de fusión?	[YES/SÍ]	[NO]
			[N/A] [NO APLICA]
19. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence?	¿Renuncia usted al derecho de argüir cuando lo sentencien que hay cargos de que se declaró culpable por los cuales no se le puede imponer una sentencia aparte?	[YES/SÍ]	[NO]
			[N/A] [NO APLICA]

- | | |
|---|---|
| <p>20. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:</p> | <p>Enumere cualquier otra promesa o representación que haya hecho usted, el fiscal, su abogado defensor, o cualquier otra persona como parte de esta declaración de culpabilidad:</p> |
|---|---|

- | | |
|--|---|
| <p>21. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty?</p> | <p>¿Se le ha hecho alguna otra promesa además de las que se mencionan en este formulario o alguna amenaza para conseguir que usted se declare culpable? [YES/SÍ] [NO]</p> |
| <p>22. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence?</p> | <p>¿Entiende usted que el juez no se encuentra obligado por ninguna promesa o recomendación del fiscal y que el juez tiene el derecho de rechazar la declaración de culpabilidad antes de sentenciarlo a usted y el derecho de imponerle una sentencia mayor? [YES/SÍ] [NO]</p> |
| <p>b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea?</p> | <p>¿Entiende usted que si el juez decide imponerle una sentencia mayor que la que recomienda el fiscal, usted podrá retractar su declaración de culpabilidad? [YES/SÍ] [NO]</p> |
| <p>c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial?</p> | <p>¿Entiende que si se permite que usted retracte su declaración de culpabilidad por la sentencia del juez, cualquier cosa que usted diga que promueva la declaración de culpabilidad no se podrá usar en su contra en un juicio? [YES/SÍ] [NO]</p> |
| <p>23. Are you satisfied with the advice you have received from your lawyer?</p> | <p>¿Está usted conforme con los consejos que ha recibido de su abogado? [YES/SÍ] [NO]</p> |
| <p>24. Do you have any questions concerning this plea?</p> | <p>¿Tiene usted alguna pregunta con respecto a esta declaración de culpabilidad? [YES/SÍ] [NO]</p> |

DATE _____ DEFENDANT _____
FECHA _____ ACUSADO _____

DEFENSE ATTORNEY _____
ABOGADO DEFENSOR _____

PROSECUTOR _____
FISCAL _____

[] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

Esta declaración es el resultado de las indicaciones condicionales del juez en cuanto a la sentencia máxima que él o ella impondría sin consideración de la recomendación del fiscal. Por consiguiente, se ha completado el "Formulario Suplementario para Declaraciones No Negociadas".

ATTACHMENT 2

ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL OFFENSES

ENGLISH AND SPANISH VERSIONS

ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL OFFENSES

These additional questions need to be answered if you are pleading guilty to the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), (4) or (5)(a), luring or enticing a child pursuant to 2C:13-6, criminal sexual contact pursuant to 2C:14-3b if the victim is a minor; kidnapping pursuant to 2C:13-1, criminal restraint pursuant to 2C:13-2 or false imprisonment pursuant to 2C:13-3 if the victim is a minor and the offender is not the parent, promoting child prostitution pursuant to 2C:34-1b(3), (4), or any attempt to commit any such offense. Note also that Question 7 includes the offense of felony murder if the underlying crime is sexual assault, as well as any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, or an attempt to commit these offenses.

1. Registration

- a) Do you understand that you must register with certain public agencies? [YES] [NO]
- b) Do you understand that if you change residence you must notify the law enforcement agency where you are registered, and must re-register with the chief law enforcement officer of the municipality in which you will reside, or the Superintendent of State Police if the municipality does not have a chief law enforcement officer, no less than 10 days before you intend to reside at the new address? [YES] [NO]
- c) Do you understand that if you fail to register or re-register you may be charged with a fourth degree crime and receive a sentence of imprisonment of up to 18 months? [YES] [NO]

2. Address Verification

- a) Do you understand that if you are pleading guilty to aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2) or any attempt to commit any of these crimes and at sentencing the court finds that your conduct was characterized by a pattern of repetitive, compulsive behavior you must verify your address with the appropriate law enforcement agency every 90 days or if the court finds your conduct is not characterized by a pattern of repetitive and compulsive behavior, you must verify your address annually? [YES] [NO]
- b) Do you understand that if you fail to verify your address you may be charged with a fourth degree crime and receive a sentence of imprisonment of up to 18 months? [YES] [NO]

3. Notification

Do you understand that the requirement of registration may result in notification to law enforcement, community organizations, or the public at large, of your release from incarceration or presence in the community? [YES] [NO]

4a. Community Supervision for Life (**only complete if the offense occurred before January 14, 2004**). (If the offense occurred on or after January 14, 2004, the defendant should complete Question 4b Parole Supervision for Life).

(1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to 2C:24-4a, luring, or an attempt to commit any such offense, the court, in addition to any other sentence, will impose a special sentence of community supervision for life? [YES] [NO]
[NA]

(2) Do you understand that being sentenced to community supervision for life means that: you will be supervised for at least 15 years as if on parole, and subject to conditions appropriate to protect the public and foster rehabilitation, including, but not limited to counseling; and other restrictions, which may include restrictions on where you can live, work or travel? [YES] [NO]
[NA]

4b. Parole Supervision for Life (**only complete if the offense occurred on or after January 14, 2004**).

(1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child pursuant to 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), luring or an attempt to commit any of these offenses and the offense occurred on or after January 14, 2004, the court, in addition to any other sentence, will impose a special sentence of parole supervision for life? [YES] [NO]
[NA]

- (2) Do you understand that being sentenced to parole supervision for life means that upon release from incarceration or immediately upon imposition of a suspended sentence you will be supervised by the Division of Parole for at least 15 years and will be subject to provisions and conditions of parole, including conditions appropriate to protect the public and foster rehabilitation, such as, but not limited to, counseling, and other restrictions which may include restrictions on where you can live, work, travel or persons you can contact? [YES] [NO] [NA]
- (3) Do you understand that if you violate a condition of parole supervision for life, your parole may be revoked and you can be sent to prison for 12 to 18 months for each revocation that occurs while you are being supervised and that the prison term you receive cannot be reduced by commutation or work credits? [YES] [NO] [NA]
- (4) Do you understand that if you violate a condition of parole supervision for life and you are indicted and convicted for that violation, you will receive a sentence of imprisonment of up to 18 months and that the sentence you receive could be in addition to any prison term you may receive from the Parole Board for a violation of parole supervision for life? [YES] [NO] [NA]

5. Internet Posting

Do you understand that as a result of your conviction your name, age, race, sex, date of birth, height, weight, eye color, any distinguishing scars or tattoos you have, your photograph, the make, model, color, year and license plate number of any vehicle you operate, the street address, zip code, municipality and county in which you reside and a description of the offense for which you are pleading guilty, may be publicly available on the internet? [YES] [NO]

6. Statewide Sexual Assault Nurse Examiner Program Penalty

Do you understand that if the crime occurred on or after May 4, 2001 as a result of your guilty plea you will be required to pay a penalty of \$800 for each offense for which you are pleading guilty? [YES] [NO]

7. Civil Commitment

Do you understand that if you are convicted of a sexually violent offense, [YES] [NO] such as aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2)(b), criminal sexual contact, felony murder if the underlying crime is sexual assault, an attempt to commit any of these offenses, or any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, you may upon completion of your term of incarceration, be civilly committed to another facility if the court finds, after a hearing, that you are in need of involuntary civil commitment?

8. Sex Crime Victim Treatment Fund Penalty (S.C.V.T.F.)

Do you understand that if the crime occurred on or after April 26, 2005, as a [YES] [NO] result of your guilty plea you will be required to pay a mandatory Sex Crime Victim Treatment Fund (S.C.V.T.F.) penalty as listed below for each offense for which you pled guilty?

The mandatory penalties are as follows:

- (1) Up to \$2,000 in the case of a 1st degree crime
- (2) Up to \$1,000 in the case of a 2nd degree crime
- (3) Up to \$ 750 in the case of a 3rd degree crime
- (4) Up to \$ 500 in the case of a 4th degree crime

TOTAL S.C.V.T.F. Penalty: _____

Date _____ Defendant: _____

Defense Attorney: _____ Prosecutor: _____

ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL OFFENSES

PREGUNTAS ADICIONALES PARA CIERTOS DELITOS SEXUALES

These additional questions need to be answered if you are pleading guilty to the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), (4) or (5)(a), luring or enticing a child pursuant to 2C:13-6, criminal sexual contact pursuant to 2C:14-3b if the victim is a minor; kidnapping pursuant to 2C:13-1, criminal restraint pursuant to 2C:13-2 or false imprisonment pursuant to 2C:13-3 if the victim is a minor and the offender is not the parent, promoting child prostitution pursuant to 2C:34-1b(3), (4), or any attempt to commit any such offense. Note also that Question 7 includes the offense of felony murder if the underlying crime is sexual assault, as well as any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, or an attempt to commit these offenses.

Usted debe contestar estas preguntas adicionales si se declara culpable del delito de agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto bajo 2C:13-1c(2), poner en peligro el bienestar de un niño participando en conducta sexual que perjudique o pervierta la moral del niño bajo 2C:24-4a, poner en peligro el bienestar de un niño conforme a 2C:24-4b(3), (4) o (5)(a), seducir o atraer con engaño a un niño conforme a 2C:13-6, abuso deshonesto conforme a 2C:14-3b si la víctima es un menor; rapto conforme a 2C:13-1, constreñimiento ilegal conforme a 2C:13-2 o privación ilegal de libertad conforme a 2C:13-3 si la víctima es un menor y el infractor no es uno de los padres, fomento de la prostitución infantil conforme a 2C:34-1b(3), (4), o cualquier intento de cometer cualquiera de dichos delitos. Tenga en cuenta también que la pregunta 7 incluye el delito de homicidio preterintencional si el delito subyacente es agresión sexual, así como cualquier delito respecto al cual el juez hace constar en el acta su decisión específica de que, dadas las circunstancias del caso, dicho delito se debe considerar un delito de violencia sexual, o un intento de cometer dichos delitos.

1. Registration

Registro

a) Do you understand that you must register with certain public agencies?

¿Entiende usted que tiene que registrarse con ciertas agencias públicas?

[YES/SÍ] [NO]

b) Do you understand that if you change residence you must notify the law enforcement agency where you are registered, and must re-register with the chief law enforcement officer of the municipality in which you will reside, or the Superintendent of State Police if the municipality does not have a chief law enforcement officer, no less than 10 days before you intend to reside at the new address?

¿Entiende usted que si cambia de residencia tiene que notificar a la agencia del orden público donde está registrado y tiene que volver a registrarse con el oficial principal del orden público del municipio en que usted residirá, o con el Superintendente de la Policía Estatal si el municipio no tiene un oficial principal del orden público, por lo menos 10 días antes de la fecha en que usted piensa residir en la dirección nueva?

[YES/SÍ] [NO]

- | | | |
|---|--|---------------|
| c) Do you understand that if you fail to register or re-register you may be charged with a fourth degree crime and receive a sentence of imprisonment of up to 18 months? | ¿Entiende usted que si deja de registrarse o volver a registrarse, se le podrá acusar de haber cometido un delito de cuarto grado y podrá recibir una sentencia de encarcelación de un máximo de 18 meses? | [YES/SÍ] [NO] |
|---|--|---------------|

2. Address Verification

Verificación de Su Dirección

- | | | |
|--|---|---------------|
| a) Do you understand that if you are pleading guilty to aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2) or any attempt to commit any of these crimes and at sentencing the court finds that your conduct was characterized by a pattern of repetitive, compulsive behavior you must verify your address with the appropriate law enforcement agency every 90 days or if the court finds your conduct is not characterized by a pattern of repetitive and compulsive behavior, you must verify your address annually? | ¿Entiende que si usted se declara culpable de agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto conforme a 2C:13-1c(2) o cualquier intento de cometer cualquiera de dichos delitos, y cuando lo sentencien el juez encuentra que su conducta se caracterizaba por un patrón de comportamiento reincidente y compulsivo, usted tiene que verificar su dirección con la agencia apropiada del orden público cada 90 días, o si el juez encuentra que su conducta no se caracteriza por un patrón de comportamiento reincidente y compulsivo, usted tiene que verificar su dirección una vez al año? | [YES/SÍ] [NO] |
| b) Do you understand that if you fail to verify your address you may be charged with a fourth degree crime and receive a sentence of imprisonment of up to 18 months? | ¿Entiende usted que si deja de verificar su dirección, se le podrá acusar de haber cometido un delito de cuarto grado y podrá recibir una sentencia de encarcelación de un máximo de 18 meses? | [YES/SÍ] [NO] |

3. Notification

Notificación

- | | | |
|---|---|---------------|
| Do you understand that the requirement of registration may result in notification to law enforcement, community organizations, or the public at large, of your release from incarceration or presence in the community? | ¿Entiende usted que el requerimiento de registro podrá dar por resultado que se notifique a agencias del orden público, a organizaciones en la comunidad o al público en general, de que salió en libertad o de su presencia en la comunidad? | [YES/SÍ] [NO] |
|---|---|---------------|

4a. Community Supervision for Life (**only complete if the offense occurred before January 14, 2004**). (If the offense occurred on or after January 14, 2004, the defendant should complete Question 4b Parole Supervision for Life).

Supervisión de por Vida en la Comunidad (**complete solamente si el delito ocurrió antes del 14 de enero del 2004**). (Si el delito ocurrió el 14 de enero del 2004 o después de esa fecha, el acusado debe completar la pregunta 4b, Supervisión bajo Libertad Condicional de por Vida.)

(1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to 2C:24-4a, luring, or an attempt to commit any such offense, the court, in addition to any other sentence, will impose a special sentence of community supervision for life?

¿Entiende usted que si se declara culpable de un delito de agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto conforme a 2C:13-1c(2), poner en peligro el bienestar de un niño participando en conducta sexual que perjudique o pervierta la moral del niño conforme a 2C:24-4a, seducir, o el intento de cometer cualquiera de dichos delitos, el juez, además de cualquier otra sentencia, le impondrá una sentencia especial de supervisión de por vida en la comunidad?

[YES/SÍ] [NO]

(2) Do you understand that being sentenced to community supervision for life means that: you will be supervised for at least 15 years as if on parole, and subject to conditions appropriate to protect the public and foster rehabilitation, including, but not limited to counseling; and other restrictions, which may include restrictions on where you can live, work or travel?

¿Entiende usted que la sentencia de supervisión de por vida en la comunidad significa que: usted estará bajo supervisión durante un mínimo de 15 años como si se encontrara en libertad condicional y estará sujeto a las condiciones que sean apropiadas para proteger al público y promover su rehabilitación, que incluirán pero no se limitarán a asesoramiento; y a otras restricciones que podrán incluir restricciones en cuanto a dónde usted podrá vivir, trabajar o viajar?

[YES/SÍ] [NO]

[NA/
NO APLICA]

4b. Parole Supervision for Life (**only complete if the offense occurred on or after January 14, 2004**).

(1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child pursuant to 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), luring or an attempt to commit any of these offenses and the offense occurred on or after January 14, 2004, the court, in addition to any other sentence, will impose a special sentence of parole supervision for life?

(2) Do you understand that being sentenced to parole supervision for life means that upon release from incarceration or immediately upon imposition of a suspended sentence you will be supervised by the Division of Parole for at least 15 years and will be subject to provisions and conditions of parole, including conditions appropriate to protect the public and foster rehabilitation, such as, but not limited to, counseling, and other restrictions which may include restrictions on where you can live, work, travel or persons you can contact?

Supervisión bajo Libertad Condicional de por Vida (**complete solamente si el delito ocurrió el 14 de enero del 2004 o después de esa fecha**).

¿Entiende usted que si se declara culpable de un delito de agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto conforme a 2C:13-1c(2), poner en peligro el bienestar de un niño participando en conducta sexual que perjudique o pervierta la moral del niño conforme a 2C:24-4a, poner en peligro el bienestar de un niño conforme a 2C:24-4b(3), seducir, o el intento de cometer cualquiera de dichos delitos, y el delito ocurrió el 14 de enero del 2004 o después de esa fecha, el juez, además de cualquier otra sentencia, le impondrá una sentencia especial de supervisión bajo libertad condicional de por vida?

[YES/SÍ] [NO]

[NA/
NO APLICA]

¿Entiende usted que la sentencia de supervisión bajo libertad condicional de por vida significa que al ser puesto en libertad después de su encarcelación o en seguida de la imposición de una sentencia suspendida, será supervisado por la División de Libertad Condicional por un mínimo de 15 años y estará sujeto a las disposiciones y condiciones de la libertad condicional, que incluirán las condiciones que sean apropiadas para proteger al público y promover la rehabilitación, y que dichas condiciones podrán incluir pero no se limitarán al asesoramiento y otras restricciones entre las que podría haber restricciones en cuanto a dónde usted podrá vivir, trabajar, viajar o las personas con quienes podrá comunicarse?

[YES/SÍ] [NO]

[NA/
NO APLICA]

(3) Do you understand that if you violate a condition of parole supervision for life, your parole may be revoked and you can be sent to prison for 12 to 18 months for each revocation that occurs while you are being supervised and that the prison term you receive cannot be reduced by commutation or work credits?	¿Entiende usted que si infringe una condición de la supervisión bajo libertad condicional de por vida, le podrán revocar la libertad condicional y lo podrán enviar a la cárcel por un período entre 12 y 18 meses por cada revocación que ocurra mientras lo están supervisando, y que el término de encarcelación que reciba no se podrá reducir por conmutación o créditos por trabajo?	[YES/SÍ] [NO] [NA/ NO APLICA]
--	--	---

(4) Do you understand that if you violate a condition of parole supervision for life and you are indicted and convicted for that violation, you will receive a sentence of imprisonment of up to 18 months and that the sentence you receive could be in addition to any prison term you may receive from the Parole Board for a violation of parole supervision for life?	¿Entiende usted que si infringe una condición de la supervisión bajo libertad condicional de por vida y se le acusa formalmente y se le condena por dicha infracción, recibirá una sentencia de encarcelación que puede ser de un máximo de 18 meses, y que la sentencia que usted reciba puede ser agregada a cualquier término de encarcelación que pueda recibir de la Junta de Libertad Condicional por una infracción de la supervisión bajo libertad condicional de por vida?	[YES/SÍ] [NO] [NA/ NO APLICA]
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5. Internet Posting

Do you understand that as a result of your conviction your name, age, race, sex, date of birth, height, weight, eye color, any distinguishing scars or tattoos you have, your photograph, the make, model, color, year and license plate number of any vehicle you operate, the street address, zip code, municipality and county in which you reside and a description of the offense for which you are pleading guilty, may be publicly available on the internet?

Divulgación en el Internet

¿Entiende usted que como resultado de su condena, pueden estar públicamente disponibles en el Internet su nombre y apellido, edad, raza, sexo, fecha de nacimiento, estatura, peso, color de los ojos, cualquier cicatriz o tatuaje particular que tenga, su fotografía, la marca, el modelo, el color, año y número de la placa de cualquier vehículo que opere, la dirección, código postal, municipio y condado en que reside y una descripción del delito del que se está declarando culpable?

[YES/SÍ] [NO]

6. Statewide Sexual Assault Nurse Examiner Program Penalty

Do you understand that if the crime occurred on or after May 4, 2001 as a result of your guilty plea you will be required to pay a penalty of \$800 for each offense for which you are pleading guilty?

Multa del Programa Estatal de Enfermeras Examinadoras de Víctimas de Agresiones Sexuales

¿Entiende usted que si el delito ocurrió el 4 de mayo de 2001 o después de esa fecha, como resultado de su declaración de culpabilidad, se requerirá que pague una multa de \$800 por cada delito del cual se está declarando culpable? [YES/SÍ] [NO]

7. Civil Commitment

Do you understand that if you are convicted of a sexually violent offense, such as aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2)(b), criminal sexual contact, felony murder if the underlying crime is sexual assault, an attempt to commit any of these offenses, or any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, you may upon completion of your term of incarceration, be civilly committed to another facility if the court finds, after a hearing, that you are in need of involuntary civil commitment?

Confinamiento Civil

¿Entiende usted que si lo condenan por un delito de violencia sexual, como por ejemplo agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto conforme a 2C:13-1c(2)(b), abuso deshonesto, homicidio preterintencional si el delito subyacente es agresión sexual, un intento de cometer cualquiera de dichos delitos o cualquier delito respecto al cual el juez hace constar en el acta su decisión específica de que, dadas las circunstancias del caso, el delito se debe considerar un delito de violencia sexual, cuando usted cumpla su término de encarcelamiento, es posible que lo confinen mediante un proceso civil en otra instalación si después de una audiencia el juez decide que un confinamiento civil involuntario es necesario para usted? [YES/SÍ] [NO]

8. Sex Crime Victim Treatment Fund
Penalty (S.C.V.T.F.)

Do you understand that if the crime occurred on or after April 26, 2005, as a result of your guilty plea you will be required to pay a mandatory Sex Crime Victim Treatment Fund (S.C.V.T.F.) penalty as listed below for each offense for which you pled guilty?

The mandatory penalties are as follows:

- (1) Up to \$2,000 in the case of a 1st degree crime
- (2) Up to \$1,000 in the case of a 2nd degree crime
- (3) Up to \$ 750 in the case of a 3rd degree crime
- (4) Up to \$ 500 in the case of a 4th degree crime

TOTAL S.C.V.T.F. Penalty: _____

Multa TOTAL de S.C.V.T.F

Multas del Fondo para el Tratamiento de Víctimas de
Delitos Sexuales (S.C.V.T.F.)

¿Entiende usted que si el delito ocurrió [YES/SÍ] [NO] el 26 de abril del 2005 o después de esa fecha, a consecuencia de su declaración de culpabilidad usted tendrá que pagar una multa obligatoria para el Fondo para el Tratamiento de Víctimas de Delitos Sexuales (S.C.V.T.F.), tal como se indica a continuación, por cada delito del cual usted se declaró culpable?

Las multas obligatorias son las siguientes:

- (1) Un máximo de \$2,000 por un delito de 1^{er} grado
- (2) Un máximo de \$1,000 por un delito de 2^o grado
- (3) Un máximo de \$750 por un delito de 3^{er} grado
- (4) Un máximo de \$500 por un delito de 4^o grado

Date: _____

Fecha

Defense Attorney: _____

Abogado Defensor

Defendant: _____

Acusado

Prosecutor: _____

Fiscal

ATTACHMENT 3

CERTIFICATION APPLICATION FOR APPOINTMENT AS A PRIVATE PROSECUTOR

ENGLISH AND ENGLISH-SPANISH VERSIONS

CERTIFICATION APPLICATION FOR APPOINTMENT
AS PRIVATE PROSECUTOR

State of New Jersey vs. _____

Docket Number(s): _____

Charge(s) _____

Attorney Information:

Name: _____

Address: _____

Telephone Number: _____

This Certification is supplied to the _____ Superior Court, pursuant to the provisions of R. 3:23-9(d) and State v. Storm, 141 N.J. 245 (1995) to provide the court and the prosecutor with all facts that may foreseeably affect the fairness of the proceedings to enable the court to determine whether I may be appointed as an impartial private prosecutor for _____, the complaining witness in the above matter.

1. (Please circle the applicable letter). The complaining witness is:

(a) an individual, (b) a business, or (c) an entity with its own police
(please describe): department (please describe):

2. There is no actual conflict of interest arising from my representation of, and fee arrangement with, the complaining witness.

[]

Check if correct.

If not, please explain:

3. The prosecutor has elected not to conduct the prosecution.

[]

Check if correct.

If not, please explain:

4. The defendant is or is expected to be represented by counsel.

[YES] [NO] [UNKNOWN]

Notice has been given to defendant's attorney

[YES] [NO]

5. There is no civil litigation, existing or anticipated, between the complaining witness and the defendant concerning the same or similar facts as are contained in the complaint. In the event of such civil litigation, I have informed the complaining witness that neither I nor any member of my firm will undertake the complaining witness' representation in that matter.

Check if correct.

[]

If not, please explain:

-

6. There are no other facts that could reasonably affect the impartiality of the private prosecutor and the fairness of the proceedings or otherwise create an appearance of impropriety. Check if correct.

[]

If not, please explain:

Comments:

Please attach additional sheets if necessary.

CERTIFICATION IN LIEU OF OATH

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATE _____ NAME OF APPLICANT _____

CERTIFICATION APPLICATION FOR APPOINTMENT AS PRIVATE PROSECUTOR

CERTIFICACIÓN Y SOLICITUD DE DESIGNACIÓN COMO FISCAL PRIVADO

State of New Jersey vs. _____

Estado de Nueva Jersey contra _____

Docket Number(s): _____

Número(s) de Expediente(s) _____

Charge(s) _____

Cargo(s) _____

Attorney Information:

Información sobre el Abogado:

Name: _____

Nombre y apellido: _____

Address: _____

Dirección: _____

Telephone Number: _____

Número de Teléfono: _____

This Certification is supplied to the _____ Superior Court, pursuant to the provisions of R. 3:23-9(d) and State v. Storm, 141 N.J. 245 (1995) to provide the court and the prosecutor with all facts that may foreseeably affect the fairness of the proceedings to enable the court to determine whether I may be appointed as an impartial private prosecutor for _____, the complaining witness in the above matter.

La presente Certificación se presenta al Tribunal Superior de _____ conforme a lo que disponen R. 3:23-9(d) y State v. Storm, 141 N.J. 245 (1995) para informar al juez y al fiscal de todos los hechos que se prevea puedan afectar la equidad de los procedimientos y permitir que el juez determine si me puede designar fiscal privado imparcial para _____, el testigo denunciante en el asunto citado más arriba.

1. (Please circle the applicable letter). (Sírvese marcar con un círculo la letra que aplica). El testigo denunciante es:
The complaining witness is:
(a) an individual, (b) a business or (c) an entity with its own police department (please describe):
(a) un individuo, (b) un negocio o (c) una entidad con su propia jefatura de policía (sírvese describirlo):
-
-

2. There is no actual conflict of interest arising from my representation of, and fee arrangement with, the complaining witness. No existe ningún conflicto de intereses proveniente de mi representación del testigo denunciante ni del acuerdo de honorarios con él.
Check if correct. Marque la casilla si es cierto. []
If not, please explain: De lo contrario, sírvase dar una explicación:
-
-

3. The prosecutor has elected not to conduct the prosecution. El fiscal ha optado por no dirigir el enjuiciamiento.
Check if correct. Marque la casilla si es cierto. []
If not, please explain: De lo contrario, sírvase dar una explicación:
-
-

4. The defendant is or is expected to be represented by counsel. Al acusado lo representa, [YES/SÍ] [NO] [UNKNOWN]
Notice has been given to defendant's attorney. o se espera que lo represente, un abogado. [NO SE SABE]
Se ha notificado al abogado del acusado [YES/SÍ] [NO]

5. There is no civil litigation, existing or anticipated, between the complaining witness and the defendant concerning the same or similar facts as are contained in the complaint. In the event of such civil litigation, I have informed the complaining witness that neither I nor any member of my firm will undertake the complaining witness' representation in that matter.
- No existe ni se prevé ningún litigio civil entre el testigo denunciante y el acusado con respecto a los hechos de la denuncia o hechos similares. Si llegara a ocurrir tal litigio civil, he informado al testigo denunciante que ni yo ni ningún miembro de mi bufete lo representaremos en ese asunto.
- Marque la casilla si es cierto. []

Check if correct.

If not, please explain:

De lo contrario, sírvase dar una explicación:

6. There are no other facts that could reasonably affect the impartiality of the private prosecutor and the fairness of the proceedings or otherwise create an appearance of impropriety.
- No existen otros hechos que razonablemente podrían afectar la imparcialidad del fiscal privado y la equidad de los procedimientos o de otra forma crear la apariencia de incorrección.
- Check if correct. Marque la casilla si es cierto. []
- If not, please explain: De lo contrario, sírvase dar una explicación.

Comments:

Comentarios:

Please attach additional sheets if necessary.
Sírvase anexar hojas adicionales si son necesarias.

CERTIFICATION IN LIEU OF OATH
CERTIFICACIÓN EN LUGAR DEL JURAMENTO

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Por la presente certifico que son ciertas las declaraciones anteriores hechas por mí. Estoy consciente de que estaré sujeto a un castigo si alguna de ellas es intencionalmente falsa.

DATE _____ NAME OF APPLICANT _____
FECHA _____ NOMBRE Y APELLIDO DEL SOLICITANTE

[Questions or comments may
be directed to 609-292-4638.]

**Supplement to
Directive # 13-05**

**TO: ASSIGNMENT JUDGES
CRIMINAL PRESIDING JUDGES**

FROM: PHILIP S. CARCHMAN

Subj: Plea Forms – Corrected “Three-Page Plea Form”

DATE: SEPTEMBER 28, 2005

Directive #13-05 (dated September 19, 2005) promulgated amendments to certain plea forms, with those amendments necessitated by recent case law and legislative enactments. On one of those amended plea forms – the English version of the basic three-page Plea Form (designated as Attachment 1 to the Directive) – we inadvertently omitted at the bottom of the first two pages the line on which the defendant must write his or her initials. Attached is a corrected version of that three-page Plea Form (English version) with those lines added. While the English-Spanish version of the form as appended to the Directive did include the defendant-initial lines, attached here is an updated English-Spanish version as well.

Attachments

cc: Chief Justice Deborah T. Poritz
Attorney General Peter C. Harvey
Public Defender Yvonne Smith Segars
County Prosecutors
Vaughn McKoy, DCJ Director
AOC Directors and Assistant Directors
Regional Deputy Public Defenders
Trial Court Administrators
Criminal Division Managers
Vance D. Hagins, Criminal Practice Division
John Wieck, Criminal Practice Division
Melaney S. Payne, Criminal Practice Division
Steven D. Bonville, Special Assistant

PLEA FORM

County _____

Prosecutor File Number _____

DEFENDANT’S NAME _____

before Judge _____

1. List the charges to which you are pleading guilty:

Defendant's Initials _____

Ind./Acc./Comp.#	Count	Nature of Offense	Degree		Statutory Maximum		VCCB Assmt*
					Time	Fine	
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
Your total exposure as the result of this plea is:				TOTAL	_____	_____	_____

PLEASE CIRCLE
APPROPRIATE ANSWER

2. a. Did you commit the offense(s) to which you are pleading guilty? [YES] [NO]
b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? [YES] [NO]
3. Do you understand what the charges mean? [YES] [NO]
4. Do you understand that by pleading guilty you are giving up certain rights? Among them are:
a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? [YES] [NO]
b. The right to remain silent? [YES] [NO]
c. The right to confront the witnesses against you? [YES] [NO]
5. Do you understand that if you plead guilty:
a. You will have a criminal record? [YES] [NO]
b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crime Compensation Board Assessment? [YES] [NO]
c. You must pay a minimum Victims of Crime Compensation Board assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.) [YES] [NO]
d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? [YES] [NO]
5. e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? [YES] [NO]
f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? [YES] [NO]
g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? [YES] [NO]

* VICTIMS OF CRIME COMPENSATION BOARD ASSESSMENT

Defendant's Initials _____

- h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? [YES] [NO]
6. Do you understand that the court could, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed? [YES] [NO]
7. Did you enter a plea of guilty to any charges that require a mandatory period of parole ineligibility or a mandatory extended term? [YES] [NO]
- a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is _____ years and _____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be _____ years and _____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.
8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? [YES] [NO]
9. Are you presently on probation or parole? [YES] [NO]
- a. Do you realize that a guilty plea may result in a violation of your probation or parole? [YES] [NO] [N/A]
10. Are you presently serving a custodial sentence on another charge? [YES] [NO]
- a. Do you understand that a guilty plea may affect your parole eligibility? [YES] [NO] [N/A]
11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? [YES] [NO] [N/A]
12. List any charges the prosecutor has agreed to recommend for dismissal:
- | Ind./Acc./Compl.# | Count | Nature of Offense and Degree |
|-------------------|-------|------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

13. Specify any sentence the prosecutor has agreed to recommend:

Defendant's Initials _____

14. Has the prosecutor promised that he or she will NOT:
- | | | |
|--|-------|------|
| a. Speak at sentencing? | [YES] | [NO] |
| b. Seek an extended term of confinement? | [YES] | [NO] |
| c. Seek a stipulation of parole ineligibility? | [YES] | [NO] |
15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution? [YES] [NO] [N/A]
16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty? [YES] [NO] [N/A]
17. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty? [YES] [NO] [N/A]
18. Have you discussed with your attorney the legal doctrine of merger? [YES] [NO] [N/A]
19. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence? [YES] [NO] [N/A]
20. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:
- _____
- _____
21. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty? [YES] [NO]
22. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? [YES] [NO]
- b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea? [YES] [NO]
- c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? [YES] [NO]
23. Are you satisfied with the advice you have received from your lawyer? [YES] [NO]
24. Do you have any questions concerning this plea? [YES] [NO]

DATE _____ DEFENDANT _____

DEFENSE ATTORNEY _____

PROSECUTOR _____

[] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

PLEA FORM
FORMULARIO DE DECLARACIÓN
DE CULPABILIDAD

County _____

Condado _____

Prosecutor File Number _____

Número del expediente de la fiscalía _____

DEFENDANT'S NAME _____

NOMBRES Y APELLIDO DEL ACUSADO _____

before Judge _____

ante el Juez _____

1. List the charges to which you are pleading guilty: Enumere los cargos de que usted se declara culpable:

Ind./Acc./Comp.# Nº de Ac. Formal/ Ac./Denun.	Count Cargo	Nature of Offense Naturaleza de la Infracción	Degree Grado		<u>Statutory Maximum</u> <u>Máximo por Estatuto</u>		VCCB Assmt* Multa de la VCCB*
					Time Tiempo	Fine Multa	
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
Your total exposure as the result of this plea is:		Su exposición total como resultado de esta declaración es: TOTAL			_____	_____	_____

PLEASE CIRCLE
APPROPRIATE ANSWER
SÍRVASE MARCAR LA RESPUESTA
APROPIADA CON UN CÍRCULO

2. a. Did you commit the offense(s) to which you are pleading guilty? ¿Cometió usted la infracción (las infracciones) de que se declara culpable? [YES/SÍ] [NO]

*VICTIMS OF CRIME COMPENSATION BOARD ASSESSMENT
MULTA DE LA JUNTA DE COMPENSACIÓN PARA VÍCTIMAS DE DELITOS

Defendant's Initials
Iniciales del acusado _____

- b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? ¿Entiende que antes de que el juez lo pueda encontrar culpable, tendrá que decirle al juez qué es lo que usted hizo que lo hace culpable de la infracción particular (de las infracciones particulares)? [YES/SÍ] [NO]
3. Do you understand what the charges mean? ¿Entiende lo que significan los cargos? [YES/SÍ] [NO]

4. Do you understand that by pleading guilty you are giving up certain rights? Among them are: ¿Entiende que al declararse culpable, usted renuncia a ciertos derechos? Entre ellos están:
- a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? El derecho a juicio con jurado en que el Estado tiene que probar su culpabilidad fuera de duda razonable? [YES/SÍ] [NO]
 - b. The right to remain silent? El derecho de guardar silencio? [YES/SÍ] [NO]
 - c. The right to confront the witnesses against you? El derecho de confrontar a los testigos en su contra? [YES/SÍ] [NO]
5. Do you understand that if you plead guilty: ¿Entiende que si usted se declara culpable:
- a. You will have a criminal record? Tendrá antecedentes penales? [YES/SÍ] [NO]
 - b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crimes Compensation Board Assessment? A menos que el convenio declaratorio estipule otra cosa, se le podría sentenciar a cumplir el tiempo máximo de reclusión, a pagar la multa máxima y a pagar la multa máxima de la Junta de Compensación para Víctimas de Delitos? [YES/SÍ] [NO]
 - c. You must pay a minimum Victims of Crimes Compensation Board assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive, \$25 if offense occurred before January 1, 1986.) Tendrá que pagar una multa mínima de la Junta de Compensación para Víctimas de Delitos de \$50 (un mínimo de \$100 si se le condena por un delito violento) por cada cargo de que usted se declara culpable? (La multa es de \$30 si la infracción ocurrió entre el 9 de enero de 1986 y el 22 de diciembre de 1991, de \$25 si la infracción ocurrió antes del primero de enero de 1986.) [YES/SÍ] [NO]
 - d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? Si la infracción ocurrió el primero de febrero de 1993 o después de dicha fecha pero antes del 13 de marzo de 1995, y se le sentencia a libertad a prueba o a un instituto correccional del estado, usted tendrá que pagar un gasto de transacción de hasta \$1.00 en cada ocasión en que se haga un pago o en que se abone una cuota? Si la infracción ocurrió el 13 de marzo de 1995 o después de dicha fecha, y se le sentencia a libertad a prueba, o si la sentencia por otro motivo requiere pagos de obligaciones económicas a la división de libertad a prueba, usted tendrá que pagar un gasto de transacción de hasta \$2.00 en cada ocasión en que se haga un pago o se abone una cuota? [YES/SÍ] [NO]

Defendant's Initials
Iniciales del acusado

- | | | |
|---|--|---------------|
| 5. e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? | Si la infracción ocurrió el 2 de agosto de 1993 o después de dicha fecha, usted tendrá que pagar una multa de \$75 al Fondo de Servicios de Vecindarios Seguros por cada condena? | [YES/SÍ] [NO] |
| f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? | Si la infracción ocurrió el 5 de enero de 1994 o después de dicha fecha y se le sentencia a libertad a prueba, usted tendrá que pagar un cargo mensual de un máximo de \$25 durante el término de la libertad a prueba? | [YES/SÍ] [NO] |
| g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? | Si el delito ocurrió el 9 de enero de 1997 o después de esa fecha, usted tiene que pagar una multa de \$30 al Fondo de Capacitación y Equipamiento de Oficiales del Orden? | [YES/SÍ] [NO] |
| h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? | Se requerirá que usted suministre y pague el costo del análisis de una muestra de su ADN que podría ser usada por las autoridades del orden público en la investigación de actividades delictuosas. | [YES/SÍ] [NO] |
| 6. Do you understand that <u>the court could</u> , in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentenced imposed? | ¿Entiende que a su discreción <u>el juez podría</u> imponerle un tiempo mínimo de reclusión que cumplir antes de que usted esté en condiciones para estar en libertad condicional, y que ese período podría ser tan largo como la mitad del período de la sentencia de privación de libertad que se le haya impuesto a usted? | [YES/SÍ] [NO] |
| 7. Did you enter a plea of guilty to any charges <u>that require</u> a mandatory period of parole ineligibility or a mandatory extended term? | ¿Presentó usted una declaración de culpabilidad a cualquier cargo <u>que requiera</u> un período obligatorio sin posibilidades de libertad condicional o un término obligatorio prolongado? | [YES/SÍ] [NO] |
| a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is _____ years and _____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be _____ years and _____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits. | Si usted se declara culpable de tal cargo, el período mínimo obligatorio sin posibilidades de libertad condicional es _____ años y _____ meses (llene la cantidad de años/meses) y el período máximo antes de que usted pueda aspirar a que se le otorgue la libertad condicional podrá ser de _____ años y _____ meses (llene la cantidad de años/meses) y dicho período no se podrá reducir por créditos por buen comportamiento, trabajo o custodia mínima. | |

Defendant's Initials
Iniciales del acusado

8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? ¿Se declara usted culpable de un delito que conlleva la presunción de encarcelamiento, lo cual quiere decir que es casi seguro que usted irá a una prisión del estado? [YES/SÍ] [NO]
9. Are you presently on probation or parole? ¿Actualmente se encuentra usted bajo libertad a prueba o libertad condicional? [YES/SÍ] [NO]
- a. Do you realize that a guilty plea may result in a violation of your probation or parole? ¿Se da cuenta usted de que una declaración de culpabilidad podrá dar como resultado una infracción de su libertad a prueba o libertad condicional? [YES/SÍ] [NO] [N/A] [NO APLICA]
10. Are you presently serving a custodial sentence on another charge? ¿Actualmente está cumpliendo usted una sentencia custodial por otro cargo? [YES/SÍ] [NO]
- a. Do you understand that a guilty plea may affect your parole eligibility? ¿Entiende usted que una declaración de culpabilidad podrá afectar sus posibilidades de conseguir libertad condicional? [YES/SÍ] [NO] [N/A] [NO APLICA]
11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? ¿Entiende usted que si se ha declarado culpable de otros cargos, o si lo han encontrado culpable de otros cargos, o si actualmente está cumpliendo un término de privación de libertad y el convenio declaratorio no menciona el tema, el juez podrá requerir que las sentencias sean consecutivas? [YES/SÍ] [NO] [N/A] [NO APLICA]
12. List any charges the prosecutor has agreed to recommend for dismissal: Enumere los cargos que el (la) fiscal haya acordado recomendar que se desestimen:

Ind./Acc./Compl.#
Nº de Ac.
Formal/Ac./Denun.

Count
Cargo

Nature of Offense and Degree
Naturaleza y Grado de la Infracción

Defendant's Initials
Iniciales del acusado

13. Specify any sentence the prosecutor has agreed to recommend: _____
Especifique cualquier sentencia que el fiscal haya acordado recomendar que se desestime:
14. Has the prosecutor promised that he or she will NOT:
a. Speak at sentencing?
b. Seek an extended term of confinement?
c. Seek a stipulation of parole ineligibility?
- ¿Ha prometido el fiscal que él o ella NO:
Hablará cuando lo sentencien a usted?
Tratará de obtener un término prolongado de reclusión?
Tratará de obtener una estipulación que limite sus posibilidades de conseguir libertad condicional?
- [YES/SÍ] [NO]
[YES/SÍ] [NO]
[YES/SÍ] [NO]
15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution?
¿Sabe usted que tendrá que pagar una restitución si el juez determina que existe una víctima que ha sufrido una pérdida y si el juez determina que usted puede o en el futuro podrá pagar una restitución?
- [YES/SÍ] [NO] [N/A]
[NO APLICA]
16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty?
¿Entiende usted que si ocupa un cargo público, o si es empleado público se podrá requerir que renuncie a su cargo o empleo en virtud de su declaración de culpabilidad?
- [YES/SÍ] [NO] [N/A]
[NO APLICA]
17. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty?
¿Entiende usted que si no es ciudadano o nacional de los Estados Unidos, podrá ser deportado en virtud de su declaración de culpabilidad?
- [YES/SÍ] [NO] [N/A]
[NO APLICA]
18. Have you discussed with your attorney the legal doctrine of merger?
¿Ha hablado usted con su abogado sobre la doctrina legal de fusión?
- [YES/SÍ] [NO] [N/A]
[NO APLICA]
19. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence?
¿Renuncia usted al derecho de argüir cuando lo sentencien que hay cargos de que se declaró culpable por los cuales no se le puede imponer una sentencia aparte?
- [YES/SÍ] [NO] [N/A]
[NO APLICA]
20. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:
Enumere cualquier otra promesa o representación que haya hecho usted, el fiscal, su abogado defensor, o cualquier otra persona como parte de esta declaración de culpabilidad:

Defendant's Initials
Iniciales del acusado

- | | | |
|--|---|----------------------|
| <p>21. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty?</p> | <p>¿Se le ha hecho alguna otra promesa además de las que se mencionan en este formulario o alguna amenaza para conseguir que usted se declare culpable?</p> | <p>[YES/SÍ] [NO]</p> |
| <p>22. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence?</p> | <p>¿Entiende usted que el juez no se encuentra obligado por ninguna promesa o recomendación del fiscal y que el juez tiene el derecho de rechazar la declaración de culpabilidad antes de sentenciarlo a usted y el derecho de imponerle una sentencia mayor?</p> | <p>[YES/SÍ] [NO]</p> |
| <p>b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea?</p> | <p>¿Entiende usted que si el juez decide imponerle una sentencia mayor que la que recomienda el fiscal, usted podrá retractar su declaración de culpabilidad?</p> | <p>[YES/SÍ] [NO]</p> |
| <p>c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial?</p> | <p>¿Entiende que si se permite que usted retracte su declaración de culpabilidad por la sentencia del juez, cualquier cosa que usted diga que promueva la declaración de culpabilidad no se podrá usar en su contra en un juicio?</p> | <p>[YES/SÍ] [NO]</p> |
| <p>23. Are you satisfied with the advice you have received from your lawyer?</p> | <p>¿Está usted conforme con los consejos que ha recibido de su abogado?</p> | <p>[YES/SÍ] [NO]</p> |
| <p>24. Do you have any questions concerning this plea?</p> | <p>¿Tiene usted alguna pregunta con respecto a esta declaración de culpabilidad?</p> | <p>[YES/SÍ] [NO]</p> |

DATE _____ DEFENDANT _____
FECHA _____ ACUSADO _____

DEFENSE ATTORNEY _____
ABOGADO DEFENSOR _____

PROSECUTOR _____
FISCAL _____

[] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

Esta declaración es el resultado de las indicaciones condicionales del juez en cuanto a la sentencia máxima que él o ella impondría sin consideración de la recomendación del fiscal. Por consiguiente, se ha completado el "Formulario Suplementario para Declaraciones No Negociadas".