

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

STATE OF KANSAS

Plaintiff

VS.

Case No. _____

Division _____

Defendant

PLEA ADVISORY

READ CAREFULLY

The law requires that you understand all of the rights you are giving up by entering a plea in this case. Below you will find a statement of those rights. After you have read each right, if you understand it, please initial it. This advisory will be presented in Court, and the judge may ask you questions to be certain that you understand the rights you are giving up. If you have any questions about those rights, you may ask your attorney or the judge. This document will be made part of your Court file.

1. You have been charged with the following crimes:

Do you understand these charges? Yes _____ No _____

2. You have a right to a trial in this case. _____

3. You have the right to have a trial by jury. _____

4. You have the right to be represented by a lawyer at trial, and if you cannot afford one, a lawyer would be appointed for you. _____

5. If you enter a plea of guilty/no contest and if the court accepts that plea, you will be found guilty. _____

6. If you enter a plea of guilty you are admitting to every element of the crime charged. _____

7. If you enter a plea of guilty/no contest you will not have a trial. _____

8. If you enter a plea of no contest and if the State proffers sufficient evidence to support the charges beyond a reasonable doubt, you will be found guilty even if you do not admit your guilt. _____

9. If you enter a plea of guilty and if you or your attorney states sufficient facts to support the charges beyond a reasonable doubt, you will be found guilty. _____

10. If you enter a plea of guilty/no contest, you give up your right to test the constitutionality of any statements you may have made to law enforcement officers or any evidence taken from you by law enforcement officers. _____

11. In order to prove a crime, at trial the State must prove each element of the crime beyond a reasonable doubt. _____

12. If the State does not prove each element beyond a reasonable doubt, then the judge or jury must find you not guilty. _____

13. The State has the burden of proof to demonstrate your guilt beyond a reasonable doubt. _____

14. At trial, you are presumed to be innocent of all crimes with which you are charged. _____

15. At trial, you never have to prove you are not guilty. _____

16. At trial, you have a right to see and hear witnesses who are called against you. _____

17. At trial, your lawyer has the right to cross examine the State's witnesses.

18. At trial, you have the right to take the stand and under oath tell your side of what happened. _____

19. You have the right to subpoena people to Court as witnesses for your side of the case; this means they would be served with papers which would order them to appear. _____

20. Under our Constitution, you have the right to remain silent and if you choose not to testify and not to call any witnesses, your silence may not be used to show that you are guilty or be used against you in any way. _____

21. The State is requesting restitution in the amount of \$ _____.

22. If you had a trial and were found guilty, you could appeal your conviction to the Court of Appeals or the Supreme Court of Kansas. _____

23. you might be entitled to a court appointed attorney to represent you in that appeal process. _____

24. If you are convicted by your plea of guilty/no contest, and if the Court finds you guilty, you cannot appeal the question of guilt. _____

25. The maximum and minimum penalties for each of the crimes upon which you are entering a plea are as follows:

26. Although there may have been plea negotiations in your case, and the State's attorney and your attorney have agreed upon certain sentencing recommendations, the Court does not have to follow those recommendations. _____

27. The Court is not a part of any plea agreement. _____

28. Aside from the plea agreement, has anyone made any promises to you, or has anyone threatened you to make you enter this plea? Yes _____ No _____

29. Has anyone told you that the Court would be easy on you if you enter this plea? Yes _____ No _____

30. Your lawyer was appointed by the Court. Yes _____ No _____

31. Have you been pleased with the work he/she had done in your case?

Yes _____ No _____

I have reviewed this plea advisory with my client.

Date _____
_____ Attorney

I, _____, do solemnly swear that I have read the above entitled statement and fully understand the rights I am giving up by entering this plea.

Defendant Signature

Subscribed and sworn to before me this _____ day of _____,
_____.

District Judge