

IN THE DISTRICT COURT OF CREEK COUNTY
STATE OF OKLAHOMA
_____ Division

THE STATE OF OKLAHOMA,)
PLAINTIFF,)

vs.)

_____)
DEFENDANT.)

SS# _____ D.O.B. _____)

_____)

_____)

(Home Address)

CASE NO. _____

(NOTE: The trial judge shall ensure the defendant is sworn either prior to completing the Summary of Facts or prior to inquiry by the Court on the plea. If the Defendant is entering a nolo contendere, or other type of guilty plea, correct by pen change where term "guilty" used.)

PLEA OF GUILTY
SUMMARY OF FACTS

I. Are you a citizen of any Country other than the United States? Yes No
If yes, what country? _____

II. If I am not a Citizen of the United States, I have been advised that I, defendant herein, in addition to any plea accepted by the Court, could also face possible immigration consequences, which could include deportation. Yes No.

III. Are you a single, custodial parent of a minor child? Yes No

PART A: FINDINGS OF FACT, ACCEPTANCE OF PLEA Circle

1. Is the name just read to you your true name? Yes No

If no, what is your correct name(s): _____

I have also been known by the names(s): _____

2. My lawyer's name is: _____

3. (a) Do you wish to have a record made of these proceedings by a Court Reporter? Yes No

3. (b) Do you wish to waive this right? Yes No

4. Age: _____ Grade completed in school: _____

5. Can you read and understand this form? Yes No
(If the answer above is no, Addendum A is to be completed and attached.)

6. Are you currently taking any medications or substances which affect your ability to understand these proceedings? Yes No

7. Have you been prescribed any medication that you should be taking but you are not taking? Yes No

If so, what kind and for what purpose? _____

8. Have you ever been treated by a doctor or health professional for mental illness or confined in a hospital for mental illness? Yes No

If yes, list the doctor or health professional, place and when occurred: _____

9. Do you understand the nature and consequences of this proceeding? Yes No

10. Have you received a copy of the Information and read its allegations? Yes No

11. Does the State move to dismiss or amend any case(s) or count(s) in the information or on page 2 of the information? Yes No

If yes, set forth the cases/counts dismissed or amended:

12.(a) Do you understand you are charged with:

CRIME	STATUTORY REFERENCE		
[1] _____	_____ O. S. _____	Yes	No
[2] _____	_____ O. S. _____	Yes	No
[3] _____	_____ O. S. _____	Yes	No
[4] _____	_____ O. S. _____	Yes	No
[5] _____	_____ O. S. _____	Yes	No
[6] _____	_____ O. S. _____	Yes	No

For additional charges: List any additional charges on a separate sheet and label as PLEA OF GUILTY - ADDENDUM B.

12.(b) Are you charged after former conviction of a felony? Yes No

If yes, list the felony(ies) charged: _____

13. Have you previously been convicted of a felony? Yes No
If yes, when, where and for what felony(ies) charged: _____

14. _____ (check if applicable) Do you understand that you are subject to the Delayed Sentencing Program for Young Adults and what that sentencing program involves?
Yes No

_____ (check if applicable) Do you understand that upon a conviction on a plea of guilty to the offense(s) of _____ you will be required to serve a minimum sentence of:

_____ 85% of the sentence of imprisonment imposed before being eligible for parole consideration and are not eligible for earned or other type of credits which will have the effect of reducing the length of sentence to less than 85% of the sentence imposed?
Yes No

_____ % of the sentence of imprisonment imposed or received prior to becoming eligible for state correctional earned credits toward completion of your sentence or eligibility for parole?
Yes No

_____ (check if applicable) Do you understand that a conviction on a plea of guilty to the offense(s) of _____ will subject you to mandatory compliance with the Oklahoma Sex Offender Registration Act?
Yes No

_____ (check if applicable) Are you pleading to a crime that, if imprisoned, would require you to be supervised by the Department of Corrections for at least three years after your release?
Yes No

_____ (check if applicable) Do you understand that any person sentenced to imprisonment for two (2) years or more for the offense(s) of _____, involving sexual abuse, sexual exploitation, or illegal sexual conduct, shall be required to serve a term of post-imprisonment supervision for at least three (3) years under conditions determined by the Department of Corrections in addition to the actual term of imprisonment. There will be no post-imprisonment supervision for a sentence of life or life without the possibility of parole for offenses involving sexual abuse, sexual exploitation, or illegal sexual conduct.
Yes No

_____ (check if applicable) Do you understand that a conviction on a plea of guilty to the offense(s) of _____ will subject you to mandatory compliance with the Oklahoma Methamphetamine Offender Registry Act?
Yes No

_____ (*check if applicable*) Do you understand that the Court is required to include in the sentence of any person convicted of a felony and sentenced to a term of imprisonment after November 1, 2012, a term of post-imprisonment supervision. The post-imprisonment supervision shall be for a period of not less than nine (9) months nor more than one (1) year following confinement of the person and shall be served under conditions prescribed by the Department of Corrections. There will be no post-imprisonment supervision for a sentence of life without the possibility of parole.

Yes No

15. What is the charge(s) to which the defendant is entering a plea today?

16. Do you understand the range of punishment for the crime(s) is/are: (List in same order as in No. 12(a) above.)

- | | | |
|--|-----|----|
| 1. Minimum of _____ to a maximum of _____ and/or a fine of _____ | Yes | No |
| 2. Minimum of _____ to a maximum of _____ and/or a fine of _____ | Yes | No |
| 3. Minimum of _____ to a maximum of _____ and/or a fine of _____ | Yes | No |
| 4. Minimum of _____ to a maximum of _____ and/or a fine of _____ | Yes | No |
| 5. Minimum of _____ to a maximum of _____ and/or a fine of _____ | Yes | No |
| 6. Minimum of _____ to a maximum of _____ and/or a fine of _____ | Yes | No |

For additional charges: List any additional punishments on separate sheet, with additional crimes and labeled as PLEA OF GUILTY ADDENDUM B.

17. Read the following statements:

You have the right to a speedy trial before a jury for the determination of whether you are guilty or not guilty and if you request, to determine sentence. (If pleading to capital murder, advise of procedure in 21 O.S. §701.10(B)). At the trial:

- (1) You have the right to have a lawyer represent you, either one you hire yourself or if you are indigent a court-appointed attorney.
- (2) You are presumed to be innocent of the charges.
- (3) You may remain silent, or if you choose, you may testify on your own behalf.
- (4) You have the right to see and hear all witnesses called to testify against you and the right to cross-examine them.
- (5) You may have your witnesses ordered to appear in Court to testify and present evidence of any defense you have to these charges.

(6) The State is required to prove your guilt beyond a reasonable doubt.

(7) The verdict of guilty or not guilty decided by a jury must be unanimous. However, you can waive a jury trial and, if all parties agree, the case could be tried by a Judge alone who would decide if you were guilty or not guilty and if guilty, the appropriate punishment.

- | | | | |
|-----|---|-----|----|
| | Do you understand each of these rights? | Yes | No |
| 18. | Do you understand by entering a plea of guilty, you give up these rights? | Yes | No |
| 19. | Do you understand that a conviction on a plea of guilty could increase punishment in any future case committed after this plea? | Yes | No |
| 20. | Have you talked over the charge(s) with your lawyer, advised him/her regarding any defense you may have to the charges and had his/her advice? | Yes | No |
| 21. | Do you believe your lawyer has effectively assisted you in this case and are you satisfied with his/her advice? | Yes | No |
| 22. | Do you wish to change your plea of not guilty to guilty and give up your right to a jury trial and all other previously explained constitutional rights? | Yes | No |
| 23. | Is there a plea agreement? | Yes | No |
| | What is your understanding of the plea agreement? _____ | | |
| | _____ | | |
| | _____ | | |
| 24. | Do you understand that the Court is not bound by any agreement or recommendation and if the Court does not accept the plea agreement, you have the right to withdraw your plea of guilty? | Yes | No |
| 25. | Do you understand that if there is no plea agreement the Court can sentence you within the range of punishment stated in question 16? | Yes | No |
| 26. | Do you understand your plea of guilty to the charge(s) is after: [check one] | | |
| | <input type="checkbox"/> no prior felony convictions. | | |
| | <input type="checkbox"/> one (1) prior felony conviction. | | |
| | <input type="checkbox"/> two (2) or more prior felony convictions. | | |

List prior felony convictions to which pleading: _____

27. What (is) (are) your plea(s) to the charge(s)(and to each one of them?)

28. Did you commit the acts as charged in the Information? Yes No
 State the factual basis for your plea(s) (*attach additional page as needed, labeled as ADDENDUM C*): _____

29. Have you been forced, abused, mistreated or promised anything by anyone to have you enter your plea(s)? Yes No

30. Do you plead guilty of your own free will and without any coercion or compulsion of any kind? Yes No

31. If you are entering a plea to a felony offense, you have a right to a Pre-Sentence Investigation and Report which would contain the circumstances of the offense, any criminal record, social history and other background information about you.

Do you want to have this Report? Yes No

32. Do you have any additional statements to make to the Court? Yes No

33. Is there any legal reason you should not be sentenced now? Yes No

HAVING BEEN SWORN, I, the Defendant whose signature appears below, make the following statements under oath:

- (1) CHECK ONE:
- (a) I have read, understood and completed this form.
 - (b) My attorney completed this form and we have gone over the form and I understand its contents and agree with the answers. See Addendum "A".
 - (c) The Court completed this form for me and inserted my answers to the questions.

- (2) The answers are true and correct.
- (3) I understand that I may be prosecuted for perjury if I have made false statements to this Court.

DEFENDANT

ACKNOWLEDGED this _____ day of _____, 20_____.

Notary Public/Deputy Court Clerk/Judge

34. I, the undersigned attorney for the Defendant, believe the Defendant understands the nature, purpose and consequence of this proceeding. (S)He is able to assist me in formulating any defense to the charge(s). I am satisfied that the Defendant's waivers and plea(s) of guilty are voluntarily given and he/she has been informed of all legal and constitutional rights.

Attorney for the Defendant

35. The sentence recommendation in question 23 is correctly stated. I believe the recommendation is fair to the State of Oklahoma.

36. Offer of Proof (Nolo Contendere plea)

37. On entering a plea to a felony offense, the State has a right to a pre-sentence investigation and report. The State waives the right to a pre-sentence investigation? Yes No

Assistant District Attorney

THE COURT FINDS AS FOLLOWS:

- 38. A. The Defendant was sworn and responded to questions under oath.
- B. The Defendant understands the nature, purpose and consequences of this proceeding.
- C. The Defendant's plea(s) of _____ is/are knowingly and voluntarily entered and accepted by the Court.
- D. The Defendant is competent for the purpose of this hearing.
- E. A factual basis exists for the plea(s) [and former conviction(s) if applicable.]
- F. The Defendant is guilty as charged/deferred: (check as appropriate)
 - After no prior felony convictions.
 - After one (1) prior felony conviction.
 - After two (2) or more prior felony convictions.
- G. Sentencing or order deferring sentence shall be imposed instanter [] or continued until the _____ day of _____, 20____ at _____ .m. If the Pre-Sentence Investigation and Report is requested, it shall be provided to the Court by the _____ day of _____, 20____.
- H. Defendant is committed to:
 - The RID Program
 - The FORT Program
 - The Delayed Sentencing Program for Youthful Offenders

DONE IN OPEN COURT this _____ day of _____, 20____.

JUDGE OF THE DISTRICT COURT

Court Reporter Present

Deputy Court Clerk

PART B: SENTENCE ON PLEA

Case No. _____
State vs. _____
Date: _____

(Note on Use: Part B to be used with the Summary of Facts if contemporaneous with the entry of plea or may be formatted as a separate sentencing form if sentencing continued to a future date.)

THE COURT SENTENCES THE DEFENDANT AS FOLLOWS:

TIME TO SERVE

1. You are sentenced to confinement under the supervision of the Department of Corrections for a term of years as follows: (list in same order as in Question No. 15 in Part A) _____

Upon release from such confinement, you shall serve a term of post-imprisonment supervision under conditions prescribed by the Department of Corrections for a period of: _____
_____.

2. The sentence(s) to run concurrently/consecutively _____
OR NOT APPLICABLE _____.
3. Defendant shall receive _____ credit for time served, or _____ no credit for time served.

DEFERRED SENTENCE

1. The sentencing date is deferred until the ____ day of _____, 20__ at _____ .m. in _____, Oklahoma.
2. You (will/will not) be supervised. The terms set forth in the Rules and Conditions of Probation found in Addendum D shall be the rules you must follow during the period of deferment.

SUSPENDED SENTENCE OR SUSPENDED AS TO PART

1. You are sentenced to confinement under the supervision of the Department of Corrections for a term of years as follows: _____

_____ to be suspended as follows:

- (a) ALL SUSPENDED YES NO
- (b) suspended except as to the first _____ (months) (years) of the term(s) during which time you are to be held in the custody of the Department of Corrections, the remainder of the sentence(s) to be suspended under the terms set forth in the Rules and Conditions of Probation found in Addendum D.

_____ Said period of incarceration shall be in the custody of the Department of Corrections, to be served in the _____ County Jail, in lieu of the Department of Corrections, pursuant to the Community Service Sentencing Program, 22 O.S. §991a-4.1.

_____ Defendant's term of incarceration shall be calculated as: _____ calendar days with credit for good behavior only (57 O.S. §65).

_____ As calculated by the Sheriff with all implemented and allowable credits allowed by law.

- 2. The sentence(s) to run (concurrently/consecutively) _____ or NOT APPLICABLE_____.
- 3. Defendant shall receive credit for time served; shall not receive credit for time served.

IF YOU ARE BEING RELEASED WITH A SUSPENDED SENTENCE OR DEFERRED SENTENCE, YOU MUST REPORT TO THE SUPERVISING AGENCY IMMEDIATELY IF A REPRESENTATIVE IS IN THE COURTROOM AND THE JUDGE SO ORDERS. IN ALL OTHER CASES YOU SHALL REPORT WITHIN TWO (2) WORKING DAYS. IF YOU ARE UNCERTAIN OF THE LOCATION OF THE SUPERVISING AUTHORITY, CONSULT YOUR ATTORNEY.

FINES AND COSTS

You are to pay a fine(s), costs, fees and/or restitution to Creek County District Court Clerk as set out in Exhibit A which is attached to the Judgment & Sentence to be filed that incorporates but is not limited to the following:

FINE(S) Ct. 1 _____ Ct. 2 _____ Ct. 3 _____ Ct. 4 _____
 Ct. 5 _____ Ct. 6 _____ Ct. () _____ Ct. () _____
 Ct. () _____ Ct. () _____ Ct. () _____ Ct. () _____.

VICTIM'S COMPENSATION ASSESSMENT PER (CASE) (COUNT) \$ _____.

RESTITUTION \$ _____ which is payable through your probation officer.

\$ _____ TO REPAY THE STATE FOR THE SERVICE OF YOUR ATTORNEY.

PRE-SENTENCE INVESTIGATION FEE \$ _____

AND ALL REQUIRED COSTS, INCLUDING BUT NOT LIMITED TO JAIL FEES, MEDICAL FEES EXPENDED BY THE COUNTY, COURT COSTS AND ASSESSMENTS, BOTH ACCRUED AND ACCRUING

IN THE MINIMUM AMOUNTS REQUIRED BY LAW, FOR EACH COUNT AND IN EACH CASE. UNLESS YOU REQUEST OTHERWISE, THE INDIVIDUAL ENUMERATION OF THESE ITEMS IS WAIVED.

YOU ARE ORDERED TO REPORT TO THE COURT CLERK TO SET UP A PAYMENT SCHEDULE FOR PAYMENT OF THE ABOVE ITEMS. YOU MUST REPORT WITHIN 10 DAYS OF YOUR RELEASE FROM PRISON, IF YOU ARE IMPRISONED. REPORT IMMEDIATELY IF THE APPROPRIATE COURT CLERK IS LOCATED WHERE YOU ARE ENTERING YOUR PLEA. REPORT TO THE APPROPRIATE COURT CLERK WITHIN 3 WORKING DAYS IF YOUR PLEA IS BEING TAKEN AT A LOCATION DIFFERENT FROM WHERE YOUR CASE IS FILED. IF YOU HAVE ANY DOUBT WHERE TO REPORT, CONSULT YOUR ATTORNEY.

**COURT CLERK'S DUTY
[TRIAL JUDGE TO COMPLETE THIS SECTION]**

IT IS FURTHER ORDERED that the Clerk of this Court shall register or report the following circumstances in accordance with the applicable statutory authority:

() As to Count(s)_____, the defendant is ineligible to register to vote pursuant to Section 4-101 of Title 26.

() Pursuant to Section 985.1 of Title 22, the Court departed from the mandatory minimum sentence of imprisonment as to Count(s) _____.

() As to Count(s)_____, the defendant is subject to the Methamphetamine Offender Registry requirements as set forth in Section 2-701 of Title 63.

() Defendant is a lawyer and certified copies of this document shall be transmitted to the Chief Justice of the Supreme Court and the General Counsel of the Bar Association within five (5) days as set forth in Rule 7.2 of the Oklahoma Rules of Professional Conduct, 5 O.S.Supp.2014, ch. 1, app. 1-A.

NOTICE OF RIGHT TO APPEAL

Sentence to Incarceration, Suspended or Deferred:

To appeal from this conviction, or order deferring sentence, on your plea of guilty, you must file in the District Court Clerk's Office a written Application to Withdraw your Plea of Guilty within ten (10) days from today's date. You must set forth in detail why you are requesting to withdraw your plea. The trial court must hold a hearing and rule upon your Application within thirty (30) days from the date it is filed. If the trial court denies your Application, you have the right to ask the Court of Criminal Appeals to review the District Court's denial by filing a Petition for Writ of Certiorari within ninety (90) days from the date of the denial. Within ten (10) days from the date the application to withdraw plea of guilty is denied, notice of intent to appeal and designation of record must be filed pursuant to Oklahoma Court of Criminal Appeals Rule 4.2D. If you are indigent, you have the right to be represented on appeal by a court-appointed attorney and the right to a record and transcript at public expense.

Do you understand each of these rights to appeal?	Yes	No
Do you want to remain in the county jail ten (10) days before being taken to the place of confinement?	Yes	No
Have you fully understood the questions that have been asked?	Yes	No
Have your answers been freely and voluntarily given?	Yes	No

I ACKNOWLEDGE UNDERSTANDING OF RIGHTS AND SENTENCE IMPOSED.

DEFENDANT

I, the undersigned attorney, have advised the Defendant of his appellate rights.

Attorney for Defendant

Done in open Court, with all parties present, this _____ day of _____, 20____.

Judge of the District Court

Court Reporter Present

Deputy Court Clerk

ADDENDUM "A"
CERTIFICATE OF DEFENSE COUNSEL

As the attorney for the defendant _____, I certify that:

1. The Defendant has stated to me that he/she is (able/unable) to read and understand the attached form, and I have: (check appropriate option)

- determined the Defendant is able to understand the English language.
- determined the Defendant is unable to understand the English language and obtained _____ to interpret.

2. I have read and fully explained to the Defendant the allegations contained in the Information in this case.

3. I have read and fully explained to the Defendant all of the questions in the Plea of Guilty/Summary of Facts and the answers to the questions set out in the Summary of Facts are the Defendant's answers.

4. To the best of my knowledge and belief the statements and declaration made by the Defendant are accurate and true and have been freely and voluntarily made.

Dated this _____ day of _____, 20__.

Attorney for Defendant