

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ,)
)
 Defendant.)
)
 _____)

No. CR- - SBA
APPLICATION FOR PERMISSION
TO ENTER PLEA OF GUILTY AND
ORDER ACCEPTING PLEA
(Sentencing Guidelines)

The defendant, under penalty of perjury, declares that the following statements have been read and understood, and that each is true and correct:

1. My full name is _____.
I am _____ years of age.
I have gone to school up to and including _____.
I request that all proceedings against me be in my true name.
2. My lawyer's name is _____.
3. I have received a copy of the indictment or information before being called upon to plead. I have read the indictment or information, and have discussed it with my lawyer. I fully understand every charge made against me. I understand these charges to be:
4. I have told my lawyer all the facts and circumstances known to me about the charges against me in the indictment or information. I believe that my lawyer is fully informed on all such matters.
5. I know that the Court must be satisfied that there is a factual basis for a plea of "GUILTY"

before my plea can be accepted. I represent to the Court that I did the following acts in connection with the charges made against me in Counts

(In the space provided, the defendant must set out in detail, what he or she did. Attach a separate page if more space is needed.)

6. My lawyer has counseled and advised me on the nature of each charge, on all lesser include charges, and on all possible defenses that I might have in this case.

7. I know that I may plead "NOT GUILTY" to any offense charge against me.

8. I know that if I plead "GUILTY", I am giving up all of the Constitutional rights listed below:

a. the right to a speedy and public trial by jury;

b. the right to see and hear all witnesses called to testify against me;

c. the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor;

d. the right to the assistance of a lawyer at all stages in the proceedings and if I cannot afford a lawyer, to have the Court appoint one to represent me without cost to me or based upon my ability to pay.

e. the right to take the witness stand at my sole option and, if I do not take the witness stand, no inference of guilt may be drawn from such a failure;

f. the right against self-incrimination;

g. the right to appeal from an adverse judgment.

9. I know that if I plead "GUILTY", there will be no trial either before a judge or jury.

10. I know that a plea of "GUILTY" will result in my conviction and that the Court may impose the same punishment as if I had pled "NOT GUILTY", stood trial and been convicted by a jury.

11. My lawyer has informed me that as to the offense charged in Count or Counts¹ _____, the law provides:

¹ If more than one count, enter information for each count on a separate page.

- a. that the maximum imprisonment is _____ years.
- b. that the maximum fine is \$_____.
- c. that the statute which fixes the punishment for this offense requires a mandatory minimum penalty of _____.
- d. that the Court may order a term of supervised release to follow any term of imprisonment imposed.

12. I understand that I may be required to make restitution of any loss I have caused to any victim of my offense(s).

13. I understand that I will be required to pay a special assessment in the amount of:

a. \$100.00 for each felony and \$50.00 for each misdemeanor of which I shall be convicted, if my offense occurred after April 24, 1996; OR

b. \$50.00 for each felony and \$25.00 for each misdemeanor of which I shall be convicted, if my offense occurred prior to April 24, 1996.

14. I understand that under the provisions of certain criminal statutes, my property may be forfeited to the United States. I have been advised by my attorney of whether, and to what extent, property may be subject to forfeiture.

15. If I am on probation or parole in this or any other Court, I know that by pleading guilty in this case, my probation or parole may be revoked, and I may be required to serve time in that case, which may be consecutive to, that is, in addition to, any sentence imposed upon me in this case.

16. I declare that no officer or agent of any branch of government (Federal, State or Local) has promised or suggested that I will receive a lighter sentence or probation, or any other form of leniency if I plead "GUILTY", except as listed below. If anyone else has made such a promise or suggestion, except as noted below, I know that the person had no authority to do so. (State any promises or concessions made to the defendant or his attorney.)

17. I know that the sentence I will receive is solely a matter to be decided by the Judge. I know that the Judge will use the Sentencing Guidelines in deciding what sentence to impose. My lawyer has explained the Sentencing Guidelines to me.

18. I know that if a recommendation is made by the Government in this case as to the sentence to be imposed, that the Judge is not bound to accept this recommendation, and that I do not have the right to withdraw my plea of guilty if the Judge does not accept the recommendation.

19. I consent to an immediate pre-sentence investigation by the Probation Department, and consent to a review of my pre-sentence report by the Judge.

20. I am satisfied that my lawyer has done all that a lawyer could do to counsel and assist me, and I am satisfied with the advice and help my lawyer has given me.

21. I know that the Court will not permit anyone to plead "GUILTY" who maintains that he/she is innocent and, with that in mind, and because I am "GUILTY" and I respectfully request the Court to accept my plea of "GUILTY" and to have the Clerk enter my plea of "GUILTY" as follows: (The defendant's plea of "GUILTY" and "NOT GUILTY" to each offense should be entered.)

22. I do not believe that I am innocent; I wish to plead "GUILTY" because I am guilty.

23. My mind is clear. I am not under the influence of alcohol or drugs, and I am not under a doctor's care. The only drugs, medicines or pills that I have taken within the past seven days are: (If none, so state.)

24. My decision to plead "GUILTY" has not been forced or coerced by any threats or compulsion, direct or indirect, to or upon me or any other person.

25. I OFFER MY PLEA OF "GUILTY" FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE INDICTMENT OR INFORMATION AND IN THIS APPLICATION AND IN THE CERTIFICATE OF MY LAWYER WHICH IS ATTACHED TO THIS APPLICATION, AND I REQUEST THAT THE COURT ACCEPT MY PLEA OR PLEAS OF "GUILTY".

Signed and sworn to by me in open Court in the presence of my attorney, this _____ day of _____, 20__.

Defendant

INTERPRETERS' CERTIFICATION

I, _____, hereby certify that I am a certified _____ [language] interpreter and that I accurately translated this application to plead guilty to the defendant, s/he told me that s/he understood it, and I believe his/her answer

was true and correct.

Dated:

Interpreter's signature

CERTIFICATE OF COUNSEL

The undersigned, as lawyer and counselor for the defendant, _____
___ hereby certifies:

1. I have read and fully explained to the defendant and believe he/she fully understands the allegations contained in the indictment or information of this case, the defenses he/she may have to each and every of the allegations and the consequences of a plea of "GUILTY".

2. I believe the defendant fully understands the Constitutional rights he/she is waiving, and

that by entering a plea of "GUILTY" he/she is waiving each and every one of those rights.

3. Nothing has come to my attention which would cause me to believe that the defendant lacks the ability to understand anything contained in the attached application or that at the time of entering his/her plea he/she is under the influence of drugs or alcohol.

4. The plea of "GUILTY" offered by the defendant accords with my understanding of the facts he/she related to me and is consistent with my advice to the defendant.

5. It is my opinion that the plea of "GUILTY" offered by the defendant is voluntarily and understandingly made. I recommend that the Court accept the plea of "GUILTY".

Signed by me in open Court in the presence of the above-named defendant after a full discussion of the contents of this certificate with the defendant this ____ day of _____ 20__.

Attorney for the Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

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)
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No. CR- - SBA
ORDER ACCEPTING PLEA

