SKILLS ENHANCING SAMPLE EXERCISE
Guilty Plea Litany

1. What is your full name?
2. Are you now under the influence of alcohol, drugs, narcotics or other pills?
3. How old are you?
4. How many years of school have you completed?
5. Can you read or write?
6. Are you now or have you ever been married?
7. Have you ever been a patient in a mental institution or have you ever been under the care of a psychiatrist?
8. Are you now on parole or probation? If you are, do you realize that, if I accept your guilty plea, you may be later found guilty of a violation of parole or probation and may be punished for that?
9. Have you been given a copy of the indictment (information or other charging document), read it, discussed it with your lawyer and fully understood every charge against you?
   TO DEFENSE COUNSEL: Have you advised your client on the nature of the charge(s) and the consequences of a guilty plea?
10. Do you understand that an indictment is not evidence but merely an accusation; and that you have a right to plead not guilty and that, if you plead not guilty, before you can be found guilty the accusation must be proved by evidence which convinces a jury or court, as you elect, that you are guilty beyond a reasonable doubt and to a moral certainty?
11. Do you understand that you are pleading guilty to the charge(s) of _____?
12. Have you told your attorney all the facts about the charges; and has he/she told you about any defenses you may have? "
13. Are you fully satisfied with the services of your attorney? Do you feel he/she is competent?
14. Has anyone made any threat, used physical force or violence on you or in any way intimidated you to get you to plead guilty?
15. Do you understand that, if I accept your plea of guilty, you can be sentenced to a maximum term of ____ years and fined $_____ or both; and that I may take this action today without any further proceedings? This means that there will be no trial of any kind to your case and that the State's attorney will simply read into the record what he/she could prove if he/she put live witnesses on the stand or offered tangible evidence. Do you understand this?
16. Now, bas anyone made any promise, understanding. commitment or inducement to you to influence you to plead guilty?
17. Has anyone told you I would go easier on you or impose a lighter sentence or put you on probation if you plead guilty or otherwise made any predictions as to my disposition in this case?
18. Do you understand that, even though you may be guilty of the crime to which you are pleading guilty, you have a right to plead not guilty and are entitled to a speedy public

trial by either a jury or this court, whichever you elect, and that you have a right to have your attorney with you throughout your trial?

19. Do you understand that a jury trial is a trial by 12 persons selected at random from this county/city, who are at least 18 years of age, and that in order for such jury to convict you, they must unanimously vote to convict you upon evidence which they feel proves you guilty beyond a reasonable doubt?
20. Now, when you plead guilty, do you understand that you give up your right to a trial by jury?
21. Do you understand that you have the further right, if you elect to plead not guilty, to be confronted by and see and hear all your accusers; to cross-examine them; to object to the state's introduction of evidence which you feel is inadmissible; and to use the power of this court to produce witnesses for you? Now, when you plead guilty, do you understand that you have given up all of your rights to complain about this lack of confrontation I have just mentioned?
22. Do you understand that, if you were to plead not guilty in this case, you would not have to testify? If you elected not to take the stand, that could not be considered as an inference or indication of guilt on your part, and that I would so instruct the jury and that I would further instruct the jury that this case must be decided solely on the evidence produced in this case. The same rule would apply if you elected a court trial. Of course, if you wish to take the stand and to testify in your own behalf, you have a right to do so, you also have the right to have witnesses testify for you and to produce other evidence on your behalf. Do you understand that by pleading guilty, you now give up the right to remain silent as well as the right to testify and otherwise to present your case?
23. Do you realize that you are presumed innocent and that this presumption continues throughout your trial until overcome by proper evidence proving that you are guilty beyond a reasonable doubt? Do you understand that you give up this presumption when you plead guilty?
24. Are you pleading guilty of your own free will and without condition?
25. Are you pleading guilty because you are in fact guilty? If not, why are you pleading guilty?
26. Do you understand that, when you plead guilty, you give up any right to complain about any defects, mistakes, errors or irregularities in the State's case including, but not restricted to, an invalid search and seizure. an invalid warrant and an invalid arrest?
27. Have you made any confessions, admissions or statements to the police or to any other public official about this case, and do they have anything to do with your plea of guilty? Do you understand that, if for any reason, you feel that such statements were not freely and voluntarily made, you would be entitled to a separate hearing before or during trial to have the court determine whether they were freely and voluntarily made; and if they were found not to have been made voluntarily, they may not be used against you? Do you realize that you give up your right to challenge any confessions, admissions or statements when you plead guilty?
28. I further advise you that, if I do accept your guilty plea, you lose your automatic right to appeal your conviction. If I impose judgement of conviction after the guilty plea, you will

have 30 days in which to apply to the court for leave to appeal. Even if the Court grants you leave to appeal, the only points you could raise would be whether this court has jurisdiction; whether the sentence is legal; whether your plea was voluntary; and whether your attorney was competent. So that, if the State proves that your offense happened in this city/county, your appeal to jurisdiction would be meaningless. If this record shows that you intelligently, voluntarily and knowingly pleaded guilty, then an appeal challenging the voluntariness of your plea would also be fruitless. Unless I impose sentence greater than the law allows, you would have no basis for appealing my sentence. Finally, if you cannot show that your present attorney is incompetent today, then you would not be able to prevail as to that point.

29. Is there anything about this proceeding that you do not fully understand?
30. Now, do you nevertheless plead guilty?