

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

STATE OF OREGON,
Plaintiff,
v.

Case No: _____
DA No. _____
Citation No. _____

PETITION TO ENTER **CONDITIONAL** PLEA OF
GUILTY/NO CONTEST AND WAIVER OF JURY OR COURT
TRIAL

The defendant represents to the Court:

1. My full name is _____
but I also am known as _____.
2. I am _____ years of age. I have gone to school through _____.
My physical and mental health is satisfactory. I am not under the influence of any drugs or intoxicants, except _____.
3. I understand my right to hire or have the Court appoint a lawyer to help me.
(a) I am represented by _____.
(b) I choose to give up my right to a lawyer; I will represent myself: _____ (defendant's initials).
4. I have told my lawyer all the facts I know about the charges(s) against me. My lawyer has advised me of the nature of the charges(s), the defenses, if any, and any legal challenges that I have in this case. I am satisfied with the advice and help I have received from my lawyer.
5. I understand that I have the following rights at trial: (1) the right to have a jury or court trial; (2) the right to see, hear and cross-examine or question all witnesses who testify against me; (3) the right to remain silent about all facts of the case; (4) the right to subpoena witnesses and evidence; (5) the right to have my lawyer assist me; (6) the right to testify; (7) the right to have the jury told, if I decide not to testify, that it cannot hold that decision against me as an indication of guilt; and (8) the right to require the prosecutor to prove my guilt and all sentence enhancement facts including consecutive sentences beyond a reasonable doubt.
6. I understand that I give up all of the rights listed in paragraph 5 when I plead either "Guilty" or No Contest." I understand that I give up: (1) any defenses I may have to the charge(s); (2) objections to evidence concerning my guilt; (3) challenges to the accusatory instrument; and (4) the right to have proven beyond a reasonable doubt any sentence enhancement facts including consecutive sentences. I understand the right to appeal my conviction is limited; I may appeal **only the issue(s) specifically reserved in writing below** and any issues related to the trial court's disposition of my case.
7. I understand, and by signing this petition have notice, that if I enter a plea of guilty or no contest to an offense involving domestic violence, as defined in ORS 135.230, and I am convicted of the offense, it may be unlawful for me to possess, receive, ship, transport or purchase a FIREARM, including a rifle, pistol, or revolver, or AMMUNITION pursuant to federal law under 18 U.S.C. 922(g)(9), and/or other provision of federal or state law,

and that a criminal conviction, plea of guilty or no contest plea may also negatively affect my ability to serve in the Armed Forces of the United States as defined in ORS 348.282 or to be employed in law enforcement; if I have any questions about this potential consequence, I know I should consult an attorney.

8. I understand that if I reside outside of this State and enter a plea of guilty or no contest to an offense and I am convicted and given a sentence with a term of probation, a deferred sentence, or post prison supervision, that I may be subject to the Interstate Compact on Adult Offender Supervision (the Compact) and cannot return to my state of residence until I have applied for permission to return as required by the Compact.

9. I understand that if a sentence of probation is imposed that I will be required to comply with the general conditions of probation and any special conditions imposed by the court.

10. I understand if my sentence includes a period of supervised probation, and I am accused of violating the terms of the probation, I may have an opportunity to waive my rights to a hearing before a judge by accepting the sanction offered by the probation officer. The severity of the sanction would depend upon the nature of my violation. I would know what the sanction would be before agreeing to it. Even if I agree to the sanction, the judge or prosecutor has the option to schedule a hearing on the alleged violation. I also understand I would have the right to a hearing before a judge to determine if I had violated my probation and, if so, what sanction, if any, might be imposed.

11. I know that this plea can affect probation or parole and any hearing I may have regarding probation or parole. If probation or parole is revoked, I know that the rest of the sentence of incarceration in each of those cases could be imposed and executed, and could be added to any sentence in this case.

12. I understand that I will be required to provide a blood or buccal sample if convicted of a felony, murder, aggravated murder, or certain misdemeanors.

13. I have notice, pursuant to ORS 135.385, that if I am not a United States citizen, my plea of guilty or no contest may result in my deportation from the USA, or denial of naturalization, or exclusion from future admission to the United States.

14. I know that a No Contest Plea will result in a Guilty finding regarding the charges(s) listed in Paragraph 16.

15. I know that when I plead "Guilty" or "No Contest" to the charge(s) in paragraph 16, the maximum possible sentence is _____ year(s) in (prison) (jail), and a fine with assessments totaling \$ _____, including a mandatory fine of \$ _____. I also know that the Court can impose a minimum sentence of _____. Further I know that these maximum and minimum sentences can be added to sentences in these other cases: _____.

16. I want to enter a conditional plea of guilty/no contest to the charge(s) of (identify the count no., charge and grid block for each offense):

_____.

Finally, I know that my driver's license (can) (will) (cannot) be suspended or revoked for

_____.

17. I understand that I might () will not () be sentenced as a dangerous offender, which could increase each sentence to a maximum of 30 years, with a 15 year minimum.

18. I have been told that if my crime involved my use or threatened use of a firearm, I (can) (will) receive a mandatory minimum sentence without parole or work release for a period of _____.

19. I declare that no government agents have made any threats or promises to me to make me enter this plea other than the District Attorney’s recommendation set forth in Paragraph 20, except: _____.

20. I know that the sentence is up to the Court to decide. The District Attorney may provide reports or other information if requested by the Court. I understand that the District Attorney will make the following recommendation to the Court about my sentence or about other pending charges. This recommendation is () is not () made pursuant to ORS 135.432(2): _____

21. This agreement does () does not () require the court to reinstate charges that are dismissed pursuant to the agreement if the court allows me to withdraw my plea of guilty or no contest under ORS 135.365 or if the judgment of conviction is reversed, vacated or set aside. If the agreement does require the court to reinstate dismissed charges, I waive the statute of limitations and any statutory or constitutional speedy trial or double jeopardy rights, applicable to the dismissed charges.

22-A. I plead **Guilty** because, in _____ County, Oregon, I did the following: _____

22-B. I plead **No Contest** because I understand that a jury or judge could find me guilty of the charge(s), so I prefer to accept the plea offer (defendant’s initials: _____)

23. My plea of guilty/no contest is CONDITIONAL under ORS 135.335(3). Pursuant to ORS 135.335(3), I hereby specifically reserve the right to appeal the trial court’s ruling(s) on the following pretrial motion(s) (please list any and all motions/rulings that you intend to reserve for appeal; any motion(s)/ruling(s) not reserved in this section will not be appealable; you may list multiple rulings in this section): _____

24. I am signing this plea petition and entering this plea voluntarily, intelligently, and knowingly.

(Case Number)

(Date)

(Defendant’s Signature)

CERTIFICATE OF COUNSEL

I am the lawyer for the defendant and I certify:

1. I have read and explained fully to the defendant the allegations contained in the accusatory instrument(s). I believe the defendant understands the charges and all possible defenses to them. I have explained the alternatives and the trial strategies to the defendant. I have explained to the defendant all of the sentencing consequences of entering this plea.
2. I have explained to the defendant the maximum and minimum penalties that could be imposed for each charges and for all charges together and provided a copy of the general conditions of probation if a probation sentence is to be imposed.
3. The plea(s) offered by the defendant is (are) justified by my understanding of the facts related to me.
4. To the best of my knowledge and belief, the declarations made by the defendant in the foregoing petition are true and accurate.
5. To the best of my knowledge, the defendant's decision to enter this plea is made voluntarily, intelligently, and knowingly. I recommend that the Court accept the plea.

I have signed this certificate in the presence of the defendant and after full discussion of its contents with the defendant.

(Date)

(Lawyer's Signature)

(Bar No.)

Case No. _____