

STATE OF MARYLAND

vs.

* IN THE
* CIRCUIT COURT
* FOR

* _____
* CASE NO.

EXAMINATION OF DEFENDANT PRIOR TO ACCEPTANCE OF GUILTY PLEA(S)

The defendant was examined pursuant to Rule 4-242(c) and gave the following information as evidence that this guilty plea is made voluntarily and with understanding of the nature of the charge(s) and the consequences of the guilty plea.

(1) Can you hear and understand me?

Answer: _____

(2a) What is your full name?

Answer: _____

(2b) Have you ever been known by any other name(s)? If so, please state the name(s).

Answer: _____

(3) What is your date of birth?

Answer: _____

(4) Do you understand that by entering a plea of guilty, upon conviction, if you are not a United States citizen, you may face additional consequences of deportation, detention or ineligibility for citizenship?

Answer: _____

(5) If you are not a United States citizen and need additional information about the potential consequences of entering a guilty plea, you should consult with your attorney if you are represented or with the State's Attorney if you are not represented by an attorney. Do you understand that?

Answer: _____

(6) Can you understand, read and write the English language?

Answer: _____

(7) How many years of school have you completed?

Answer: _____

(8a) Have you taken any medication or drugs today, or have you had any alcoholic beverages to drink today?

Answer: _____ *[If YES, answer question (8b)]*
[if NO, go to question (9a)]

(8b) If you have had any medication, alcohol or drugs today, do you think they might be affecting your judgment or your ability to understand what is happening here?

Answer: _____

(9a) Are you presently under the care of a psychiatrist or psychologist?

Answer: _____ *[If NO, go to question (10a)]*
[If YES, answer question (9b), (9c) and (9d)]

(9b) Has your psychiatrist or psychologist told you that your mental condition might be affecting your judgment or ability to understand these proceedings? [If YES, explain]

Answer: _____

[If you or your attorney wishes, information that is personal in nature, may be submitted in a sealed envelope. The envelope will remain sealed, except for use in official Court business.]

(9c) Do you understand that you may enter a plea of not criminally responsible by reason of insanity if you think you were insane when the alleged crime(s) were committed?

Answer: _____

(9d) Do you understand that by entering a plea of guilty you may be found criminally responsible?

Answer: _____

(10a) Do you know what you are charged with?

Answer: _____

(10b) Did you receive a copy of the written charge(s) filed against you?

Answer: _____

(10c) Do you understand the nature of the charge(s) against you and have you told your attorney everything you can about the case that might assist you in your defense?

Answer: _____

(11) Have you had enough time to consult with your attorney, and to ask your attorney any questions you may have?

Answer: _____

(12) Are you satisfied with the way your attorney has represented you in this case?

Answer: _____

(13) Do you understand that if your guilty plea(s) are accepted by the Judge, you will not have a trial?

Answer: _____

(14) The charge(s) to which you are pleading guilty, and the maximum penalty allowed by law for each charge is listed, as follows:

Case No. _____	Case No. _____
Count No. _____	Count No. _____
Offense Charged _____	Offense Charged _____
Maximum Imprisonment _____	Maximum Imprisonment _____
Maximum Fine _____	Maximum Fine _____

Case No. _____	Case No. _____
Count No. _____	Count No. _____
Offense Charged _____	Offense Charged _____
Maximum Imprisonment _____	Maximum Imprisonment _____
Maximum Fine _____	Maximum Fine _____

Case No. _____	Case No. _____
Count No. _____	Count No. _____
Offense Charged _____	Offense Charged _____
Maximum Imprisonment _____	Maximum Imprisonment _____
Maximum Fine _____	Maximum Fine _____

Are these the charge(s) you intend to plead guilty to?

Answer: _____

(15) Do you understand that if you do not wish to plead guilty to these charges, you have the right to plead not guilty and stand trial on all of the charges, before either a Judge or a jury?

Answer: _____

(16) Do you understand that before either a Judge or a jury could find you guilty of any charge, the State would have to produce evidence in the case to prove your guilt beyond a reasonable doubt?

Answer: _____

(17) Do you understand that if you wished to be tried by a jury, the jury would be made up of twelve (12) citizens of this county, who would be chosen in your presence, from a larger group which, in turn, is chosen randomly by a computer?

Answer: _____

(18) Do you understand that if you wished to be tried by a jury, all twelve (12) persons on the jury would have to be convinced beyond a reasonable doubt that you were guilty of the crimes charged, before you could be found guilty?

Answer: _____

(19) Do you understand that by pleading guilty, you are giving up your right to trial by a Judge or to a trial by a jury?

Answer: _____

(20) Do you understand that a guilty plea is either an admission of your guilt, or an admission of the fact that the state may be able to prove your guilt if the case were presented to a Judge or jury?

Answer: _____

(21a) Do you understand that when you plead guilty you may be giving up rights guaranteed to you by the Constitution of the United States and the Constitution of the State of Maryland?

Answer: _____

(21b) Among the rights that you may be giving up, is your right to complain about or challenge, now or later, certain defects, mistakes, or irregularities in the State's case against you, including, but not limited to such things as:

- **The lack of a speedy trial;**
- **An invalid or unlawful arrest or search and seizure;**
- **An improper identification or;**
- **The improper use of a confession, admission or statement which you did not freely make**

Do you understand that?

Answer: _____

(22) Do you understand that by pleading guilty you give up the right to make the State bring witnesses into Court to testify under oath from the witness stand, and that you would be present when those witnesses testified, and that you or your lawyer, would be able to question or cross-examine those witnesses?

Answer: _____

(23) Do you understand that by pleading guilty, you give up the right to testify on your own behalf, from the witness stand?

Answer: _____

(24) Do you also understand that you would have the right not to testify at your trial and that, if you decided not to testify, neither a Judge nor a Jury could think you were guilty simply because you did not testify?

Answer: _____

(25) Do you understand that by pleading guilty you give up the right to call witnesses, if you know of any, to come to Court to testify in your favor and that those witnesses could be required to come to court to testify by a subpoena issued by the Clerk of the Court?

Answer: _____

(26) Do you understand that when you plead guilty, you lose your automatic right to appeal, but instead must apply to the appeals court for permission to appeal, which is seldom granted?

Answer: _____

(27) Do you understand that if your application for appeal were to be granted, the appeal would be limited to certain issues?

Answer: _____

(28) State all terms and conditions of any plea agreement between you and the State.

(29) Except for that plea agreement, has anyone made any promise, or offer of reward, to get you to plead guilty here today?

Answer: _____

(30) Has anyone made any threat against you, used any force, or put pressure on you to get you to plead guilty?

Answer: _____

Mr. / Ms. State's Attorney: Is there any restitution due in this case?

[If YES, answer questions (31a), (31b) and (31c)]

[If NO, skip to question 32]

(31a) Do you understand that if your guilty plea(s) are accepted, the Judge could order you to make restitution (payment) for any losses or damage resulting from the crime?

Answer: _____

(31b) Do you understand that any restitution ordered, could be in addition to any fine, imprisonment or other penalty?

Answer: _____

(31c) Do you understand that the Judge's order for restitution could be made part of a sentence and/or a condition of probation?

Answer: _____

(32) If all or part of your sentence is suspended and you are given probation and it is later proven at a hearing that you violated one or more conditions of your probation, the Court could revoke your probation, proceed to strike out any suspended sentence or enter a judgment of guilt. The Court could then proceed to sentence you to all or any part of the sentence that this Court originally imposed and suspended. Do you understand that?

Answer: _____

*If the case is to be a binding plea, answer question (33a) and skip (33b), (33c), (33d) and (33e)
If the case is NOT a binding plea, skip question (33a) and answer questions (33b), (33c), (33d) and (33e):*

(33a) Do you understand that if I accept the binding sentence provisions of the plea agreement reached between your attorney and the State's Attorney, that will be the sentence and/or other disposition in this case?

Answer: _____

(33b) Do you understand that any recommendation which the State's Attorney or your attorney makes with regard to a particular sentence or disposition is not binding on the Judge, that is, the Judge does not have to follow any recommendations that are made.

Answer: _____

(33c) Do you understand that the Judge is not bound by the Maryland Sentencing Guidelines?

Answer: _____

(33d) Do you understand that the Judge may impose the maximum penalties which were read to you a few minutes ago?

Answer: _____

(33e) Do you understand that if you receive a longer sentence or a more severe disposition than the one recommended by the State's Attorney or your attorney or indicated in the Maryland Sentencing Guidelines, that will not be grounds for withdrawal of the guilty plea(s)?

Answer: _____

(34) Do you understand that any jail or prison sentence which the Judge imposes can be made to start at the end of any other sentence which you are now serving or any sentence you have received but have not yet started to serve?

Answer: _____

(35) Do you understand that each jail or prison sentence which the Judge imposes in this case can be added on to start at the end of other prison sentences the Judge imposes for other charges in this case?

Answer: _____

(36a) Are you currently on parole or probation?

Answer: _____

(36b) Do you realize that if you were on parole or probation when this offense was committed, you could later be found in violation of parole or probation as a result of the conviction today and could be required to serve all or part of your original sentence in that case?

Answer: _____

(37) Do you wish to plead guilty because you are in fact guilty, because you believe it is in your best interest to plead guilty or for both of these reasons?

Answer: _____

(38) Is there anything about entering the guilty plea or the results of pleading guilty that you do not fully understand?

Answer: _____

(39) Have you read these questions or have these questions been read to you and, if you are represented by an attorney, has your attorney explained these questions to you before the Court reviewed them with you?

Answer: _____

(40) Do you have any questions concerning this proceeding?

Answer: _____

CERTIFICATE OF DEFENDANT

I solemnly affirm, under penalties of perjury, that I have personally reviewed all of the answers given to these questions, that these answers are my answers, and that these answers are true to the best of my knowledge, information and belief.

(Signature of the Defendant)

STATE OF MARYLAND

* IN THE
* CIRCUIT COURT

vs.

* FOR
*

* CASE NO.

CERTIFICATE OF DEFENSE ATTORNEY

I, _____, the attorney of record for the above named Defendant hereby certify as follows:

- (1) I have advised the Defendant as to the nature of all charges (including those as to which no plea is offered).
- (2) I have advised the Defendant as to the consequences of the plea(s) of guilty which the Defendant seeks to enter.
- (3) I have reviewed the foregoing Examination of Defendant Prior to Acceptance of Guilty Plea(s) with the Defendant and was present at all times while the answers were made, and it was signed by the Defendant.
- (4) In my opinion, the plea(s) of guilty submitted in this case are voluntarily made by the Defendant and with the Defendant's full understanding of the nature of all charge(s) involved and the consequences of the plea(s).

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 said Defendant, this ____ day of _____, 20__.

Attorney for Defendant

STATE OF MARYLAND

* IN THE
* CIRCUIT COURT

vs.

* FOR
*

* CASE NO.

CERTIFICATE OF PRESIDING JUDGE

I _____, hereby certify that on this _____ day of _____, 20____, at an open session of the Circuit Court for _____ County, Maryland, at which the Defendant, and the Defendant's attorney _____, Esq., were present, the following transpired and was electronically or stenographically recorded by the Court Reporter:

1. A written Examination of Defendant Prior to Acceptance of Guilty Plea(s) and an attached Certificate of the Defendant's attorney were presented to me;

2. After reading the Examination of Defendant Prior to Acceptance of Guilty Plea(s) form, which was made under oath, I reviewed in detail all contents of this form orally with the Defendant.

3. On the basis of my oral examination of the Defendant, I determined that the Defendant had offered plea(s) of guilty, to the charges(s) referred to in paragraph number fourteen (14) of the Examination of Defendant Prior to Acceptance of Guilty Plea(s) form, and that the defendant did so voluntarily and with full understanding of the nature of the charges, the rights referred to in the aforementioned form and the consequences of the plea(s); and

4. After hearing a statement of facts, I determined that there was a factual basis for the charge(s) to which the plea(s) had been made and directed the Clerk of the Court to file the Examination of Defendant Prior to Acceptance of Guilty Plea(s), the Certificate of the Attorney and this Certificate, in the proceedings and to enter verdicts of GUILTY as to each charge referred to in paragraph number fourteen (14) of the Request.

Judge