



**JUDGMENT AND SENTENCE
 ON PLEA OF GUILTY**

Case No. _____
 Court _____
 County _____
 Division _____

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

DEFENDANT

Date of Birth	SSN	For Youthful Offender: Provide school name and address.

Defendant appeared in open court on _____, 2____, without counsel with counsel, Honorable _____. By agreement with the attorney for the Commonwealth, Defendant **withdrew his/her plea of not guilty and entered a plea of GUILTY to the following** charges contained in the indictment(s) AND/OR amended charges:

- (1) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (2) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (3) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;

ADDITIONAL CHARGES CONTAINED IN THE INDICTMENT LOCATED ON PAGE 4 OF 4.

Finding Defendant understands the nature of the charges against him/her including potential penalties, the Court finds: Defendant knowingly and voluntarily waives his/her right to plead not guilty, to be tried by a jury, to compel attendance of witnesses in his/her behalf, to confront and cross-examine witnesses and to appeal his/her case to a higher court. The Court further finds Defendant understands and voluntarily waives his/her right not to incriminate himself/herself, the right to be represented by an attorney at each stage of the proceedings against him/her (if appearing without counsel) and, if necessary, to have an attorney appointed to represent him/her. Finding the guilty plea is made voluntarily, knowingly and intelligently, the **Court accepts Defendant's guilty plea** to the charges to which Defendant entered a guilty plea.

For the purpose of **sentencing**, Defendant appeared in open court on _____, 2____, without counsel with counsel, Honorable _____. The Court inquired of Defendant (and counsel, if any) whether there was any legal cause why judgment should not be pronounced, and afforded Defendant (and counsel, if any) the opportunity to make statements in Defendant's behalf and to present any information in mitigation of punishment. The Court informed Defendant (and counsel, if any) of the factual contents and conclusions contained in the written Presentence Investigation Report (PSI) prepared by the Division of Probation and Parole and provided Defendant's attorney (if any) with a copy of the PSI although not the sources of confidential information. Defendant agreed with the factual contents of the PSI was granted a hearing to controvert factual contents of the PSI. Having given due consideration to the PSI prepared by the Division of Probation and Parole, and to the nature and circumstances of the crime, as well as the history, character and condition of Defendant, and any matters presented to the Court by the Defendant (or counsel, if any), **the Court finds:**

- the Victim suffered death or serious physical injury;
- imprisonment is necessary for protection of the public because:
 - there is a likelihood that during a period of probation with an alternative sentencing plan or conditional discharge, Defendant will commit a Class D or Class C felony or a substantial risk that Defendant will commit a Class B or Class A felony;

- Defendant is in need of correctional treatment that can be provided most effectively by the defendant's commitment to a correctional institution;
- probation, probation with an alternative sentencing plan, or conditional discharge would unduly depreciate the seriousness of the Defendant's crime;
- Defendant is ineligible for probation, probation with an alternative sentencing plan, or conditional discharge because of the applicability of KRS 532.080, KRS 439.3401, or KRS 533.060;
- Defendant is eligible for probation, probation with an alternative sentencing plan, or conditional discharge as hereinafter ordered on AOC-455.

Insufficient cause having been shown why judgment should not be pronounced, it is ADJUDGED BY THE COURT that Defendant is **GUILTY** of the following charge(s)(include applicable UOR Code):

A. Defendant is sentenced to:

1. Court Costs, Restitution, Fees, and Fines

Defendant is ORDERED to pay:

- Court Costs of \$ _____.
- Restitution in the amount of \$ _____.
- Fees in the amount of \$ _____.
- Fine(s) in the amount of \$ _____.

2. Method of Payment

- Court Costs are **WAIVED** due to Defendant having been found to be a "poor person" under KRS 453.190(2).
- At time of SENTENCING**, all Court Costs, Restitution, Fees, and Fines shall be paid in full.
- Payment is DEFERRED**. All amounts shall be PAID IN FULL by _____, 2_____.
 - An **INSTALLMENT SCHEDULE IS ESTABLISHED**. Beginning _____, 2_____, Defendant is **ORDERED** to pay \$ _____ weekly every other week monthly
 - other _____ until paid in full. If Defendant fails to pay by said date he/she shall appear to **SHOW CAUSE** pursuant to KRS 534.020.

3. Directions for Payment of Restitution

As specified in KRS 532.032 and KRS 532.033, Defendant shall pay restitution pursuant to these conditions:

Restitution shall be paid through the

- Circuit Court Clerk with a 5% service fee;
- County Attorney; **OR**
- Commonwealth's Attorney;

for the benefit of (name of specific person or organization and address) _____

4. Imprisonment

In addition to any monetary amount specified above, Defendant is sentenced to:

- imprisonment for a maximum term of _____ probated probated with an alternative sentence as stated in the attached Order of Probation, for _____ (No fine imposed on KRS Chapter 31 indigent defendant).
- imprisonment for a maximum term of _____ conditionally discharged as stated in the attached Order of Conditional Discharge. (No fine imposed on KRS Chapter 31 indigent defendant).
- imprisonment for a maximum term of _____ in _____ (institution) to run concurrently consecutively with a sentence previously imposed on _____, _____.

B. It is ORDERED that Defendant's bond:

- be **released**. If bond was posted by Defendant, bond shall be shall not be applied to payment of remaining fines and costs; other _____.
- is not released until further order of the Court payment of all fines and costs
- other _____.

C. It is further ORDERED that:

- upon release from incarceration or parole, Defendant, being found guilty of a felony offense under KRS Chapter 510, 529.100 involving commercial sexual activity, 530.020, 530.064(1)(a), 531.310, or 531.320, is subject to a five (5) year period of postincarceration supervision. KRS 532.043.
- pursuant to KRS 532.400 Defendant is subject to a one (1) year period of postincarceration supervision.
- pursuant to KRS 17.510(2) Defendant has been convicted of a sex crime or a crime against a minor, or has been committed as a sexually violent predator, and has been informed of the **duty to register** with the appropriate local Probation and Parole Office.
- Defendant shall not be released from probation supervision until **restitution** has been paid in full and all other aspects of probation have been successfully completed.
- by a preponderance of evidence, the Court finds **hate was a primary factor** in the commission of the crime by the Defendant. KRS 532.031(2).
- being sentenced to a term of incarceration for a nonstatus juvenile offense, moving traffic violation, criminal violation, misdemeanor, or Class D felony, Defendant is ordered to pay **costs of incarceration** in the amount of \$ _____ as allowed by KRS 532.352. Said costs shall be reimbursed to (*specify state or local government*) _____.
- Defendant shall be delivered to the custody of the Department of Corrections at such location within this Commonwealth as Corrections shall designate.
- pursuant to KRS 17.170, Defendant, convicted of a **felony offense** under the Kentucky Revised Statutes, shall have a **DNA sample** collected by authorized personnel.
- Defendant is hereby **credited with time spent in custody prior to sentencing**, pursuant to KRS 532.120(3) towards service of the maximum term of imprisonment, **or** pursuant to RCr 4.58 toward payment of a fine at the rate of \$5.00 per day; namely _____ days as certified by the jailer of _____.

_____, 2_____
Date

Judge's Signature

Copies to: Defendant / Attorney; Prosecutor: Probation & Parole; Sheriff (2 certified copies if Defendant sentenced to death or confinement); Principal, _____ School (If Defendant is youthful offender).

SHERIFF'S RETURN	
<input type="checkbox"/> Served on Defendant named herein on _____, 2_____.	
<input type="checkbox"/> Not served because: _____	
Date: _____, 2_____	Officer: _____

CONTINUATION OF CHARGES FROM PAGE 1. DO NOT FILE IF NO ADDITIONAL CHARGES ARE CONTAINED ON THIS PAGE.

- (4) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (5) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (6) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (7) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (8) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (9) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (10) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (11) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (12) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (13) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (14) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (15) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (16) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (17) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (18) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (19) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (20) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (21) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (22) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old.
- (23) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;
- (24) _____, which offenses were committed on or about _____, _____ when Defendant was _____ years old;