



ARRAIGNMENT ORDER
 GUILTY PLEA

Indictment No. _____
Case No. _____
Court _____
County _____
Division _____

COMMONWEALTH OF KENTUCKY
VS.

PLAINTIFF

DEFENDANT

Comes the Defendant, in person and with aid of counsel, and respectfully moves this Court to allow him/her to enter a plea of **"GUILTY"** as set forth below. In support of this motion, the Defendant states as follows:

1. My full name is _____. I am the same person named in the indictment which charges me with _____.

2. My judgment is not now impaired by drugs, alcohol, or medication.

3. I have reviewed a copy of the indictment and told my attorney all the facts known to me concerning my charges. I believe he/she is fully informed about my case. We have fully discussed and I understand my charges and any possible defenses to them.

4. I understand that I may plead **"NOT GUILTY"** to any charge against me, in which event the Constitution would guarantee me the following rights:

- (a) The right not to testify against myself;
- (b) The right to a speedy and public trial by jury at which I would be represented by counsel and the Commonwealth would have to prove my guilt beyond a reasonable doubt;
- (c) The right to confront and cross-examine all witnesses called to testify against me;
- (d) The right to produce any evidence, including attendance of witnesses, in my favor; and
- (e) The right to appeal my case to a higher court.

I understand that if I plead **"GUILTY,"** I waive these rights.

5. I understand that if I plead **"GUILTY,"** the Court may impose any punishment within the range provided by law and that although it may consider the Commonwealth's recommendation, the Court may reject it. The legal penalty ranges for the original charge(s) is _____ years and a \$_____ fine. The legal penalty ranges for the amended charge(s) (if applicable) is _____ years and a \$_____ fine.

6. I understand that if the Court rejects the plea agreement, it must so inform me and allow me to either persist in my guilty plea in which case I may receive a less favorable disposition of my case than is contemplated in the plea agreement or withdraw my guilty plea and proceed to trial. I further understand that the Court may wait until it reviews a pre-sentence report regarding the history of the case and my background before it must inform me if it will accept the plea agreement.

7. In return for my guilty plea, the Commonwealth has agreed to recommend to the Court the following original charge(s)/ amended charge(s) and sentence(s): _____.

Other than that recommendation, no one, including my attorney, has promised me any other benefit in return for my guilty plea nor has anyone forced or threatened me to plead **"GUILTY."**

8. Because I am guilty and make no claim of innocence, I wish to plead "**GUILTY**" in reliance on the above recommendation. The facts of the case which establish my guilt are _____

Because I am guilty but mentally ill at the time of the offense, pursuant to KRS 504.130 and RCr 8.08, and make no claim of innocence, I wish to plead "**GUILTY**" in reliance on the above recommendation. The facts of the case which establish my guilt are _____

Pursuant to North Carolina v Alford, 400 U.S. 25 (1970), I wish to plead "**GUILTY**" in reliance on the above recommendation. In so pleading, I do not admit guilt but I believe the evidence against me strongly indicates guilt and my interests are best served by a guilty plea.

9. I declare my plea of "**GUILTY**" is freely, knowingly, intelligently and voluntarily made, that I have been represented by competent counsel, and that I understand the nature of this proceeding and all matters contained in this document.

Signed in open court in the presence of my attorney this _____ day of _____, 2_____.

Defendant

ORDER

The defendant has appeared this day in open court with counsel, _____, and has entered a plea of guilty to the following charges: _____

It appearing to the court that the plea is made knowingly, intelligently, and voluntarily with understanding of the nature of the charges,

IT IS ORDERED that the defendant is guilty as charged. However, entry of judgment imposing sentence is hereby postponed pending a pre-sentence investigation. A hearing shall be held on _____, 2_____, at _____ a.m. p.m., for the purpose of determining whether the defendant should receive a sentence of probation, probation with an alternative sentence, imprisonment, or conditional discharge, and the Division of Probation and Parole is hereby ORDERED to prepare a written report of its pre-sentence investigation of the Defendant and to have same available in the Judge's office by _____, 2_____, at _____ a.m. p.m.

_____, 2_____.
Date

Judge