



6. I understand from discussion with my attorney that I am pleading to the following crimes which have the following range of penalties:

|    | <b>Crime</b> | <b>SL-P/NP</b> | <b>Sentencing Range</b> | <b>Max Fine</b> | <b>Post-release</b> |
|----|--------------|----------------|-------------------------|-----------------|---------------------|
| 1. | _____        | _____          | _____                   | _____           | _____               |
| 2. | _____        | _____          | _____                   | _____           | _____               |
| 3. | _____        | _____          | _____                   | _____           | _____               |
| 4. | _____        | _____          | _____                   | _____           | _____               |
| 5. | _____        | _____          | _____                   | _____           | _____               |

7. I understand from discussions with my attorney that by entering a plea of guilty or nolo contendere (no contest), I am giving up the following rights that I would have if I had a trial:

- a. The right to be presumed innocent.
- b. The right to a speedy trial before a judge or jury.
- c. The right to be represented by an attorney during the trial.
- d. The right to require the State of Kansas to prove, beyond a reasonable doubt, all of the charges against me before I could be found guilty.
- e. The right to confront witnesses against me and have them cross-examined by my attorney.
- f. The right to compel the attendance of witnesses and to call these witnesses to testify on my behalf.
- g. The right to compel production of documentary and physical evidence.
- h. The right to testify on my own behalf.
- i. The right to not testify.
- j. The right, if I were convicted of any offenses, to ask the court for a new trial.
- k. The right to appeal my conviction to the Kansas Appellate courts. I know I have a limited right to appeal the sentence that is imposed.
- l. The right to an attorney to help me with my appeal, unless I appeal the sentence.

8. I understand that if I enter pleas of guilty or nolo contendere (no contest) to more than one offense, the court may order that the sentence imposed for each offense be served concurrently (served at the same time) or consecutively (served one after the other). I understand the total length of my sentence could not be more than twice the base sentence without an upward departure.

9. If I am not a United States citizen, I understand that a conviction of a felony offense most likely will result in my deportation from the United States.

10. I understand that the sentencing judge is not bound to follow the plea agreement. The judge may impose any lawful sentence.

11. I know the sentence I will receive is solely a matter within the control of the Judge, and I know that regardless of the plea agreement between myself, through my attorney, and the District Attorney, the Court is not bound to follow the agreement. If the Court rejects the agreement, I understand the Court will not give me the opportunity to withdraw my plea for that reason. I understand that if I enter a plea of guilty or nolo contendere (no contest), the Court may impose against me any and all of the maximum penalties and the maximum fines.

12. A presumptive sentence will be determined by the court at sentencing by combining the severity level of the current crime(s) of conviction and my criminal history. Under some circumstances, the court may depart from the presumptive sentence. The court may sentence me to a longer or shorter sentence than the presumptive sentence. The court may give me probation when prison is presumed, or impose a prison sentence when probation is presumed.

13. After discussing potential defenses to the charges in this case, the legal options available to me, and my rights with my attorney, I advise this court that I understand it is my decision, alone, whether to accept or reject the plea agreement and whether to enter a plea of guilty or nolo contendere (no contest) to the charge(s).

14. I understand that despite my plea of guilty or nolo contendere (no contest), I retain a limited right to appeal. I may not directly appeal my conviction, and I understand the appellate courts generally will not entertain an appeal from (a) an agreed-upon sentence approved by the court on the record, (b) a presumptive sentence, or (c) the denial of a departure motion. In any appeal, however, I may challenge my criminal history score and any crime severity level determinations that affect my sentence. I may appeal from a sentence that departs from the presumptive sentence. I understand that any appeal must be filed within ten days of the date sentence is imposed and that I must timely tell my attorney about my desire to appeal. If I cannot afford an attorney or the costs of an appeal, the court will appoint an attorney to represent me and will order that any relevant transcripts be provided to my attorney.

15. I believe that my lawyer has done a good job counseling and assisting me, and I am satisfied with the advice and help my lawyer has given me.

16. I know that if I plead “GUILTY,” the Court may ask me questions about the offense(s) to which I am pleading; and if I answer these questions under oath, on the record and in the presence of my lawyer, that my answers may later be used against me in a prosecution for perjury or false statement or at a new trial.

17. I have read this “Defendant’s Acknowledgment of Rights and Entry of Plea” or have had it read to me, and I fully understand its contents. I fully and completely understand the

consequences of my plea(s), and I am entering my plea(s) in consideration of what I believe is my best welfare and in my own best interest.

Signed this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant, SCID # \_\_\_\_\_

**CERTIFICATE OF COUNSEL**

The undersigned, as lawyer and counselor for the defendant \_\_\_\_\_, hereby certifies:

I. I read and fully explained to the defendant the allegations contained in the Complaint/Information in this case. I advised the defendant of all relevant lesser included charges and we discussed the possible defenses to each charge.

II. I have fully apprised myself of the evidence in this case and the applicable law, and have fully discussed them with the defendant. The plea of “GUILTY”/”NO CONTEST” offered by the defendant in paragraphs (5) and (6) accords with my understanding of the evidence and the law.

III. I explained to the defendant how his/her criminal history is used to determine a presumptive sentence. I asked him/her to identify all prior criminal history to me (criminal convictions or juvenile adjudications, including expungements) so I could fully advise the defendant of the potential sentence that could be imposed. I explained that if any additional criminal history is discovered during the presentence investigation or otherwise, the presumptive sentence may increase.

IV. I explained the maximum penalty for each count to the defendant.

V. I affirm that the defendant has read or been read the foregoing Acknowledgment of Rights and Entry of Plea and attached Plea Agreement and we have fully discussed the same. To the best of my knowledge and belief, the statements, representations and declarations made by the defendant in the foregoing are in all respects accurate and true.

VI. In my opinion, the plea of “GUILTY”/”NO CONTEST” offered by the defendant in paragraph (6) of the Acknowledgment of Rights and Entry of Plea is voluntarily and understandingly made.

VII. I further represent to the Court that the defendant’s plea of “GUILTY”/”NO CONTEST” (is) (is not) the result of a plea agreement. The terms of the agreement, if any, are set out in the attached plea agreement, and I have informed the defendant that the Court is not bound by the terms of the agreement. The Court may reject the agreement. The Court may impose any legal sentence it deems appropriate.

Signed or acknowledged by me in open court in the presence of the defendant, and after full discussion of the contents of this certificate with the defendant this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Attorney for the Defendant