

CRIMINAL DOCKET NUMBER: \_\_\_\_\_

STATE OF LOUISIANA

EIGHTH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF WINN

\_\_\_\_\_

STATE OF LOUISIANA

**PLEA AGREEMENT  
PLEA OF GUILTY AND WAIVER OF RIGHTS**

The judge asked me if I could read and write the English language, and I informed him/her that I could. My signature to this document means I have read and understand the following:

I, \_\_\_\_\_, desire to enter a plea of guilty to the charge(s) of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

these charges are being dismissed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand the minimum/maximum sentence I could receive is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My criminal history is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have \_\_\_\_\_ never been convicted of a felony before; \_\_\_\_\_ been convicted of a felony before; and I have been advised that this plea could affect my offender status on later cases and subject me to enhanced offenses and possible habitual offender law and penalties.

I am presently \_\_\_\_\_ not serving time for any other offense; \_\_\_\_\_ serving time for the offense of \_\_\_\_\_ and my sentence is \_\_\_\_\_.

I am presently on probation/parole \_\_\_\_\_ yes OR \_\_\_\_\_ no;  
Defendant must sign X \_\_\_\_\_ I understand that if I am currently on probation or parole, that the entry of this guilty plea may result in the revocation of my probation or parole.  
X \_\_\_\_\_ If I am receiving a probated sentence, and I am arrested for any crime while on probation, this would affect any bond in that new crime.

**DEFENDANT MUST INITIAL BY EACH BELOW NUMBER AND LETTER AS HAVING READ THE INFORMATION, UNDERSTOOD IT, AND AGREED TO IT.**

1. [redacted] I have been informed of and understand the charge(s) to which I am pleading.
2. [redacted] I understand that I am pleading guilty and I am giving up the following rights:
  - a. [redacted] The right to a speedy and public jury or judge trial
  - b. [redacted] The right to be represented by an attorney at each stage of these proceedings and if I cannot afford an attorney, one will be appointed to represent me at trial and on appeal; My attorney is [redacted]
  - c. [redacted] The right to be presumed innocent until, and unless, proven guilty beyond a reasonable doubt
  - d. [redacted] The right to see, hear, and ask questions of the witnesses against me; to confront and cross examine the witnesses against me
  - e. [redacted] The right to subpoena witnesses to testify on my behalf.
  - f. [redacted] The right against self incrimination, meaning the right to remain silent and not to testify or produce evident at my trial without having this held against me.
  - g. [redacted] The right to appeal a verdict of guilty.

\_\_\_\_\_ \*\*\*\*\* By pleading guilty, there will be no trial because I am waiving my right to a trial and to all the above rights I am entitled to at trial. **And with this guilty plea I am stating I am guilty to the offense.**

3. [redacted] I understand the nature and elements of the crime I am charged with committing and by pleading guilty, I will be convicted of this offense which can be used to enhance the sentence of a future criminal conviction;
4. [redacted] I understand that this could make me subject to the habitual offender laws and penalties.
5. [redacted] In exchange for my plea of guilty, I understand that I am to receive the following sentence:

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- if probation – fine [redacted]
- court cost \$613 \_\_\_\_\_ or \$753 (drug charge) \_\_\_\_\_
- Office of the Public Defender cost [redacted]
- restitution [redacted]
- community service \_\_\_\_\_
- DOC supervision monthly fees of [redacted] \$71 a month
- **earned compliance credits** [redacted] **X** denied

6. [redacted] **Neither the State of Louisiana, my attorney or the Judge have made any promises to me concerning how much time I will serve or my eligibility for parole or good time. My time is calculated either by the Department of Corrections or the Sheriff's Office.**
7. [redacted] If I am not a U.S. citizen, I understand that a conviction of a felony can result in my deportation and/or prevent me from entering the United States;
8. [redacted] ***In exchange to the above charge and sentence bargained for, I understand this matter will be finalized*** and waive all rights to file any post trial motions including but not limited to an appeal of my conviction and sentence, along with Motions to Reconsider Sentence, New Trial, Amend Sentence, Request for Public Records on this case, and Post-Conviction Relief; also because I was advised of the rights listed above, I waive my right to request a free transcript of my guilty plea unless I state a particularized need;
9. [redacted] I agree that I will not file any motions to alter this plea agreement, including, but not limited to, motions seeking to vacate my sentence, to reduce my sentence, to appeal any parts of my sentence, to undo or alter in any way any part of this plea agreement or my sentence or to withdraw my plea. If I file such motions, the State of Louisiana shall have the right to declare this plea agreement, in its entirety, to be null and void and to prosecute

me for any original charge that was amended prior to any plea agreement being made with me.

10. [redacted] I agree to the forfeiture of any item seized unless otherwise ordered by the court as follows:

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I further declare my plea of guilty is free and voluntary, that no additional understandings, promises, or conditions have been entered into other than that contained in this plea of guilty and that this written agreement supercedes any prior understandings, promises or conditions.

**This form has been explained to me, by my attorney, and I understand all of my constitutional rights and the nature of the charge. I am freely and voluntarily pleading guilty. I understand that this plea is considered a conviction. I am satisfied with my attorney and the advice and services received from him/her. My mind is clear, I am not under the influence of any alcohol, drugs, or other mind altering substances. If I am pleading guilty, I am entering this plea because I am, in fact, guilty. I understand that the State and my attorney may make a sentencing recommendation to the court and what the recommendation contains. I further understand that the court can sentence me to any sentence allowed by law.**

[redacted]

**Defendant**

[redacted]

**Date of Birth**

**Current Address:** [redacted]

Pleading guilty may subject him to additional consequences or waivers of constitutional rights in the following areas as a result of this plea:

- \_\_\_\_\_ Potential deportation, for a person who is not a United States citizen.
- \_\_\_\_\_ The right to vote.
- \_\_\_\_\_ The right to bear arms.
- \_\_\_\_\_ The right to due process.
- \_\_\_\_\_ The right to equal protection.

Pleading guilty may have direct or indirect potential consequences that impact they following:

- \_\_\_\_\_ College admissions and financial aid.
- \_\_\_\_\_ Public housing benefits.
- \_\_\_\_\_ Employment and licensing restrictions.
- \_\_\_\_\_ Potential sentencing as a habitual offender.
- \_\_\_\_\_ Standard of proof for probation or parole revocations - **not** beyond a reasonable doubt, the lesser burden of proof - preponderance of the evidence

The federal courts have held that evidence that would establish guilt beyond a reasonable dout is not required in order for the court to revoek probation. The federal courts have utilized a preponderance of the evidence standard of proof.

Additionally the federal courts have allowed revocation of probation when the evidence and facts are such as to reasonably satisfy the judge that the probationer's conduct has not been as required by the conditions of probation.

State v. Michael, 39,439 (La. App. 2 Cir. 1/7/05), 891 So. 2d 109, 113, write denied, 2005-0354 (La. 6/17/05), 904 So. 2d 681

[redacted]

**Defendant**

I certify that I have explained the contents of this form to the defendant. I am satisfied the defendant understands these constitutional rights, as set forth above, and that the guilty plea is freely, voluntarily and intelligently made.

[redacted]

Attorney for Defendant

\_\_\_\_\_

Assistant District Attorney

\_\_\_\_\_

Date

I have advised the defendant \_\_\_\_\_ in open court on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, of all the above mentioned constitutional rights, I am satisfied that the defendant understands these rights, that (s)he knowingly and intelligently waived these rights, that his/her plea is free and voluntary and not the result of force, threats or promises apart from this plea agreement, that the plea has a basis in fact and law and I will accept his/her plea of guilty.

\_\_\_\_\_  
Judge, Eighth Judicial District Court