

IN THE MUNICIPAL COURT OF THE CITY OF SPRINGFIELD
LANE COUNTY, OREGON

CITY OF SPRINGFIELD)
)
Plaintiff,)
vs)
_____,)
Defendant.)

Docket Number(s): _____

**PETITION TO PLEAD
GUILTY OR NO CONTEST**

I am the defendant in this case, and my initials and signature below indicate that I have read or have had read to me, understand, and affirm all of the following:

1. My full and true name is above, but I also am known as _____.
2. I am ___ years old. I have gone to school through _____. I have taken have NOT taken any medication or substance (whether prescribed for me, over-the-counter, or illegal) that could affect my ability to make decisions. My ability to make decisions is not affected by injury, illness, or disability.
3. My lawyer's name is _____ I choose not to have an attorney (see *Waiver of Counsel*).
4. I have told my attorney everything I know about the charge(s) against me. My attorney has talked with me about the charge(s), possible defenses, and legal challenges I may have in this case. I am satisfied with the advice and help my attorney gave me.
5. I know I have the following rights at trial: (1) to have a jury trial or a trial by judge if I am charged with a misdemeanor; (2) to have a trial by judge if I am charged with a violation; (3) to see, hear, and question all people who testify against me; (4) to remain silent about all facts of the case; (5) to call witnesses and enter evidence; (6) to testify; (7) to have the jury told that if I do not testify it cannot be held against me; and (8) to require the City Prosecutor to prove my guilt to a jury or judge beyond a reasonable doubt if I am charged with a misdemeanor, or to prove my guilt to a judge by a preponderance of the evidence if I am charged with a violation.
6. I understand that I give up all of the rights listed in paragraph #5 above when I plead either "Guilty" or "No Contest." I understand that I also give up: (1) any defenses I may have to the charge(s); (2) objections to the consideration of evidence concerning my guilt; and (3) challenges to the accusatory instrument.
7. I understand that a plea of "Guilty" or "No Contest" will result in a final conviction for the charge(s) listed below. I understand that if I plead "Guilty" or "No Contest," the judge may impose the same punishment as if I pleaded "Not Guilty," had a trial, and was convicted.

8. I want to plead:

Guilty **No Contest**

Docket # _____: _____, Violation/ Misdemeanor

Maximum Jail Sentence: _____, Maximum Fine: _____

Mandatory License Suspension: _____

Guilty **No Contest**

Docket # _____: _____, Violation/ Misdemeanor

Maximum Jail Sentence: _____, Maximum Fine: _____

Mandatory License Suspension: _____

See attached sheet for additional counts

9. I understand that, in addition to other fines, the judge may order me to pay restitution or a compensatory fine to the victim totaling \$ _____, or an amount to be determined by the judge.

10. I understand that any sentence imposed in this case can be added to any other prison or jail sentence that I have not finished serving.

11. In addition to the sentence imposed, I understand that there may be other significant consequences if I enter a "Guilty" or "No Contest" plea, including, but not limited to: Deportation/removal, exclusion from future entry into the United States, or denial of naturalization, if I am not a United States citizen; Revocation of my probation or parole, which may require me to serve any sentence(s) imposed consecutively to the sentence that is imposed in this case; Suspension or revocation of my driving privileges; Forfeiture of any weapon that was possessed, used, or available for use during the crime;

12. Other than what is contained in this plea petition, I affirm that no one has promised me anything to enter my plea of "Guilty" or "No Contest." I also affirm that no one has threatened me or forced me to enter this plea.

13. I understand that the City will move to dismiss the following charge(s): _____

14. I understand that the City will recommend the following to the court:

Docket # _____:

Straight jail term of _____ days with credit for time served considered served

A probationary period of _____ from the date of entry of judgment in this case

Conditions of probation:

Fine of \$ _____ Plus fees Terms of payment _____

Restitution per schedule Terms of payment _____

No contact with _____

Trespassed off premises: _____

Jail term of _____ days with credit for time served considered served

Work Crew term of _____ days; reporting _____ completed by _____

Other: _____

Docket # _____:

Straight jail term of _____ days with credit for time served considered served

A probationary period of _____ from the date of entry of judgment in this case

Conditions of probation:

Fine of \$ _____ Plus fees Terms of payment _____

Restitution per schedule Terms of payment _____

No contact with _____

Trespassed off premises: _____

Jail term of _____ days with credit for time served considered served

Work Crew term of _____ days; reporting _____ completed by _____

Other: _____

15. I PLEAD "GUILTY" because in Springfield, Lane County, Oregon, I did the following:

16. I PLEAD "NO CONTEST" because I understand that a jury or judge could find me guilty of the charge(s). I prefer to accept the plea offer or plead to the charge.

17. APPEAL RIGHTS: I understand the right to appeal my conviction is limited and that I may appeal only if I can make a colorable showing that the sentence exceeds the maximum allowed by law or is unconstitutionally cruel and unusual. I know that I must serve and file the notice of appeal not later than 30 days after the judgment of conviction is entered in the register, and I may ask my attorney to help me do this.

18. I agree that if I withdraw or if a court later reverses, vacates, or sets aside my plea of "Guilty" or "No Contest" in this case, the court will reinstate any charge(s) that were dismissed in return for my plea and the City attorney no longer will be bound by any promises made to me in exchange for my plea. If the court reinstates the charge(s), I waive the statute of limitations and any statutory or constitutional speedy trial or double jeopardy rights applicable to the dismissed charges.

19. I am signing this plea petition and entering this plea voluntarily, intelligently, and knowingly with full understanding of all matters set forth in the charging instrument and in this petition.

20. If I am appearing via video-conference (Virtual Court) or telephone, I waive any right that I have to appear "in person."

21. I declare that: I can read, speak, and understand English; or
 This form was read to me; or sight translated to me by:

(Print name of reader or translator)

_____ Date

_____ Signature of reader or translator



_____ Date

_____ Defendant's Signature

_____ Mailing Address City State Zip

_____ Email address

CERTIFICATE OF DEFENSE COUNSEL

I am the attorney for the defendant in this proceeding and I certify that:

1. I have fully explained to my client the named offenses and lesser-included offenses contained in the charging instrument, and the possible defenses that may apply in this case.
2. I have personally examined the attached Petition to Plead Guilty/No Contest, explained all its provisions to my client, and discussed fully with my client all matters described and referred to in the petition.
3. I have explained to my client the maximum penalty and other consequences of entering a guilty or no contest plea, including possible immigration consequences.
4. To the best of my knowledge and belief, my client's decision to enter this plea is made voluntarily, intelligently, and knowingly.
5. I have told my client that if he or she is eligible for court-appointed counsel and wishes to pursue an appeal, I will transmit the information necessary to perfect the appeal to the proper offices.

_____ Date

_____ Defense Attorney's Signature

_____ OSB No.



CERTIFICATE OF PROSECUTING ATTORNEY

I am the prosecuting attorney in this proceeding and I certify that subject to the court's approval, this petition represents the complete agreement between the parties.

_____ Date

_____ City Prosecutor's Signature

_____ OSB No.

FINDINGS OF THE COURT

The court makes the following findings regarding the defendant's plea of Guilty No Contest:

Defendant's plea is made voluntarily, intelligently, and knowingly.

Other: _____

ORDER

DEFENDANT'S PLEA PETITION IS HEREBY ACCEPTED

_____ Date

_____ Springfield Municipal Judge