

ADVISEMENT AND WAIVER OF RIGHTS (7-1-2014)

I, \_\_\_\_\_ swear or affirm:

1. I am the defendant in this cause.
2. I have read the Stipulation and Plea agreement and understand it.
3. I have a lawyer and have talked to him/her about this Stipulation and Plea Agreement before signing it.
4. I understand the charge(s) against me of:
5. I understand the maximum penalty for a Level 6 felony is 2 ½ years imprisonment in jail and the minimum penalty is 6 months imprisonment in jail. I understand the maximum penalty for a Class D Felony is 3 years imprisonment in jail and the minimum penalty is 6 months imprisonment in jail. If less than three years separate your discharge from parole, probation, or imprisonment (whichever is later) on a prior felony conviction and the commission of this offense, the Court may only suspend that part of the sentence over 6 months. Otherwise, the Court may suspend all or any part of the penalty. Additionally, the Court may impose a fine of not more than \$10,000.00 and the Court must impose court costs. If the Court suspends any part of your sentence, the Court must put you on probation.
6. I understand the maximum penalty for a Class A Misdemeanor is 365 days in jail and/or a fine of \$5,000.00
7. I understand the maximum penalty for a Class B Misdemeanor is 180 days in jail and/or a fine of \$1,000.00
8. I understand the maximum penalty for a Class C Misdemeanor is 60 days in jail and/or a fine of \$500.00.
9. I understand the minimum penalty for any Misdemeanor is 0 days in jail and \$0.00 fine; however, court costs must be paid.
10. I know that by pleading guilty, I admit a charge and that the Court will then sentence me.
11. I understand that I have certain rights which are guaranteed to me by the Constitution of the United States and of the State of Indiana, including the following:
  - (a) The right to a speedy and public trial by jury of six (6) impartial persons.
  - (b) The right to confront and cross-examine witnesses against me and to have Compulsory process to obtain witnesses in my favor.
  - (c) The right to have the State prove me guilty beyond a reasonable doubt at a trial at which I may not be compelled to testify against myself.
  - (d) Should I be found guilty of the charge(s), at trial I have the right to an appeal.
12. I understand that, by pleading guilty, I waive all of these rights.
13. I understand that the penalties or sentence for the charge which I am pleading guilty to are:
14. I understand that the Court is not bound by this Stipulation and Plea Agreement until the Court approves it: and that if the Court does not approve it, it cannot be used in any manner against me or for me at trial.
15. No promises, force, or threats of any kind have been used to obtain my plea of guilty and signature to this Stipulation and Plea Agreement except as are set forth above: there are no other terms or conditions except those stated above.

\_\_\_\_\_  
Defendant

**AFFIRMATION OF COUNSEL**

Comes now \_\_\_\_\_, and shows the Court that:

1. I am an attorney at law duly admitted to practice before the Supreme Court of the State of Indiana.
2. I represent the defendant herein.
3. I have conferred with the defendant herein and have informed him of the consequences of his plea of guilty and of the foregoing Stipulation and Plea Agreement. I have also explained to my client all of his/her constitutional rights and all possible penalties.
4. There are no other terms and/or conditions, promises and/or representations with regard to this Stipulation and Plea Agreement except as are contained herein.

AFFIRMED UNDER THE PENALTIES OF PERJURY: \_\_\_\_\_

Attorney for Defendant

**ACCEPTANCE**

Plea Agreement accepted and approved. Bond, if any, ordered released maintenance fee waived.

\_\_\_\_\_  
Judge/Magistrate/Commissioner