

Please be advised that you must fully understand that the Constitution of the United States of America and the Constitution of the Commonwealth of Pennsylvania give to you an absolute right to have a trial by jury.

If you intend to waive your Constitutional right to a trial by jury, please answer all the questions on this form. Most of the questions are designed to be answered “yes” or “no.” Where general information is requested, please answer the question as fully as possible.

If you do not understand the question, you should say so in writing on this form. You should also tell your lawyer and the judge who hears your case so they can explain it to you. You must fully understand all of your rights before your plea can be accepted by the judge.

You should initial each page at the bottom after you have read, understood and completed your answers to the questions on that page. When you have finished all the questions, you must sign the form at the end.

1. What is your full name? _____
2. How old are you today? _____
3. How far did you go in school? _____
4. Can you read, write and understand the English language? Yes No
5. Do you understand that if you have been charged with more than one offense, the Court may impose a separate, or consecutive sentence for each offense?
 Yes No
6. Have you discussed with your attorney the elements of each charged offense?
 Yes No
7. Have you discussed with your attorney the factual basis of each charged offense?
 Yes No
8. Have you discussed with your attorney how the facts in your case prove the elements of each charged offense? Yes No
9. Do you understand that both the Constitution of the United States of America and the Constitution of the Commonwealth of Pennsylvania give you an absolute right to a trial by jury? Yes No
10. Do you understand that if you want a jury trial, you would take part in the selection of the jury along with your attorney and with the Assistant District Attorney assigned to prosecute your case? Yes No
11. Do you understand that you and your attorney and the Assistant District Attorney assigned to prosecute your case would select a jury from a panel of jurors randomly picked by computer from the voter registration lists and other legally approved lists of citizens of Allegheny County? Yes No

12. Do you understand that both the defense and prosecution would have the right to “challenge” members of the jury panel and that this means you and the prosecution would have the right to keep certain persons on the jury panel from being a member of the jury in your case? Yes No
13. Both you and the prosecution would have as many challenges “for cause” as the court would approve. “For cause” means a good reason why the challenged person could not be an impartial juror in our case. Do you fully understand this? Yes No
14. Both you and the prosecution would each also have a number of “peremptory challenges.” A peremptory challenge is one in which no reason must be given to prevent a prospective juror from being a member of your jury. If you are charged with felony, both you and the prosecution each have seven peremptory challenges. If you are charged with only misdemeanors, both you and the prosecution each have five peremptory challenges. Do you fully understand this? Yes No
15. All twelve members of the jury finally selected would have to be satisfied that the Commonwealth had proven your guilt beyond a reasonable doubt on each charge; that is, the vote of all twelve must be “guilty” before you could be found guilty? Do you fully understand this? Yes No
16. You may also choose to be tried before a judge without a jury in what is called a “non-jury” trial and that the judge, in addition to ruling on legal questions and defining the laws as in a jury trials would also sit as a trier of fact, much like a jury does in a jury trial; and it would be the judge who determines from the evidence presented whether the Commonwealth has proven you guilty beyond a reasonable doubt. Do you fully understand this Yes No
17. In either the jury trial or non-jury trial before a judge, you enter the courtroom clothed with the presumption of innocence and that presumption remains with you until such time, if ever, that a jury in a jury trial or judge in a non-jury trial, would find you guilty beyond a reasonable doubt. Do you fully understand this? Yes No
18. In either a jury trial or in a non-jury trial before a judge, it is the burden of the Commonwealth to prove you guilty “beyond a reasonable doubt,” and to do this the Commonwealth must prove each and every element of the crime or crimes with which you are charged “beyond a reasonable doubt” to the satisfaction of all twelve jurors in a jury trial or to the satisfaction of the judge in a non-jury trial. Do you fully understand this? Yes No
19. A reasonable doubt is an honest doubt arising from the evidence presented or from the lack of evidence and it is the kind of doubt that would cause a reasonable, prudent person to pause or to hesitate before acting in a matter of the highest personal importance. Do you fully understand this? Yes No

20. In either a jury trial or a non-jury trial before a judge, you have the absolute right to remain silent and need not present any evidence in your own behalf and there is no burden placed on you to prove your own innocence or, for that matter to prove anything since the burden is always on the Commonwealth to prove you guilty beyond a reasonable doubt. Do you fully understand this? Yes No
21. However, in either a jury trial or a non-jury trial before a judge, you have the right, if you so desire, to testify and to have witnesses testify on your behalf and you would have the right to present any relevant evidence that you believe would tend or help to prove your innocence and to challenge the evidence and testimony presented by the prosecution. You would also have the right, either yourself or through your attorney, to cross-examine or question any witnesses presented by the Commonwealth to test their credibility and the truthfulness of their testimony. Do you fully understand this? Yes No
22. By pleading *nolo contendere*, you are giving up all of these rights described in the previous questions. Do you fully understand this? Yes No
23. When you plead *nolo contendere*, the Commonwealth would not have to prove each and every element of the crime or crimes with which you are charged by the presentation of witnesses and/or other evidence but the Assistant District Attorney could simply present a summary of the evidence against you. Do you fully understand this? Yes No
24. By pleading *nolo contendere*, you agree to forego a trial, be convicted of a crime, and be sentenced accordingly. You are stating that you do not challenge or dispute the charges against you. Do you fully understand this? Yes No
25. By pleading *nolo contendere*, you give up the right not only to file pretrial motions, but also you abandon or give up any pretrial motions already filed and not yet decided and any pretrial motions in which decisions were already made. Do you fully understand this? Yes No
26. Do you understand that by pleading *nolo contendere*, you also give up the right to present or assert any defenses on your behalf? Yes No
- These defenses might include alibi, self-defense, mental infirmity, or insanity. Have you discussed with your attorney why these defenses are not available in your case?
- Yes No

I AFFIRM THAT I HAVE READ THE ABOVE DOCUMENT IN ITS ENTIRETY. I UNDERSTAND ITS FULL MEANING, AND I AM STILL NEVERTHELESS WILLING TO ENTER A PLEA TO THE OFFENSES SPECIFIED. I FURTHER AFFIRM THAT MY SIGNATURE AND INITIALS ON EACH PAGE OF THIS DOCUMENT ARE TRUE AND CORRECT.

DATE

Signature of Defendant

CERTIFICATION OF DEFENSE COUNSEL

I certify that:

- (1) I am an attorney admitted to the Supreme Court of Pennsylvania.
- (2) I represent the defendant herein.
- (3) I know no reason why the defendant cannot fully understand everything that is being said and done here today.
- (4) The defendant read the above form in my presence and appeared to fully understand it. I have gone over the form completely with the defendant, explained all of the items on the form and answered any questions he or she had.
- (5) I see no reason why the defendant cannot and is not knowingly, intelligently and voluntarily giving up his or her rights to trial and pleading nolo contendere.
- (6) I made no promises to the defendant other than any that appear of record in this case.

DATE

Attorney for Defendant