

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Superior Court Division

STATE VERSUS

Name Of Defendant

DOB Age Highest Level Of Education Completed

TRANSCRIPT OF PLEA

G.S. 15A-1022, 15A-1022.1

NOTE: Use this section ONLY when the Court is rejecting the plea arrangement.

The plea arrangement set forth within this transcript is hereby rejected and the clerk shall place this form in the case file. (Applies to plea arrangements disclosed on or after December 1, 2009.)

Date Name Of Presiding Judge (Type Or Print) Signature Of Presiding Judge

The undersigned judge, having addressed the defendant personally in open court, finds that the defendant (1) was duly sworn or affirmed, (2) entered a plea of guilty guilty pursuant to Alford decision no contest, and (3) offered the following answers to the questions set out below:

Answers

- 1. Are you able to hear and understand me? (1)
2. Do you understand that you have the right to remain silent... (2)
3. At what grade level can you read and write? (3)
4. (a). Are you now under the influence of alcohol... (4a)
(b). When was the last time you used or consumed any such substance? (4b)
5. Have the charges been explained to you by your lawyer... (5)
6. (a). Have you and your lawyer discussed the possible defenses... (6a)
(b). Are you satisfied with your lawyer's legal services? (6b)
7. (a). Do you understand that you have the right to plead not guilty... (7a)
(b). Do you understand that at such trial you have the right to confront... (7b)
(c). Do you understand that at a jury trial you have the right to have a jury determine... (7c)
(d). Do you understand that by your plea(s) you give up these and other valuable... (7d)
8. Do you understand that, if you are not a citizen of the United States... (8)
9. Do you understand that upon conviction of a felony you may forfeit any State licensing... (9)
10. Do you understand that following a plea of guilty or no contest there are limitations... (10)
11. Do you understand that your plea of guilty may impact how long biological evidence... (11)

12. Do you understand that you are pleading  guilty  no contest to the charges shown below? (12) \_\_\_\_\_  
*(Describe charges, total maximum punishments, and applicable mandatory minimums for those charges.)*

PLEAS										
Ü	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL.	‡Pun. CL.	Maximum Punishment

See attached AOC-CR-300A, for additional charges.

\*G = Guilty  
 NC = No Contest

**TOTAL MAXIMUM PUNISHMENT** ▶

**MANDATORY MINIMUM FINES & SENTENCES** *(if any)* ▶

Ü **NOTE TO CLERK:** If this column is checked this is an added offense or reduced charge.

‡ **NOTE:** Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

13. Do you now personally plead  guilty  no contest to the charges I just described? (13) \_\_\_\_\_

14.  (a) Are you in fact guilty? (14a) \_\_\_\_\_

(b) *(no contest plea)* Do you understand that, upon your plea of no contest, you will be treated as being guilty whether or not you admit that you are in fact guilty? (14b) \_\_\_\_\_

(c) *(Alford guilty plea)*

(1) Do you now consider it to be in your best interest to plead guilty to the charges I just described? (14c1) \_\_\_\_\_

(2) Do you understand that, upon your "Alford guilty plea," you will be treated as being guilty whether or not you admit that you are in fact guilty? (14c2) \_\_\_\_\_

15. *(Use if aggravating factors are listed below)* Have you admitted the existence of the aggravating factors shown below, have you agreed that there is evidence to support these factors beyond a reasonable doubt, have you agreed that the Court may accept your admission to these factors, and do you  understand that you are waiving any notice requirement that the State may have with regard to these aggravating factors  agree that the State has provided you with appropriate notice about these aggravating factors? *(If so, review the aggravating factors with the defendant.)* (15) \_\_\_\_\_

16. *(Use if sentencing points are listed below)* Have you admitted the existence of the sentencing points not related to prior convictions shown below, have you agreed that there is evidence to support these points beyond a reasonable doubt, have you agreed that the Court may accept your admission to these points, and do you  understand that you are waiving any notice requirement that the State may have with regard to these sentencing points  agree that the State has provided you with appropriate notice about these sentencing points? *(If so, review the sentencing points with the defendant.)* (16) \_\_\_\_\_

17. Do you understand that you also have the right during a sentencing hearing to prove to the Court the existence of any mitigating factors that may apply to your case? (17) \_\_\_\_\_

18. Do you understand that the courts have approved the practice of plea arrangements and you can discuss your plea arrangement with me without fearing my disapproval? (18) \_\_\_\_\_

STATE VERSUS

File No.

Name Of Defendant

- 19. Have you agreed to plead  guilty  no contest as part of a plea arrangement? (If so, review the terms of the plea arrangement as listed in No. 20 below with the defendant.) (19) \_\_\_\_\_
- 20. The prosecutor, your lawyer and you have informed the Court that these are all the terms and conditions of your plea:

PLEA ARRANGEMENT

- The State dismisses the charge(s) set out on Page Two, Side Two, of this transcript.
- The defendant stipulates to restitution to the party(ies) in the amounts set out on "Restitution Worksheet, Notice And Order (Initial Sentencing)" (AOC-CR-611).

- 21. Is the plea arrangement as set forth within this transcript and as I have just described it to you correct as being your full plea arrangement? (21) \_\_\_\_\_
- 22. Do you now personally accept this arrangement? (22) \_\_\_\_\_
- 23. (Other than the plea arrangement between you and the prosecutor) has anyone promised you anything or threatened you in any way to cause you to enter this plea against your wishes? (23) \_\_\_\_\_
- 24. Do you enter this plea of your own free will, fully understanding what you are doing? (24) \_\_\_\_\_
- 25. Do you agree that there are facts to support your plea  and admission to aggravating factors  and sentencing points not related to prior convictions, and do you consent to the Court hearing a summary of the evidence? (25) \_\_\_\_\_
- 26. Do you have any questions about what has just been said to you or about anything else connected to your case? (26) \_\_\_\_\_

ACKNOWLEDGEMENT BY DEFENDANT

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. No one has told me to give false answers in order to have the Court accept my plea in this case. The terms and conditions of the plea as stated within this transcript, if any, are accurate.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date Signature

Signature Of Defendant

- Deputy CSC
- Assistant CSC
- Clerk Of Superior Court

Name Of Defendant (Type Or Print)

CERTIFICATION BY LAWYER FOR DEFENDANT

I hereby certify that the terms and conditions stated within this transcript, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself. I further certify that I have fully explained to the defendant the nature and elements of the charges to which the defendant is pleading, and the aggravating and mitigating factors and prior record points for sentencing, if any.

Date Name Of Lawyer For Defendant (Type Or Print) Signature Of Lawyer For Defendant

CERTIFICATION BY PROSECUTOR

As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated within this transcript, if any, are the terms and conditions agreed to by the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charges in this case.

Date Name Of Prosecutor (Type Or Print) Signature Of Prosecutor

**PLEA ADJUDICATION**

Upon consideration of the record proper, evidence or factual presentation offered, answers of the defendant, statements of the lawyer for the defendant, and statements of the prosecutor, the undersigned finds that:

- 1. There is a factual basis for the entry of the plea (*and for the admission as to aggravating factors and/or sentencing points*);
- 2. The defendant is satisfied with his/her lawyer's legal services;
- 3. The defendant is competent to stand trial;
- 4.  The State has provided the defendant with appropriate notice as to the aggravating factors and/or points;  The defendant has waived notice as to the aggravating factors and/or points; and
- 5. The plea (*and admission*) is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea (*and admission*) is hereby accepted by the Court and is ordered recorded.

<i>Date</i>	<i>Name Of Presiding Judge (Type Or Print)</i>	<i>Signature Of Presiding Judge</i>
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**SUPERIOR COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT**

<b>File No.</b>	<b>Count No.(s)</b>	<b>Offense(s)</b>

**DISTRICT COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT**

<b>File No.</b>	<b>Count No.(s)</b>	<b>Offense(s)</b>

**CERTIFICATION BY PROSECUTOR**

The undersigned prosecutor enters a dismissal to the above charges pursuant to a plea arrangement shown on this Transcript Of Plea.

<i>Date</i>	<i>Name Of Prosecutor (Type Or Print)</i>	<i>Signature Of Prosecutor</i>
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