

MISDEMEANOR CONVICTION WAIVER OF RIGHTS

PEOPLE VS. _____

I, _____, the above named defendant, do hereby state freely and voluntarily the following:

- 1. I am represented by Mr./Ms. _____, as my attorney.
2. It is my desire to plead guilty to the misdemeanor of _____, a class _____ misdemeanor, which I understand is a crime.
3. I understand that I am pleading guilty to a crime.
4. I have no problem understanding the English Language, and I am not currently under the influence of alcohol or drugs.
5. I understand that I have an absolute right to remain silent in the face of the charges against me and that by entering a plea of guilty I am giving up my right and incriminating myself. I waive the filing of any information.
6. I have discussed this matter with my attorney and have had enough time to talk to my attorney and make this decision. I am satisfied with the representation given me by my attorney.
7. I understand that I have a right to a trial by a jury or by the Court sitting alone with respect to these charges, and that at such a trial the People would have to prove every element of a crime beyond a reasonable doubt to secure a conviction of that crime.
8. I understand that at such a trial I would have a right to confront the People's witnesses and to cross-examine them through my attorney, and that I would have a right to present witnesses on my behalf if I wish, and that I would have the right to testify in my own behalf if I wish.
9. I understand that by my plea of guilty I give up all of the above rights I have just mentioned. I am pleading guilty because I am guilty.
10. I understand that my plea of guilty is a conviction of a crime just as if I had gone to trial and been found guilty of the crime I plead guilty to. I am entering this plea of guilty freely and voluntarily. No one has threatened, coerced or forced me in any way to plead guilty.
11. I understand that my pleading guilty to this charge I face _____ months in the Westchester County Penitentiary.
12. I understand that this statement may be used against me in other judicial proceedings and in consideration of this plea I withdraw all motions made by me whether pending or decided.
13. I understand that a conference has been held with the People and my attorney and that the Court has made a preliminary indication that subject to a pre-sentence report its current intention is to sentence me to _____. Otherwise, no one has made any promises or representation to me in order to get me to plead guilty.
14. Except as provided in Paragraph 16 below, I understand that if the Court feels a more severe sentence is necessary that I will be allowed to withdraw my plea if I wish.
15. I understand that I will be asked to admit certain facts in open court as read to me by the People which would support the charge to which I am pleading guilty.
16. I understand that if I do not appear for sentencing on the date of sentencing or if I fail to cooperate with the Probation Department to have a pre-sentence report completed or if I am arrested while awaiting sentence on this charge the Court will hold me to my plea of guilty and will not be bound by any sentence indication specified in paragraph 13 above.
17. I understand that as a consideration of being afforded this plea, I waive all rights to appeal this conviction and sentence.

I HAVE READ THE ABOVE AND HAVE NO FURTHER QUESTIONS.

Dated: _____ Defendant: _____

The above was executed in my presence in Court on the above date.

ATTORNEY FOR DEFENDANT ASSISTANT DISTRICT ATTORNEY