

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

CASE NO.:

DIVISION "C"

STATE OF LOUISIANA

VERSUS

FILED: _____

DEPUTY CLERK

DEFENDANT'S ACKNOWLEDGMENT OF CONSTITUTIONAL RIGHTS AND WAIVER OF RIGHTS ON ENTRY OF A PLEA OF GUILTY

DEFENDANT MUST INITIAL EACH PARAGRAPH

TO THE DEFENDANT, BY THE TRIAL JUDGE, PERSON TO PERSON:

_____ Your attorney has indicated to me that he/she advised you of your rights: (1) to a trial by jury or by the Court alone; (2) to confront and to cross-examine your accuser; and (3) of your right against self-incrimination, and that by entering your plea of guilty, you are waiving or giving up these rights. He/she has also indicated to me that you have advised him/her that you understand these things. Is that correct?

_____ I want you to convince me also that you understand what you are doing by entering this plea of guilty. Consequently, I am going to explain the nature of the crime to which you are pleading guilty, and I will also explain the consequences of a plea of guilty. If you have any questions, or if you do not understand anything I say, stop me, and I will answer your questions or give you any additional instructions which you may desire.

_____ First, tell this Court how old are you? _____ And how much schooling have you had? _____

_____ You are pleading guilty to the crime of:

which occurred on the _____ day of _____, 20_____.

_____ The maximum sentence which I can impose is _____ years _____. (There is no probation, parole, or suspension of sentence for the crime of Armed Robbery or Attempted Armed Robbery.) Do you understand?

_____ Do you understand that the plea of guilty is your decision, and no one can force you to so plead?

_____ To plead guilty is your voluntary act and must be free of any vice or defect which would render your ability to plead guilty inadequate. Has anyone used any force, intimidation, coercion, promise or reward to either you or any member of your family for the purpose of making or forcing you to plead guilty?

Circle One: **YES or NO**

_____ Do you understand that if you are convicted of a subsequent offense, this guilty plea can be used against you to enhance that penalty and that this plea can seriously affect you under the Habitual Offense Law?

DEFENDANT MUST INITIAL EACH PARAGRAPH

_____ Do you acknowledge that your attorney and the Court have informed you that a plea of guilty may affect your immigration status and your ability to maintain residency in the United States?

_____ Do you acknowledge that your willingness to plead guilty or nolo contendere resulted from prior discussions between the district attorney and you or your attorney.

_____ Do you acknowledge that you have been informed of all plea offers made by the State.

_____ Do you understand that by pleading guilty or nolo contendere, you may be subject to additional consequences or waivers of constitutional rights in the following areas as a result of your plea, including:

- Right to vote
- Right to bear arms
- Right to due process
- Right to equal protection

_____ Do you understand that by pleading guilty or nolo contendere, there may be potential consequences impacting the following:

- College admissions and financial aid
- Public housing benefits
- Employment and licensing restrictions
- Standard of proof for probation or parole revocations

_____ Have you been advised by your counsel that in the event I accept this plea of guilty, that you will be sentenced as follows: (All general and special conditions of probation which you have agreed to abide by are attached.) (Pursuant to La.C.Cr.P. Art. 894.1)

Plea Pursuant to La.C.Cr.P. Art. 893: **YES** or **NO**

_____ You have the right to a trial by jury/judge, which jury/judge may find you guilty as charged, guilty of a lesser crime, or not guilty. You have the right to hire an attorney of your choice to defend you at that trial. If you cannot afford an attorney, one will be appointed for you, which will not cost you anything. By entering a plea of guilty, you are waiving or giving up these rights. Do you understand that?

_____ At any judge/jury trial, you have the right to confront and to cross-examine your accusers, as well as compel testimony on your behalf from your witnesses. By entering this plea of guilty, you are waiving or giving up these rights. Do you understand that?

_____ If you were to go to trial, and in the event of a conviction, if the jury/judge finds you guilty, you would have the right to an appeal. Again, in the event of an appeal, if you could not afford an attorney, one would be appointed, which would not cost you anything. By entering a plea of guilty you are waiving or giving up these rights. Do you understand that?

_____ If you plead guilty, and this Court accepts your plea, you do not have the right to assert any allegations or defects, such as: (a) an illegal arrest; (b) an illegal search and seizure; (c) an illegal confession; (d) an illegal lineup; and (e) the fact that the state might not be

able to prove said charge or that a jury/judge would find you not guilty. Do you understand that by pleading guilty you are waiving or giving up these rights?

_____ You have a right to waive trial by jury and be tried by the Court alone. Do you understand that by pleading guilty you are waiving or giving up these rights?

•

_____ Do you understand that by pleading guilty, you are telling this Court that you have, in fact, committed the crime to which you are pleading guilty?

If applicable in this case: On a **second conviction** with regard to possession of marijuana, the offender shall be fined not more than one thousand dollars, imprisoned in the parish jail for not more than six months, or both. On a **third conviction** with regard to possession of marijuana, the offender shall be imprisoned with or without hard labor for not more than two years, fined not more than two thousand five hundred dollars, or both. On a **fourth or subsequent conviction** with regard to possession of marijuana, the offender shall be imprisoned with or without hard labor for not more than eight years, fined not more than five thousand dollars, or both. _____ **Initial**

If applicable in this case: If you are pleading guilty to a “**Sex Offense**” enumerated in Title 15 of the Louisiana Revised Statutes, Section 541(14.1), you must comply with the Sex Offender Registration and Notification Requirements of Title 15 of the Louisiana Revised Statutes, Section 542, *et. seq.* _____ **Initial**

If applicable in this case: Do you understand that if you are pleading guilty to a sexual offense involving a minor child, as a condition of probation you agree to refrain from being present or physically residing within one thousand feet of a school or of an area where minors congregate, e.g., day care facility, playground, youth center, public swimming pool or free-standing video arcade facility? R.S. 15:538 (D). _____ **Initial**

If applicable in this case: Do you understand that you are not to have any contact with minors or have a minor live with you, unless special circumstances exist? _____ **Initial**

If applicable in this case: Do you understand that the court may add a special condition that you attend Sexual Offender Treatment _____ **Initial**

If applicable in this case: Do you understand that if you are pleading guilty to a sexual offense, as defined by R.S. 15:541, you agree to registration and notification requirements? _____ **Initial**

Do you acknowledge receipt of copies of registration and notification statutes? _____ **Initial**

Do you acknowledge written notice of the registration and notification requirements as provided by R.S. 15:543.1? _____ **Initial**

District Attorney’s Recitation of Facts

DEFENDANT’S ATTORNEY:

I, as attorney for the defendant, was present during the recitation of the foregoing colloquy between the defendant and the trial judge at the time of the defendant’s plea of guilty.

I, also, have informed the defendant of his/her rights, particularly the nature of the crime to which he/she is pleading guilty, the maximum sentence the court could impose under the law, and the fact that the defendant, by entering this plea of guilty, is waiving his/her right to trial by jury, or by the court alone, his/her right to confront his/her accusers, his/her right against self-incrimination, and lastly, that his/her only appeal is for review of jurisdictional defects; and I am entirely satisfied that the defendant knowingly, willingly, intelligently and voluntarily has entered this plea of guilty, knowing the consequences.

ATTORNEY

BY DEFENDANT:

I, as the defendant in this case, acknowledge that the foregoing has been read to me, that my attorney and the trial judge have explained the nature of the crime to which I am pleading guilty, all of my rights to me, and what rights I am waiving or giving up, as listed above, and that I have been given every opportunity by the trial judge to ask questions in open court about anything I do not understand and about all of the consequences regarding my plea of guilty. I am completely satisfied with the explanations of my attorney and the judge.

I FURTHER ACKNOWLEDGE THAT MY ACT OF PLEADING GUILTY IS A KNOWING, INTELLIGENT, FREE, AND VOLUNTARY ACT ON MY PART. I know that no one can force me to plead guilty. I know that by pleading guilty, I admit, I committed the said crime. I know this plea of guilty is more than a confession; it is also a conviction. Nothing remains except for the judge to give judgment and give me my punishment. I waive all delays for sentencing and acknowledge I am ready for sentencing.

DEFENDANT

BY THE TRIAL JUDGE:

I, as trial judge, have entered into the foregoing colloquy with the defendant. I am entirely satisfied that the defendant was aware of the nature of the crime to which he/she has plead guilty, that the defendant did, in fact, commit said crime, understands the consequences of said plea of guilty, and has made a knowing, intelligent, free, and voluntary act of pleading guilty to the above mentioned crime and that there is a factual basis for the acceptance of this plea. I, therefore, accept the defendant's plea of guilty.

I would like to inform the defendant that he/she has thirty (30) days from today's date to appeal this sentence, and no application for post-conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final under the provisions of La. C. Cr. P. Articles 914 or 922. [La. C. Cr. P. art. 930.8(A)].

Gretna, Louisiana

DATE

**HONORABLE JUNE BERRY DARENSBURG
JUDGE, DIVISION "C"**

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

CASE NO.: _____

DIVISION "C"

STATE OF LOUISIANA

VERSUS

**WAIVER OF HEARING
ON DEFENDANT'S ABILITY TO PAY FINES AND FEES**

I understand that pursuant to LA.C.Cr.P. Art. 875.1 I have the following rights:

1. I have a right to a hearing to determine whether payment in full of the aggregate amount of all the financial obligations to be imposed upon me would cause a substantial financial hardship upon me or my dependents. LA.C.Cr.P. Art. 875.1(C)(1)
2. At the hearing I can present evidence and testimony explaining why I am unable to pay the fines and fees listed on my plea form.
3. As a payment alternative the court may order substance abuse treatment, education, job training, or community service. LA.C.Cr.P. Art. 875.1(D)(2)(c)
4. My failure to pay the ordered fines and fees may only result in incarceration if, after a hearing, the court finds that I had the ability to pay and willfully refused to do so.
5. I have the right to be represented by an attorney of my choice and if I could not afford an attorney, one would be appointed to me at no cost.

After discussing the legal implications of LA.C.Cr.P. Art. 875.1(C)(1) with my attorney, I have decided to waive my right to a hearing before the Court to determine whether the financial obligations imposed upon me will create a financial hardship to me or my dependents.

Defendant's Signature

Date

Defendant's Counsel's Signature

Date

Felony

24TH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON STATE OF LOUISIANA

Case No. _____ Division "____"
State of Louisiana v. _____

FELONY: SCHEDULE OF FINES, FEES, SENTENCING PROVISIONS & PROBATION REQUIREMENTS

Part I	Guilty of Offense(s) / Date of Offense(s): _____ Sex Offender Registration / Notification? <input type="checkbox"/> Y <input type="checkbox"/> N	
<input type="checkbox"/> Sentence of _____ years & _____ months <input type="checkbox"/> Hard Labor / <input type="checkbox"/> JP Correctional Center (check one) with _____ years & _____ months SUSPENDED . <input type="checkbox"/> Active Probation _____ months <input type="checkbox"/> Inactive Probation _____ months	<input type="checkbox"/> Imposition of sentence is DEFERRED, under C.Cr.P. art. 893(E) ; Defendant is placed on <input type="checkbox"/> Active Probation _____ months <input type="checkbox"/> Inactive Probation _____ months	

IT IS THE ORDER OF THE COURT that defendant shall comply with the following **Sentencing Provisions** (initial next to item):

Part II	Pay court costs of: <u>Non-drug cases</u> \$ 542.00 <u>Drug cases</u> \$ 592.00 Pay fine of: <u>500.00*</u> <u>500.00*</u> Total payable: <u>\$ 1,042.00</u> <u>\$ 1,092.00</u>	* Judge increases / decreases fine to \$ _____.	Judge adds Public Defender's Office fee of \$ _____ as reimbursement for services performed
A			
B	Pay a Commissioner Fund Fee of \$175, due at the first meeting with the Collections Officer. (LSA R.S. 13:718(D)(1))		
C	Pay a special fine of \$150 to the Twenty-Fourth Judicial District Intensive Probation Drug Court. (LSA R.S. 13:5304(I) & C.Cr.P. 895(B))		
D	Pay an Indigent Transcript Fee of \$2.00. (LSA R.S. 13:967(M)(2))		
E	Pay a probation supervision fee of \$____ (minimum \$70 to maximum \$110) per month to the Department of Probation and Parole plus an additional \$11.00 per month assessment. (C.Cr.P. Art. 895.1(C) & Art. 895.1(F))		
F	Make reasonable reparation or restitution to the aggrieved party / victim for damage or loss caused by defendant's offense(s) in an amount of \$ _____ within _____ months in equal monthly installments through the Collections Office. (C.Cr.P. Art. 895.1)		
G	Pay a fee of _____, not to exceed one thousand dollars (see <i>JPSO fee schedule</i>) as reimbursement to the commission if laboratory personnel performed a scientific test of any evidence seized pursuant to the investigation or prosecution of a violation. The commission may establish a schedule stating the estimated cost of performing the test which shall be used by the court in determining the amount of the fees. (LSA R.S. 40:2266.1.1)		
H	Pay a fee of <input type="checkbox"/> \$100.00 (14:98, 98.1 or 99), <input type="checkbox"/> \$50.00 (14:92, 93.11, 93.12 or 32.333), or <input type="checkbox"/> \$25.00 (14:91 7, 103, 107, 32:300 or any conviction where the use of alcohol was a factor) to the Twenty-Fourth Judicial District DWI Treatment Court. (LSA R.S. 13:1000.10)		
I	Pay a fee of <input type="checkbox"/> \$250.00 (14:98.4), <input type="checkbox"/> \$100.00 (14:98.3), <input type="checkbox"/> \$50.00 (14:98.2), <input type="checkbox"/> \$25.00 (14:98.1), or <input type="checkbox"/> \$5.00 speeding or reckless driving offenses to the Traumatic Head and Spinal Cord Injury Trust Fund (LSA R.S. 46:2633)		
J	Defendant agrees that he/she alone is responsible to pay all fines, fees, costs within _____ days/months as scheduled by the Collections Officer. If not paid within 60 days, a civil money judgment will be issued against defendant in an amount equal to the court costs, fine, fees, restitution, judicial interest, contempt fine, plus costs of this and any subsequent proceeding and recorded with the Clerk of Court's office. (C.Cr.P. Art. 885.1 & C.Cr.P. Art. 886)		
K	Report in person to the Collections Department immediately at Suite 1403, Thomas F. Donelon Bldg, 200 Derbigny Street, Gretna, LA 70053 and as directed; defendant must report any changes to address, telephone number, or employment to the Collections Department. (C.Cr.P. Art. 895)		

IT IS THE ORDER OF THE COURT that defendant shall comply with the following **Special Conditions of Probation** (initial next to each provision):

Part III	Refrain from criminal conduct, specifically the violation of any federal, state, parish, or local law; refrain from frequenting unlawful or disreputable places or consorting with disreputable persons; Refrain from the use of any prohibited drug or controlled dangerous substance and submit to a urinalysis at his/her own expense to test for the presence of any such prohibited drug as directed by the probation staff; Submit to available medical, psychiatric, mental health, or substance abuse examination or treatment or both when deemed appropriate and ordered to do so by the probation officer. Meet specified family responsibilities including any child support obligations; and not own or possess firearms and/or dangerous weapons. (C.Cr.P. Art. 895(A))
A	
B	Remain within the jurisdiction of the Court and get permission from the probation officer before making any change in address and/or employment. Waive extradition to Louisiana from any jurisdiction in or outside the United States where you may be found and also agree that you will not contest any effort by a jurisdiction to return you to Louisiana. (C.Cr.P. Art. 895(A))
C	Obtain a GED or vo-tech training in a trade if you do not have a high school diploma. If necessary, defendant must enroll in and attend an adult education or reading program until he attains a sixth grade reading level or until his term of probation expires, whichever occurs first. All costs shall be paid by the defendant. (C.Cr.P. Art. 895(A))
D	Report to the Louisiana Department of Probation and Parole today in person and as directed; permit Probation Officer to visit defendant at home or elsewhere; in lieu of incarceration, defendant agrees that the Probation Officer may conduct random searches of his residence or vehicle(s) or home; defendant shall devote himself to an occupation approved by Probation Officer; make a full and truthful report at the end of each month to Probation Officer, whose address is: 2150 Westbank Expressway, 5 th Floor, Harvey, LA 70058 or 1919 Veterans Boulevard, Suite 400, Kenner, LA 70062. (C.Cr.P. Art. 895)
Part IV	Community Service Ordered: _____ hours _____ to be served at _____. Call Community Service Coordinator to schedule service immediately. Community Service must be completed within _____. (C.Cr.P. Art. 895(A))
A	
Part V	Defendant, by signing below, hereby confesses judgment : The defendant authorizes the 24 th Judicial District Court to obtain the defendant's credit bureau reports to collect on a debt. The defendant agrees that during the period of probation, he/she shall be subject to arrest at any time for the purpose of returning defendant to the court for disposition. FAILURE TO COMPLY with any one of the foregoing sentencing provisions and/or probation conditions may result in any or all of the following: A. Revocation of probation and/or imposition of any suspended or deferred sentence; B. Finding defendant in contempt of court and imposition of punishment even if the term of probation has ended; C. A judgment against the defendant in the amount equal to the fine, restitution, judicial interest, plus costs of this and any subsequent proceeding; D. the seizure of any Louisiana state income tax refund due to the defendant.
A	
Part VI	Special Order(s): _____

ATTORNEY: I have read and explained the above-checked sentencing provisions & probation requirements to the defendant. I am satisfied that the defendant understands these provisions and requirements and understands that he/she is **agreeing to abide by all these conditions** or have the sentence imposed and/or probation revoked or extended.

Attorney (signature) _____
Attorney (print name) _____

Defendant (signature) _____
Race: _____ Sex: _____
Street Address _____ Apt. _____
City _____ State _____ Zip _____
Telephone _____ Cell: _____

-LEGAL NOTIFICATION-
Name of **nearest relative** _____
Street address _____ Apt. _____
City _____ State _____ Zip _____

Defendant is required to provide Social Security Number and Driver's License number to the Collections Officer.

GRETNA, LOUISIANA, this _____ day of _____, 20_____.

White	- Court Record
Pink	- Collections Officer
Blue	- Felony Probations
Goldenrod	- Defendant