

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:

I understand that I am charged with violating R.S. _____ which occurred on the _____ day of _____, 20_____.

The maximum penalty the Court can impose is _____.

I understand that I have the following rights:

_____ A right to a trial by the Court.

_____ A right to require the State to prove my guilt beyond a reasonable doubt.

_____ A right to confront and to cross-examine my accusers, as well as compel testimony on my behalf from my witnesses.

_____ A right to remain silent and not to be compelled to incriminate myself, and that my silence is not an inference of guilt.

_____ A right to appellate review of an adverse verdict at trial.

_____ A right to the assistance of a lawyer, and if I cannot afford one, the right to have a free, court-appointed lawyer.

_____ I understand that by entering a GUILTY plea, I am waiving and giving up those rights listed above.

_____ I understand that by pleading guilty I am authorizing the Court to impose up to the maximum sentence provided by law without a trial.

_____ I further understand that the Louisiana Department of Public Safety may suspend my driving privileges, if applicable.

Possession of Marijuana (If Applicable): 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 sentenced to imprisonment with or without hard labor for not more than two years, shall be 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 sentenced to imprisonment with or without hard labor for not more than eight years, shall be fined not more than five thousand dollars, or both.

DEFENDANT MUST INITIAL EACH PARAGRAPH

_____ Possession of Drug Paraphernalia (If Applicable): On a **second conviction** with regard to drug paraphernalia, the offender shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both. On a **third or subsequent conviction**, the offender shall be fined not more than two thousand five hundred dollars, or imprisoned, with or without hard labor, for not more than two years, or both.

_____ Theft of Goods (If Applicable): With regard to theft of goods, if the offender in such cases has been convicted of theft or theft of goods **two or more times** previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years or may be fined not more than one thousand dollars, or both.

_____ 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.

_____ I have been advised by my attorney that, in the event the Trial Judge accepts my plea of guilty, I will be sentenced as follows (pursuant to La. C. Cr. P. art. 894.1; all general and special conditions of probation are attached):

Plea Pursuant to La.C.Cr.P. art. 894: YES or NO

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"**

Misdemeanor

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

Case No. _____, Division " _____ "

State of Louisiana v. _____

MISDEMEANOR: SCHEDULE OF COURT COSTS, FINES, FEES, SENTENCING PROVISIONS & PROBATION REQUIREMENTS

Part I Guilty of Offense(s) / Date of Offense(s): _____

Sentence of _____ months. JP Correctional Center.
SUSPENDED.
Active Probation _____ months
Inactive Probation _____ months
Imposition of sentence is DEFERRED, under C.Cr.P. art. 894(B);
Defendant is placed on:
Active Probation _____ months
Inactive Probation _____ months

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

Table with 5 columns: Part II, Pay court costs of, Non-drug cases, Drug cases, * Judge increases / decreases fine to, Judge adds Public Defender's Office fee of. Rows A through K.

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

Table with 2 columns: 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; Report to the Misdemeanor Probation Department immediately and as directed at 802 Second Street, Gretna, Louisiana 70053 and make a full and truthful report; Obtain a GED or vo-tech training in a trade if you do not have a high school diploma.

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))

Part V Defendant, by signing below, hereby confesses judgment; The defendant authorizes the 24th 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; and/or D. the seizure of any Louisiana state income tax refund due to the defendant.

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 - Judicial Administration
Goldenrod - Defendant

Judge