

Questions or comments may  
be directed to 609-292-4638

**Supplement to  
Directive # 12-03**

**TO: ASSIGNMENT JUDGES  
CRIMINAL PRESIDING JUDGES**

**FROM: RICHARD J. WILLIAMS**

**SUBJ: PLEA FORMS AND JUDGMENTS OF CONVICTION – SUPPLEMENTAL  
MATERIAL**

**DATE: DECEMBER 31, 2003**

Directive #12-03 (dated November 6, 2003) promulgated amendments to certain plea forms and judgment of conviction forms, with those amendments necessitated by recent case law and legislative enactments. In that Directive I noted that Spanish versions of two of the revised plea forms – the two “Additional Questions...” forms (Attachments 2 and 3 to the Directive) – would be distributed by separate memorandum. Those Spanish translations are attached.

I have also attached a corrected version of the three-page plea form (both the English version and the English-Spanish version) that was appended to the Directive as Attachment 1; this corrects some minor errors that found their way into that form. This corrected version should replace the prior version effective immediately.

R.J.W.

Attachments

cc: Chief Justice Deborah T. Poritz  
Attorney General Peter C. Harvey  
Public Defender Yvonne Smith Segars  
Vaughn McKoy, DCJ Director  
County Prosecutors  
Regional Deputy Public Defenders  
Theodore J. Fetter, Deputy Admin. Dir.  
AOC Directors and Assistant Directors  
Trial Court Administrators  
Criminal Division Managers  
Vance D. Hagins, Esq.  
Steven D. Bonville, Special Assistant  
Francis W. Hoeber, Special Assistant

**ATTACHMENT 1**  
**(TO DIRECTIVE #12-03)**

**THREE-PAGE PLEA FORM**

**CORRECTED VERSION**  
**[ENGLISH, ENGLISH-SPANISH]**

PLEA FORM

County \_\_\_\_\_

Prosecutor File Number \_\_\_\_\_

DEFENDANT'S NAME \_\_\_\_\_

before Judge \_\_\_\_\_

1. List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree		Statutory Maximum		VCCB Assmt*
					Time	Fine	
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
_____	_____	_____	_____	MAX	_____	_____	_____
Your total exposure as the result of this plea is:				TOTAL	_____	_____	_____

PLEASE CIRCLE  
APPROPRIATE ANSWER

2. a. Did you commit the offense(s) to which you are pleading guilty? [YES] [NO]
- b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? [YES] [NO]
3. Do you understand what the charges mean? [YES] [NO]
4. Do you understand that by pleading guilty you are giving up certain rights? Among them are:
- a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? [YES] [NO]
- b. The right to remain silent? [YES] [NO]
- c. The right to confront the witnesses against you? [YES] [NO]
5. Do you understand that if you plead guilty:
- a. You will have a criminal record? [YES] [NO]
- b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Violent Crimes Compensation Board Assessment? [YES] [NO]
- c. You must pay a minimum Violent Crimes Compensation Board assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.) [YES] [NO]
- d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? [YES] [NO]

\* VIOLENT CRIMES COMPENSATION BOARD ASSESSMENT

Defendant's Initials \_\_\_\_\_

- 5. e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? [YES] [NO]
- f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? [YES] [NO]
- g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? [YES] [NO]
- h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? [YES] [NO]
- 6. Do you understand that the court could, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentenced imposed? [YES] [NO]
- 7. Did you enter a plea of guilty to any charges that require a mandatory period of parole ineligibility or a mandatory extended term? [YES] [NO]
  - a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is \_\_\_\_ years and \_\_\_\_ months (fill in the number of years/months) and the maximum period of parole ineligibility can be \_\_\_\_ years and \_\_\_\_ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.
- 8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? [YES] [NO]
- 9. Are you presently on probation or parole? [YES] [NO]
  - a. Do you realize that a guilty plea may result in a violation of your probation or parole? [YES] [NO] [N/A]
- 10. Are you presently serving a custodial sentence on another charge? [YES] [NO]
  - a. Do you understand that a guilty plea may affect your parole eligibility? [YES] [NO] [N/A]
- 11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? [YES] [NO] [N/A]

12. List any charges the prosecutor has agreed to recommend for dismissal:

Ind./Acc./Compl.#	Count	Nature of Offense and Degree
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

13. Specify any sentence the prosecutor has agreed to recommend:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

14. Has the prosecutor promised that he or she will NOT: [YES] [NO]
- a. Speak at sentencing? [YES] [NO]
- b. Seek an extended term of confinement? [YES] [NO]
- c. Seek a stipulation of parole ineligibility? [YES] [NO]
15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution? [YES] [NO] [N/A]
16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty? [YES] [NO] [N/A]
17. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty? [YES] [NO] [N/A]
18. Have you discussed with your attorney the legal doctrine of merger? [YES] [NO] [N/A]
19. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence? [YES] [NO] [N/A]
20. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:

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21. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty? [YES] [NO]
22. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? [YES] [NO]
- b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea? [YES] [NO]
- c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? [YES] [NO]
23. Are you satisfied with the advice you have received from your lawyer? [YES] [NO]
24. Do you have any questions concerning this plea? [YES] [NO]

DATE \_\_\_\_\_ DEFENDANT \_\_\_\_\_

DEFENSE ATTORNEY \_\_\_\_\_

PROSECUTOR \_\_\_\_\_

[ ] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

PLEA FORM  
FORMULARIO DE DECLARACIÓN

County \_\_\_\_\_  
 Condado \_\_\_\_\_  
 Prosecutor File Number \_\_\_\_\_  
 Número del expediente de la fiscalía \_\_\_\_\_

DEFENDANT'S NAME \_\_\_\_\_  
 NOMBRE DEL ACUSADO \_\_\_\_\_

before Judge \_\_\_\_\_  
 ante el Juez \_\_\_\_\_

1. List the charges to which you are pleading guilty: Enumere los cargos de que usted se declara culpable:

Ind./Acc./Comp.# Nº de Ac. Formal/ Ac./Denun.	Count Cargo	Nature of Offense Naturaleza de la Infracción	Degree Grado	MAX / MÁX	Statutory Maximum Máximo por Estatuto		
					Time Tiempo	Fine Multa	VCCB Assmt* Multa de la VCCB*
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
_____	_____	_____	_____	MAX / MÁX	_____	_____	_____
Your total exposure as the result of this plea is:		Su exposición total como resultado de esta declaración es:		TOTAL	_____	_____	_____

PLEASE CIRCLE  
 APPROPRIATE ANSWER  
 SÍRVASE MARCAR LA RESPUESTA  
 APROPIADA CON UN CÍRCULO

2. a. Did you commit the offense(s) to which you are pleading guilty? ¿Cometió usted la infracción (las infracciones) de que se declara culpable? [YES/SÍ] [NO]
- b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? ¿Entiende que antes de que el juez lo puede encontrar culpable, tendrá que decirle al juez qué es lo que usted hizo que lo hace culpable de la infracción particular (de las infracciones particulares)? [YES/SÍ] [NO]
3. Do you understand what the charges mean? ¿Entiende lo que significan los cargos? [YES/SÍ] [NO]

\* VIOLENT CRIMES COMPENSATION BOARD ASSESSMENT  
 MULTA DE LA JUNTA DE COMPENSACIÓN POR DELITOS VIOLENTOS

Defendant's Initials \_\_\_\_\_  
 Iniciales del acusado \_\_\_\_\_

4. Do you understand that by pleading guilty you are giving up certain rights? Among them are: ¿Entiende que al declararse culpable, usted renuncia a ciertos derechos? Entre ellos están:
- a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? El derecho a juicio con jurado en que el Estado tiene que probar su culpabilidad fuera de duda razonable? [YES/SÍ] [NO]
- b. The right to remain silent? El derecho de guardar silencio? [YES/SÍ] [NO]
- c. The right to confront the witnesses against you? El derecho de confrontar a los testigos en su contra? [YES/SÍ] [NO]
5. Do you understand that if you plead guilty: ¿Entiende que si usted se declara culpable:
- a. You will have a criminal record? Tendrá antecedentes penales? [YES/SÍ] [NO]
- b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Violent Crimes Compensation Board Assessment? A menos que el convenio declaratorio estipule otra cosa, se le podría sentenciar a cumplir el tiempo máximo de reclusión, a pagar la multa máxima y a pagar la multa máxima de la Junta de Compensación por Delitos Violentos? [YES/SÍ] [NO]
- c. You must pay a minimum Violent Crimes Compensation Board assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.) Tendrá que pagar una multa mínima de la Junta de Compensación por Delitos Violentos de \$50 dólares (un mínimo de \$100 dólares si se le condena por un delito violento) por cada cargo de que usted se declara culpable? (La multa es \$30 dólares si la infracción ocurrió entre el 9 de enero de 1986 y el 22 de diciembre de 1991. \$25 dólares si la infracción ocurrió antes del primero de enero de 1986.) [YES/SÍ] [NO]
- d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? Si la infracción ocurrió el primero de febrero de 1993 o después de dicha fecha pero antes del 13 de marzo de 1995 y se le sentencia a libertad a prueba o a un instituto correccional del estado, usted tendrá que pagar un gasto de transacción de hasta \$1.00 dólar en cada ocasión en que se haga un pago o en que se abone una cuota? Si la infracción ocurrió el 13 de marzo de 1995 o después de dicha fecha, y se le sentencia a libertad a prueba, o si la sentencia por otro motivo requiere pagos de obligaciones económicas a la división de libertad a prueba, usted tendrá que pagar un gasto de transacción de hasta \$2.00 dólares en cada ocasión en que se haga un pago o se abone una cuota? [YES/SÍ] [NO]

Defendant's Initials  
Iniciales del acusado

5. e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? Si la infracción ocurrió el 2 de agosto de 1993 o después de dicha fecha usted tendrá que pagar una multa de \$75 dólares al Fondo de Servicios de Vecindarios Seguros por cada condena? [YES/SÍ] [NO]
- f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? Si la infracción ocurrió el 5 de enero de 1994 o después de dicha fecha y se le sentencia a libertad a prueba, usted tendrá que pagar un cargo mensual de un máximo de \$25 dólares durante el término de la libertad a prueba? [YES/SÍ] [NO]
- g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? Si el delito ocurrió el 9 de enero de 1997 o después de esa fecha, usted tiene que pagar una multa de \$30 dólares al Fondo de Capacitación y Equipo de Oficiales del Orden? [YES/SÍ] [NO]
- h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? Se requerirá que usted suministre y pague el costo del análisis de una muestra de su ADN que podría ser usada por las autoridades del orden público en la investigación de actividades delictuosas. [YES/SÍ] [NO]
6. Do you understand that the court could, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentenced imposed? ¿Entiende que a su discreción el juez podría imponerle un tiempo mínimo de reclusión que cumplir antes que usted esté en condiciones para estar en libertad condicional, y que ese período podría ser tan largo como la mitad del período de la sentencia custodial que se le haya impuesto a usted? [YES/SÍ] [NO]
7. Did you enter a plea of guilty to any charges that require a mandatory period of parole ineligibility or a mandatory extended term? ¿Presentó usted una declaración de culpabilidad a cualquier cargo que requiera un período obligatorio sin posibilidades de libertad condicional o un término obligatorio prolongado? [YES/SÍ] [NO]
- a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is \_\_\_\_\_ years and \_\_\_\_\_ months (fill in the number of years/months) and the maximum period of parole ineligibility can be \_\_\_\_\_ years and \_\_\_\_\_ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits. Si usted se declara culpable de tal cargo, el período mínimo obligatorio sin posibilidades de libertad condicional es \_\_\_\_\_ años y \_\_\_\_\_ meses (llene la cantidad de años/meses) y el período máximo en que no está en condiciones de estar en libertad condicional podrá ser de \_\_\_\_\_ años y \_\_\_\_\_ meses (llene la cantidad de años/meses) y dicho período no se podrá reducir por créditos por buen comportamiento, trabajo o custodia mínima.

Defendant's Initials  
Iniciales del acusado

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8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? ¿Usted se declara culpable de un delito que conlleve la presunción de encarcelamiento lo cual quiere decir que es casi seguro que usted irá a una prisión del estado? [YES/SÍ] [NO]
9. Are you presently on probation or parole? ¿Actualmente se encuentra usted bajo libertad a prueba o libertad condicional? [YES/SÍ] [NO]
- a. Do you realize that a guilty plea may result in a violation of your probation or parole? ¿Se da cuenta usted que una declaración de culpabilidad podrá resultar en una infracción de su libertad a prueba o libertad condicional? [YES/SÍ] [NO] [N/A] [NO ME INCUMBE]
10. Are you presently serving a custodial sentence on another charge? ¿Actualmente está cumpliendo usted una sentencia custodial por otro cargo? [YES/SÍ] [NO]
- a. Do you understand that a guilty plea may affect your parole eligibility? ¿Entiende usted que una declaración de culpabilidad podrá afectar sus posibilidades de conseguir libertad condicional? [YES/SÍ] [NO] [N/A] [NO ME INCUMBE]
11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? ¿Entiende usted que si se ha declarado culpable de otros cargos, o se lo han encontrado culpable de otros cargos, o si actualmente está cumpliendo un término custodial y el convenio declaratorio no menciona el tema, el juez podrá requerir que las sentencias sean consecutivas? [YES/SÍ] [NO] [N/A] [NO ME INCUMBE]

12. List any charges the prosecutor has agreed to recommend for dismissal: Enumere los cargos que el (la) fiscal haya acordado recomendar que se desestimen:

Ind./Acc./Compl.# Nº de Ac. Formal/Ac./Denun.	Count Cargo	Nature of Offense and Degree Naturaleza y Grado de la Infracción
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Defendant's Initials  
Iniciales del acusado

13. Specify any sentence the prosecutor has agreed to recommend:

Especifique cualquier sentencia que el fiscal haya acordado recomendar:

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14. Has the prosecutor promised that he or she will NOT:
- a. Speak at sentencing?      ¿Ha prometido el fiscal que él o ella NO: Hablará cuando lo sentencien a usted?      [YES/SÍ]      [NO]
- b. Seek an extended term of confinement?      Tratará de obtener un término prolongado de reclusión?      [YES/SÍ]      [NO]
- c. Seek a stipulation of parole ineligibility?      Tratará de obtener la estipulación de que usted no tiene posibilidades de conseguir libertad condicional?      [YES/SÍ]      [NO]
15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution?      ¿Sabe usted que tendrá que pagar una restitución si el juez determina que existe una víctima que ha sufrido una pérdida y si el juez determina que usted puede o en el futuro podrá pagar una restitución?      [YES/SÍ]      [NO]      [N/A]      [NO ME INCUMBE]
16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty?      ¿Entiende usted que si ocupa un cargo público o si es empleado público se podrá requerir que renuncie su cargo o empleo en virtud de su declaración de culpabilidad?      [YES/SÍ]      [NO]      [N/A]      [NO ME INCUMBE]
17. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty?      ¿Entiende usted que si no es ciudadano o nativo de los Estados Unidos, podrá ser deportado en virtud de su declaración de culpabilidad?      [YES/SÍ]      [NO]      [N/A]      [NO ME INCUMBE]
18. Have you discussed with your attorney the legal doctrine of merger?      ¿Ha hablado usted con su abogado sobre la doctrina legal de fusión?      [YES/SÍ]      [NO]      [N/A]      [NO ME INCUMBE]
19. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence?      ¿Renuncia usted al derecho que tiene cuando lo sentencien de arguir que hay cargos de que se declaró culpable para los cuales no se le puede imponer una sentencia aparte?      [YES/SÍ]      [NO]      [N/A]      [NO ME INCUMBE]

Defendant's Initials  
Iniciales del acusado

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20. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty: Enumere cualquier otra promesa o representación que haya hecho usted, el fiscal, su abogado defensor, o cualquier otra persona como parte de esta declaración de culpabilidad:

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21. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty? Además de las que se mencionan en este formulario, ¿se le ha hecho alguna otra promesa o amenaza para conseguir que usted se declare culpable? [YES/SÍ] [NO]

22. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? ¿Entiende usted que el juez no se encuentra obligado por ninguna promesa o recomendación del fiscal y que el juez tiene el derecho de rechazar la declaración antes de sentenciarlo a usted y el derecho de imponerle una sentencia mayor? [YES/SÍ] [NO]

b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea? ¿Entiende usted que si el juez decide imponerle una sentencia mayor que la que recomienda el fiscal, usted podrá retractar su declaración? [YES/SÍ] [NO]

c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? ¿Entiende que si se permite que usted retracte su declaración de culpabilidad por la sentencia del juez, cualquier cosa que usted diga que promueva la declaración de culpabilidad no se podrá usar en su contra en un juicio? [YES/SÍ] [NO]

23. Are you satisfied with the advice you have received from your lawyer? ¿Está usted conforme con los consejos que ha recibido de su abogado? [YES/SÍ] [NO]

24. Do you have any questions concerning this plea? ¿Tiene usted alguna pregunta con respecto a esta declaración? [YES/SÍ] [NO]

DATE \_\_\_\_\_ DEFENDANT \_\_\_\_\_  
FECHA \_\_\_\_\_ ACUSADO \_\_\_\_\_

DEFENSE ATTORNEY \_\_\_\_\_  
ABOGADO DEFENSOR \_\_\_\_\_

PROSECUTOR \_\_\_\_\_  
FISCAL \_\_\_\_\_

[ ] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed. Esta declaración es el resultado de las indicaciones condicionales del juez en cuanto a la sentencia máxima que él o ella impondría sin consideración de la recomendación del fiscal. Por consiguiente, se ha completado el "Formulario Suplementario para Declaraciones No Negociadas".

**ATTACHMENT 2**  
**(TO DIRECTIVE #12-03)**

**ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL  
OFFENSES COMMITTED ON OR AFTER  
DECEMBER 1, 1998**

**ENGLISH-SPANISH VERSION**

**ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL OFFENSES  
COMMITTED ON OR AFTER DECEMBER 1, 1998**

**PREGUNTAS ADICIONALES PARA CIERTOS DELITOS SEXUALES  
COMETIDOS A PARTIR DEL PRIMERO DE DICIEMBRE DE 1998**

These additional questions need to be answered if you are pleading guilty to the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(4), or any attempt to commit any such offense.

Usted tiene que contestar a estas preguntas adicionales si se está declarando culpable del delito de agresión sexual con agravantes, agresión sexual, contacto sexual criminal con agravantes, raptó según 2C:13-1c(2), poner en peligro el bienestar de un menor participando en una conducta sexual que perjudique o corrompa la moral del menor según 2C.24-4a, poner en peligro el bienestar de un menor conforme a 2C.24-4b(4) o del intento de cometer cualquiera de dichos delitos.

1. Do you understand you will be required to submit to a psychological examination by the Department of Corrections the purpose of which is to determine if your conduct in committing the offense was characterized by a pattern of repetitive and compulsive behavior and if it was, whether you are amenable to (will benefit from) sex offender treatment and you are willing to participate in such treatment?

¿Entiende usted que se requerirá que se someta a un examen psicológico realizado por el Departamento de Correcciones con el propósito de determinar si su conducta se caracterizaba por un patrón de comportamiento repetidor y compulsivo cuando cometió el delito, y de ser así, si usted aceptaría (se beneficiaría de) un tratamiento para delincuentes sexuales y si usted estaría dispuesto a participar en dicho tratamiento?

[YES/SÍ] [NO]

2. Do you understand if the examination reveals that your conduct is characterized by a pattern of repetitive and compulsive behavior, and you are amenable to (will benefit from) sex offender treatment and willing to participate in such treatment, the judge shall, upon recommendation of the Department of Corrections, sentence you to confinement at the Adult Diagnostic and Treatment Center for sex offender treatment; however, if the sentence imposed is greater than 7 years, you will first be confined at a facility other than the Adult Diagnostic and Treatment Center?

¿Entiende usted que si el examen revela que su conducta se caracteriza por un patrón de comportamiento repetidor y compulsivo, y usted aceptaría (se beneficiaría de) un tratamiento para delincuentes sexuales y estaría dispuesto a participar en dicho tratamiento, el juez, ante la recomendación del Departamento de Correcciones, lo sentenciará a reclusión en el Centro de Diagnóstico y Tratamiento de Adultos, para tratamiento de delincuentes sexuales; sin embargo, si la sentencia que le impongan es de más de 7 años, primero lo recluirán en una institución que no sea el Centro de Diagnóstico y Tratamiento de Adultos?

[YES/SÍ] [NO]

- |   |  |                      |
|---|--|----------------------|
| <p>3. Do you understand if the court finds your conduct is characterized by a pattern of repetitive and compulsive behavior and you are not amenable to sex offender treatment or if you are amenable (will benefit from) but you are not willing to participate in such treatment, the court will sentence you to a term of incarceration to be served in another facility which will not provide for sex offender treatment <u>and</u> in such event, you will not receive commutation time for good behavior or work credits for time served in such other facility?</p> | <p>¿Entiende que si el juez determina que su conducta se caracteriza por un patrón de comportamiento repetidor y compulsivo y usted no aceptaría un tratamiento para delincuentes sexuales o si aceptaría (se beneficiaría de) dicho tratamiento pero no está dispuesto a participar en él, el juez lo sentenciará a un término de encarcelamiento que cumplirá en otra institución que no incluirá ningún tratamiento para delincuentes sexuales y en dicho caso, no se le conmutará el tiempo por buena conducta ni recibirá créditos de trabajo por el tiempo cumplido en esa otra institución?</p>                                     | <p>[YES/SÍ] [NO]</p> |
| <p>4. Do you understand you will be able to challenge the findings of the Department of Corrections in a hearing and at that hearing you will have the right to confront the witnesses against you and to cross examine them and then present evidence on your own behalf?</p>  | <p>¿Entiende usted que podrá disputar en una vista los hallazgos del Departamento de Correcciones y que en esa vista tendrá el derecho de confrontar a los testigos en su contra, de contrainterrogarlos y de presentar pruebas a su favor?</p>  | <p>[YES/SÍ] [NO]</p> |
| <p>5. Do you understand if you are sentenced to the Adult Diagnostic and Treatment Center</p>   | <p>¿Entiende usted que si lo sentencian al Centro de Diagnóstico y Tratamiento de Adultos</p>  |                      |
| <p>a. that any future parole will not be guided by the normal parole guidelines?</p>  | <p>las pautas normales de libertad condicional no registrarán para cualquier libertad condicional en el futuro?</p>  | <p>[YES/SÍ] [NO]</p> |
| <p>b. that you will be <u>eligible</u> for release when the State Parole Board, after receiving a recommendation from a special classification review board, finds you have achieved a satisfactory level of progress in sex offender treatment and that you will then be released on parole <u>unless</u> the State Parole Board determines by a preponderance of the evidence that you have failed to cooperate in your rehabilitation <u>or</u> there is reasonable expectation that you will violate conditions of parole?</p>  | <p>usted <u>calificará para que</u> lo pongan en libertad cuando la Junta Estatal de Libertad Condicional, después de recibir la recomendación de una junta especial de revisión de clasificaciones, encuentre que usted ha logrado un nivel satisfactorio de progreso en el tratamiento para delincuentes sexuales y que entonces lo pondrán en libertad bajo palabra <u>a menos que</u> la Junta Estatal de Libertad Bajo Palabra determine por una preponderancia de las pruebas que usted ha dejado de colaborar en su rehabilitación <u>o</u> si es razonable esperar que usted infrinja las condiciones de libertad condicional?</p> | <p>[YES/SÍ] [NO]</p> |

5. c. that you could spend more time in treatment than you would spend if sentenced to state prison? que usted podría pasar más tiempo bajo tratamiento que el que pasaría si lo sentenciaran a la prisión estatal? [YES/SÍ] [NO]
6. Do you understand that if you are determined to be a repetitive, compulsive sex offender who is amenable to (will benefit from) sex offender treatment but you are not willing to participate in such treatment and are confined to a facility other than the Adult Diagnostic and Treatment Center, you will also be subject to the same parole eligibility terms as contained in section 5 above? ¿Entiende usted que si se determina que es un delincuente sexual repetidor y compulsivo y que aceptaría (se beneficiaría de) un tratamiento para delinquentes sexuales pero usted no está dispuesto a participar en dicho tratamiento y queda recluido en una institución que no sea el Centro de Diagnóstico y Tratamiento de Adultos, también estará sujeto a los mismos términos que figuran más arriba en la sección 5 para salir en libertad condicional? [YES/SÍ] [NO]
7. Do you understand that if your conduct is not characterized by a pattern of repetitive, compulsive behavior or you are not amenable to sex offender treatment you will not become primarily eligible for parole until you have served any mandatory minimum term imposed by the court or one third of the sentence imposed where no mandatory minimum term is fixed and neither term will be reduced by commutation time for good behavior or work credits? ¿Entiende usted que si su conducta no se caracteriza por un patrón de comportamiento repetidor y compulsivo o si usted no aceptaría recibir tratamiento para delinquentes sexuales, no calificará para primariamente salir en libertad condicional hasta que haya cumplido cualquier término mínimo obligatorio impuesto por el juez o un tercio de la sentencia impuesta cuando no se haya fijado ningún término mínimo obligatorio y ninguno de los términos será reducido por tiempo de conmutación por buen comportamiento o créditos de trabajo? [YES/SÍ] [NO]

DATE \_\_\_\_\_ DEFENDANT \_\_\_\_\_  
FECHA \_\_\_\_\_ ACUSADO \_\_\_\_\_

DEFENSE ATTORNEY \_\_\_\_\_ PROSECUTOR \_\_\_\_\_  
ABOGADO DEFENSOR \_\_\_\_\_ FISCAL \_\_\_\_\_

NOTE: If the defendant is a female and qualifies for sex offender treatment, she will not be confined at the Adult Diagnostic and Treatment Center but a facility designated by the Commissioner of Corrections where she will receive similar sex offender treatment.

NOTA: Si se trata de una acusada y ella califica para recibir tratamiento para delinquentes sexuales, no quedará recluida en el Centro de Diagnóstico y Tratamiento de Adultos sino en una institución designada por el Comisionado de Correcciones donde recibirá un tratamiento similar para delinquentes sexuales.

**ATTACHMENT 3**  
**(TO DIRECTIVE #12-03)**

**ADDITIONAL QUESTIONS FOR**  
**CERTAIN SEXUAL OFFENSES**

**ENGLISH-SPANISH VERSION**



## **ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL OFFENSES**

### **PREGUNTAS ADICIONALES PARA CIERTOS ACTOS CRIMINALES SEXUALES**

These additional questions need to be answered if you are pleading guilty to the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(4), luring or enticing a child pursuant to 2C:13-6, criminal sexual contact pursuant to 2C:14-3b if the victim is a minor; kidnapping pursuant to 2C:13-1, criminal restraint pursuant to 2C:13-2 or false imprisonment pursuant to 2C:13-3 if the victim is a minor and the offender is not the parent, promoting child prostitution pursuant to 2C:34-1b(3), (4), or any attempt to commit any such offense. Note also that Question 7 includes the offense of felony murder if the underlying crime is sexual assault, as well as any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, or an attempt to commit these offenses.

Usted debe contestar a estas preguntas adicionales si se declara culpable del acto criminal de agresión sexual con agravantes, agresión sexual, contacto sexual criminal con agravantes, raptó bajo 2C:13-1c(2), poner en peligro el bienestar de un niño participando en conducta sexual que perjudique o pervierta la moral del niño bajo 2C:24-4a, poner en peligro el bienestar de un niño conforme a 2C:24-4b(4), seduciendo o atrayendo con engaño a un niño conforme a 2C:13-6, contacto sexual criminal conforme a 2C:14-3b si la víctima es un menor; raptó conforme a 2C:13-1, constreñimiento ilegal conforme a 2C:13-2 o privación ilegal de libertad conforme a 2C:13-3 si la víctima es un menor y el infractor no es uno de los padres, fomento de la prostitución infantil conforme a 2C:34-1b(3), (4), o cualquier intento de cometer cualquiera de dichos actos criminales. Tenga en cuenta también que la pregunta 7 incluye el delito de homicidio preterintencional si el delito subyacente es agresión sexual, así como también cualquier delito respecto al cual el juez hace constar en el acta su decisión específica de que, dadas las circunstancias del caso, dicho delito se debe considerar un delito sexualmente violento, o un intento de cometer dichos delitos.

## 1. Registration

- a. Do you understand that you must register with certain public agencies?
- b. Do you understand that if you change residence you must notify the law enforcement agency where you are registered and must re-register with the chief law enforcement officer of the municipality in which you will reside, or the Superintendent of State Police if the municipality does not have a chief law enforcement officer agency, no less than 10 days before you intend to reside at the new address?

## Registro

¿Entiende usted que tiene que registrarse con ciertas agencias públicas?

[YES/SÍ] [NO]

¿Entiende usted que si cambia de residencia tiene que notificar a la agencia del orden público donde está registrado y tiene que volver a registrarse con el oficial principal del orden público del municipio en que usted residirá, o con el Superintendente de la Policía Estatal si el municipio no tiene una agencia principal del orden público, por lo menos 10 días antes de que usted decida residir en la dirección nueva?

[YES/SÍ] [NO]

## 2. Address Verification

Do you understand that if you are pleading guilty to aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2) or any attempt to commit any of these crimes and at sentencing the court finds that your conduct was characterized by a pattern of repetitive, compulsive behavior you must verify your address with the appropriate law enforcement agency every 90 days or if the court finds your conduct is not characterized by a pattern of repetitive and compulsive behavior, you must verify your address annually?

## Verificación de Su Dirección

¿Entiende que si usted se declara culpable de agresión sexual con agravantes, agresión sexual, contacto sexual criminal con agravantes, rapto conforme a 2C:13-1c(2) o cualquier intento de cometer cualquiera de dichos delitos y cuando lo sentencien el juez encuentra que su conducta se caracterizaba por una manera de comportamiento reincidente y compulsiva, usted tiene que verificar su dirección con la agencia apropiada del orden público cada 90 días o si el juez encuentra que su conducta no se caracteriza por una manera de comportamiento reincidente y compulsiva usted tiene que verificar su dirección una vez al año?

[YES/SÍ] [NO]

## 3. Notification

Do you understand that the requirement of registration may result in notification to law enforcement, community organizations, or the public at large, of your release from incarceration or presence in the community?

## Notificación

¿Entiende usted que el requerimiento de registro podrá dar por resultado que se notifique a agencias del orden público, a organizaciones en la comunidad o al público en general, de que salió en libertad o de su presencia en la comunidad?

[YES/SÍ] [NO]

#### 4. Community Supervision for Life

a. Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to 2C:24-4a, luring, or an attempt to commit any such offense, the court, in addition to any other sentence, will impose a special sentence of community supervision for life?

b. Do you understand that being sentenced to community supervision for life means that you will be supervised for at least 15 years as if on parole, and subject to conditions appropriate to protect the public and foster rehabilitation, including, but not limited to counseling; and other restrictions, which may include restrictions on where you can live, work or travel?

#### 5. Internet Posting

Do you understand that as a result of your conviction your name, age, race, sex, date of birth, height, weight, eye color, any distinguishing scars or tattoos you have, your photograph, the make, model, color, year and license plate number of any vehicle you operate, the street address, zip code, municipality and county in which you reside and a description of the offense for which you are pleading guilty, may be publicly available on the internet?

#### Supervisión de por Vida en la Comunidad

¿Entiende usted que si se declara culpable de un delito de agresión sexual con agravantes, agresión sexual, contacto sexual criminal con agravantes, rapto conforme a 2C:13-1c(2), poner en peligro el bienestar de un niño participando en conducta sexual que perjudique o pervierta la moral del niño conforme a 2C:24-4a, de seducir, o el intento de cometer cualquiera de dichos delitos, el juez, además de cualquier otra sentencia, le impondrá una sentencia especial de supervisión de por vida en la comunidad? [YES/SÍ] [NO]

¿Entiende usted que la sentencia de supervisión de por vida en la comunidad significa que: usted estará bajo supervisión durante un mínimo de 15 años como si se encontrara en libertad condicional y estará sujeto a las condiciones que sean apropiadas para proteger al público y promover su rehabilitación, que incluirán pero no se limitarán a asesoramiento; y a otras restricciones que podrán incluir restricciones en cuanto a donde usted podrá vivir, trabajar o viajar? [YES/SÍ] [NO]

#### Divulgación en el Internet

¿Entiende usted que como resultado de su condena, pueden estar públicamente disponibles en el Internet su nombre y apellido, raza, sexo, fecha de nacimiento, estatura, peso, color de los ojos, cualquier cicatriz o tatuaje particular que tenga, su fotografía, la marca, el modelo, el color, año y número de la placa de cualquier vehículo que opere, la dirección, código postal, municipio y condado en que reside y una descripción del delito del que se está declarando culpable? [YES/SÍ] [NO]

**6.Statewide Sexual Assault Nurse Examiner Program Penalty**

**Multa del Programa Estatal de Enfermeras Examinadoras de Víctimas de Agresiones Sexuales**

Do you understand that if the crime occurred on or after May 4, 2001 as a result of your guilty plea you will be required to pay a penalty of \$800 for each offense for which you are pleading guilty?

¿Entiende usted que si el delito ocurrió el 4 de mayo de 2001 o después de esa fecha, como resultado de su declaración de culpabilidad se requerirá que pague una multa de \$800 dólares por cada delito del cual se está declarando culpable?

[YES/SÍ] [NO]

**7.Civil Commitment**

**Confinamiento Civil**

Do you understand that if you are convicted of a sexually violent offense, such as aggravated sexual assault, sexual assault, aggravated criminal sexual conduct, kidnapping under 2C:13-1c(2)(b), criminal sexual contact, felony murder if the underlying crime is sexual assault, an attempt to commit any of these offenses, or any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, you may upon completion of your term of incarceration, be civilly committed to another facility if the court finds, after a hearing, that you are in need of involuntary civil commitment?

¿Entiende usted que si lo condenan por un delito sexualmente violento, como por ejemplo agresión sexual con agravantes, agresión sexual, contacto sexual criminal con agravantes, rapto conforme a 2C:13-1c(2)(b), contacto sexual criminal, homicidio preterintencional si el delito subyacente es agresión sexual, un intento de cometer cualquiera de dichos delitos o cualquier delito respecto al cual el juez hace constar en el acta su decisión específica de que, dadas las circunstancias del caso, el delito se debe considerar un delito sexualmente violento, cuando usted termine su término de encarcelamiento, es posible que lo confinen mediante un proceso civil en otra instalación si después de una audiencia el juez decide que a usted le hace falta un confinamiento civil involuntario?

[YES/SÍ] [NO]

DATE \_\_\_\_\_ DEFENDANT \_\_\_\_\_

FECHA \_\_\_\_\_ ACUSADO \_\_\_\_\_

DEFENSE ATTORNEY \_\_\_\_\_ PROSECUTOR \_\_\_\_\_

ABOGADO DEFENSOR \_\_\_\_\_ FISCAL \_\_\_\_\_