

**EXPLANATION OF RIGHTS OF YOUTHFUL
OFFENDER AND PLEA OF GUILTY**

IN THE _____ COURT OF _____, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

STATE OF ALABAMA

MUNICIPALITY OF _____

v. _____

Defendant

TO THE ABOVE-NAMED DEFENDANT:

This is to inform you of your rights as a defendant in this case. The Court has determined that you are to be treated as a youthful offender. For you to be guilty of being a youthful offender in this case, the prosecutor would have to prove that you committed what would otherwise be the adult criminal offense of _____, a Class _____.

If that offense is a felony and you plead guilty to being a youthful offender, you may receive punishment of up to three (3) years' confinement in the custody of the State Department of Corrections and, in addition, may be fined in an amount up to \$ _____. You may be ordered by this Court to participate in the Boot Camp program set out in Section 15-18-8(a)(2), Ala. Code 1975.

If that offense is a misdemeanor or municipal ordinance violation and you plead guilty to being a youthful offender, you may receive punishment of imprisonment in the county/municipal jail or to hard labor for up to _____ and, in addition, may be fined in an amount up to \$ _____.

You will also be assessed court costs and may be ordered to pay restitution in an amount determined by the Court. In accordance with Section 15-23-17, Ala Code 1975, if the adult criminal offense listed above is a felony or misdemeanor, you will be ordered to pay a victim compensation assessment of not less than \$ _____ nor more than \$ _____.

If you are charged with an alcohol or drug-related offense, and if you plead guilty or are found guilty, you will be required to undergo an evaluation for alcohol or drug abuse. Based on the results of the evaluation, you will be required to complete the recommended education or treatment program and to pay for the evaluation and education or treatment program to which you are referred. Failure to complete the recommended program, which includes paying for it and the evaluation, will be considered a violation of probation or parole. You may be required to attend monitoring sessions with a court referral officer and to pay monitoring fee. These monitoring sessions would include random alcohol or drug testing. Any person determined to be indigent by the Court may request a waiver of all or part of the fees in this paragraph. If you become able to pay during the course of monitoring, education or treatment, or at another future date, the waiver of fees may be revoked. The Court may order you to perform community service instead of payment of the fees in this paragraph if you are indigent.

Pursuant to 32-5A-191.4, Code of Alabama 1975, persons convicted of driving under the influence are subject to installation of an ignition interlock devices on motor vehicles.

If you have been convicted of a sex offense, you will be required to comply with the requirements of the Alabama Sex Offender Registration and Notification Act (Section 15-20A-1, et seq., Ala. Code, 1975). Section 15-20A-35 provides if you have not been previously adjudicated or convicted of a sex offense and if you had not attained the age of 18 at the time the offense was committed, you are treated as a juvenile sex offender. Otherwise, you will be treated as an adult sex offender.

IN ENTERING A PLEA OF GUILTY IN THIS COURT, YOU ARE WAIVING A TRIAL AND THE FOLLOWING RIGHTS TO WHICH YOU ARE ENTITLED IN THE EVENT OF A TRIAL

Under the Constitutions of the United States and the State of Alabama, you have a right or privilege not to be compelled to give evidence against yourself. In the trial of your case before the Court, you have the right to take the witness stand and to testify on your own behalf, if you so desire, but no one can require you to testify. If you testify, you can be cross-examined by the prosecutor. You have the right to remain silent, but anything that you voluntarily say, with knowledge of your rights, may be used against you. Your conversations with your attorney are confidential and cannot, and will not, be disclosed by your attorney.

You have the right to stand trial on your plea of not guilty and have your case tried by the Court. The Court would determine whether you are guilty or whether you are innocent, based upon the evidence in the case.

In the trial of your case, your attorney could subpoena witnesses on your behalf, make legal objections to matters that your attorneys felt were objectionable, cross-examine the witnesses of the prosecution, examine your own witnesses, and argue the matter before the Court. Your attorney would be bound to do everything that he or she could honorably and reasonably do to see that you obtain a fair and impartial trial.

In the trial of your case, you will come into court clothed with a presumption that you are not guilty and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the prosecution convinces the Court, beyond a reasonable doubt, of your guilt. The burden of proof is upon the prosecution to convince the Court, from the evidence in the case, that you are guilty beyond a reasonable doubt before you would be found guilty. If the prosecution does not meet such burden of proof, it will be the Court's duty to find you not guilty. Your will have no burden of proof whatsoever in your trial.

You have the right to enter a plea of "Guilty," "Not Guilty," "Not Guilty By Reason of Mental Disease or Defect," or "Not Guilty and Not Guilty By Reason of Mental Disease or Defect."

If you are not a United States citizen, a guilty plea may subject you to adverse immigration consequences, including deportation (See 8 U.S.C. §1227), exclusion from reentry to the United States and amnesty, and that the appropriate consulate may be informed of the plea and conviction.

If you enter a plea of guilty, **you will waive your right to appeal**, unless in appeals to the Court of Criminal Appeals or the Supreme Court (1) you have, before entering the plea of guilty, expressly reserved the right to appeal with respect to a particular issue or issues, in which event appellate review shall be limited to a determination of the issue or issues reserved, or (2) you have timely filed a motion to withdraw the plea of guilty after pronouncement of sentence on the ground that the withdrawal is necessary to correct a manifest injustice, and the court has denied your motion to withdraw your plea, or the motion has been deemed denied by operation of law.

If you have a right to appeal under one of the conditions above and you are determined by the court to be indigent, counsel will be appointed to represent you on appeal if you so desire and if the appeal is from a circuit court judgment or sentence, a copy of the record and the reporter's transcript will be provided at no cost to you.

If the appeal is from a municipal or district court judgment to circuit court, you have a right to demand a jury trial if you indicate your wish to assert this right on the Notice of Appeal.

EXPLANATION OF RIGHTS OF YOUTHFUL OFFENDER AND PLEA OF GUILTY

IF YOU PLEAD GUILTY, THERE WILL BE NO TRIAL AND YOU WILL BE WAIVING THE RIGHTS LISTED ABOVE.

The Court will go over these rights, as well as the nature of the charge and the material elements of the offense, with you. If you have any questions about any of them, upon your request, the judge will make further explanation to you.

Date

Judge

I state to the Court that I have had the matters and rights set forth above read to me, that my attorney has discussed these matters and rights with me in detail and that I, the defendant, fully understand them, that I am not under the influence of any drugs, medicines or alcoholic beverages and have not been threatened or abused or offered and inducement or hope of reward to get me to plead guilty other than_____.

I further state to the Court that I am guilty as charged in this case, desire to plead guilty, and knowingly, voluntarily and intelligently waive my right to a trial of this cause.

Date

Defendant

I certify that the above rights were read to the defendant by me, that I discussed these rights with the defendant in detail, and that a copy of the rights was given to the defendant by me. Having gone over the defendant's rights and the consequences of entering a plea of guilty with the defendant, in my judgment, the defendant understands those rights and knowingly, intelligently, and voluntarily waives the right to a trial and knowingly, intelligently, and voluntarily waives the right to a trial and knowingly, voluntarily, and intelligently enters a plea of guilty.

Date

Attorney to Defendant

**EXPLANATION OF RIGHTS AND
PLEA OF GUILTY**
(Misdemeanors and Municipal Ordinance Violations)

Case Number

IN THE _____ COURT OF _____, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

STATE OF ALABAMA

MUNICIPALITY OF _____

v. _____

Defendant

TO THE ABOVE-NAMED DEFENDANT:

**BY ENTERING A PLEA OF GUILTY TO THE OFFENSE CITED BELOW, YOU ARE WAIVING CERTAIN
CONSTITUTIONAL RIGHTS WHICH INCLUDE A RIGHT TO A TRIAL IN THIS COURT BEFORE A JUDGE.**

This is to inform you of your rights as a defendant in this criminal case. You are charged with the offense of _____

which is a misdemeanor municipal ordinance violation.

In the event you plead guilty to the above offense, or if the court finds that you are guilty of the offense, the law provides for punishment by imprisonment, which may include hard labor, for not less than _____ nor more than _____ for this offense and/or by imposition of a fine of not less than \$ _____, nor more than \$ _____, including the following enhanced sentencing provisions: _____

If you have been sentenced to imprisonment for another crime, the sentence imposed in this case may run consecutively or concurrently with your other sentence. You will also be assessed court costs and may be ordered to pay restitution in an amount determined by the Court. In accordance with Section 15-23-17, Ala. Code 1975, if you are charged with a misdemeanor offense and plead guilty or are found guilty, you will be ordered to pay a victim's compensation assessment of not less than \$25.00 nor more than \$1,000.00. Further, you may be required to pay up to \$20.00 per day of costs of incarceration plus actual medical expenses incurred by you, pursuant to Section 14-6-22, Ala. Code 1975.

You should also be aware that you are pleading guilty or are found guilty of a traffic offense, a record of your conviction will be sent to the Alabama Department Public Safety (or the state which issued your driver's license) which may result in the suspension or revocation of your license to drive and may adversely affect your ability to maintain or secure automobile insurance.

If you are convicted for a violation of Section 13A-12-202 (criminal solicitation to commit a controlled substance crime), Section 13A-12-203 (attempt to commit a controlled substance crime), or Section 13A-12-204 (criminal conspiracy to commit a controlled substance crime), Ala. Code 1975, you may be assessed an additional penalty of \$1,000.00 if you are a first offender, or \$2,000.00 if this is your second or subsequent offense. Collection of this penalty may be suspended if you agree to enter a drug rehabilitation program approved by the court and if you agree to pay for all or some portion of the costs of the program. Upon successful completion of the program, you may apply to the court to reduce the penalty by the amount you actually paid for your participation in the program. If your participation in the program is terminated for any reason before you successfully complete the program, the court will take action to collect immediately the entire penalty.

If you are charged with an alcohol or drug-related offense, and if you plead guilty or are found guilty, you will be required to undergo an evaluation for alcohol or drug abuse. Based on the results of the evaluation, you will be required to complete the recommended education or treatment program and to pay for the evaluation and education or treatment program to which you are referred. Failure to complete the recommended program, which includes paying for it and the evaluation, will be considered a violation of probation or parole. You may be required to attend monitoring sessions with a court referral officer and to pay a monitoring fee. These monitoring sessions would include random alcohol or drug testing. Any person determined to be indigent by the court may request a waiver of all or part of the fees in this paragraph. If you become able to pay during the course of monitoring, education or treatment, or at another future date, the waiver of fees may be revoked. The court may order you to perform community service instead of payment of the fees in this paragraph if you are indigent.

Pursuant to 32-5A-191.4, Code of Alabama 1975, persons convicted of driving under the influence are subject to installation of an ignition interlock devices on motor vehicles.

If you have been convicted of a sex offense, you will be required to comply with the requirements of the Alabama Sex Offender Registration and Notification Act (Section 15-20A-1, et seq., Ala. Code, 1975). Section 15-20A-35 provides if you have not been previously adjudicated or convicted of a sex offense and if you had not attained the age of 18 at the time the offense was committed, you are treated as a juvenile sex offender. Otherwise, you will be treated as an adult sex offender.

EXPLANATION OF RIGHTS AND PLEA OF GUILTY
(Misdemeanors and Municipal Ordinance Violations – Circuit or District Court)

BY ENTERING A PLEA OF GUILTY IN THIS COURT, YOU ARE WAIVING YOUR RIGHT TO A TRIAL BEFORE THIS COURT AND THE FOLLOWING RIGHTS TO WHICH YOU WOULD OTHERWISE BE ENTITLED:

Under the Constitutions of the United States and the State of Alabama, you have a right or privilege not to be compelled to give evidence against yourself. In the trial of your case, you have the right to testify on your own behalf, if you so desire, but no one can require you to do so. If you testify, you can be cross-examined by the prosecutor. If you do not testify, no one can even comment as to your failure to testify. You have the right to remain silent, but anything that you voluntarily say, with knowledge of your rights, may be used against you. Your conversations with your attorney are confidential and cannot, and will not, be disclosed by your attorney.

You have the right to stand trial on your plea of not guilty and the right to a public trial before a judge. In a trial, the judge would determine whether you are guilty, based upon the evidence in the case.

In the trial of your case, your attorney could subpoena witnesses on your behalf, make legal objections to matters that your attorney felt were incorrect or prejudicial, question witnesses for the prosecution, examine your own witnesses, and argue your case before the trial judge. Your attorney would be bound to everything that he or she could honorably and reasonably do to see that you obtain a fair and impartial trial.

In the trial of your case, you will come into court presumed innocent and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the prosecution convinces the judge, beyond a reasonable doubt, of your guilt. The burden is upon the prosecution to convince the judge, from the evidence in the case, that you are guilty beyond a reasonable doubt. If the prosecution does not meet such burden of proof, you must be found not guilty. You will have no burden of proof whatsoever in your trial.

You have the right to enter a plea of "Guilty", "Not Guilty", "Not Guilty By Reason of Mental Disease or Defect," or "Not Guilty and Not Guilty By Reason of Mental Disease or Defect." **IF YOU PLEAD GUILTY TO THE OFFENSE, THERE WILL BE NO TRIAL BEFORE A JUDGE OF THIS COURT AND YOU WILL BE WAIVING THE RIGHTS LISTED ABOVE.**

If you are **convicted of a misdemeanor crime of domestic violence**, which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, against your current or former spouse; your child of whom you are a parent or guardian; a person with whom you share a child in common; a spouse, parent, or guardian with whom you are, or have been, cohabiting or to whom you are similarly situated, **and you ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or if you receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, YOU ARE SUBJECT TO BEING PROSECUTED IN FEDERAL COURT FOR VIOLATING 18 U.S.C. 922(g)(9).**

If you are not a United States citizen, a guilty plea may subject you to adverse immigration consequences, including deportation (See 8 U.S.C. §1227), exclusion from reentry to the United States and amnesty, and that the appropriate consulate may be informed of the plea and conviction.

By entering a plea of guilty, **you will waive your right to appeal**, unless in an appeal to the Court of Criminal Appeals or Supreme Court (1) you have, before entering the plea of guilty, expressly reserved the right to appeal with respect to a particular issue or issues, in which event appellate review shall be limited to a determination of the issues reserved, or (2) you have timely filed a motion to withdraw the plea of guilty after pronouncement of sentence on the ground that the withdrawal is necessary to correct a manifest injustice, and the court has denied your motion to withdraw your plea, or the motion has been deemed denied by operation of law.

If you have a right to appeal under one of the conditions above and you are determined by the court to be indigent, counsel will be appointed to represent you on appeal if you so desire and if the appeal is from a circuit court judgment or sentence, a copy of the record and the reporter's transcript will be provided at no cost to you. If the appeal is from a municipal or district court, you have a right to demand a jury trial if you indicate your wish to assert this right on the Notice of Appeal.

Except in minor misdemeanors (a misdemeanor offense or municipal ordinance violation for which the defendant will not be punished by a sentence of imprisonment), the court will go over these rights, as well as the nature of the charge and the material elements of the offense, with you. If you have any questions about any of them, upon your request, the judge will make a further explanation to you.

The court having personally addressed the defendant determines that the defendant has entered a plea voluntarily.

Date

Judge

I certify that the above rights were read to the defendant by me, that I discussed these rights with the defendant, in detail, and that a written copy of the above rights was given to the defendant by me. Having gone over the defendant's rights and the consequences of entering a plea of guilty with the defendant, in my judgment, the defendant understands those rights and knowingly, intelligently, and voluntarily waives the right to a trial and knowingly, voluntarily, and intelligently enters a plea of guilty.

Date

Attorney for Defendant

I state to the court that I have had the matters and rights set forth above read to me; that my attorney has discussed these matters and rights with me in details and that I, the defendant, fully understand them; that I am not under the influence of any drugs, medicines or alcoholic beverages and have not been threatened or abused or offered any inducement or hope of reward to get me to plead guilty other than _____.

I further state to the court that I am guilty as charged in this case, desire to plead guilty, and knowingly, voluntarily and intelligently waive my right to a trial of this cause. I further state to the court that I am satisfied with my attorney's services and his/her handling of my case.

Date

Defendant