

STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice
[ ] District [ ] Superior Court Division

STATE VERSUS

Name Of Defendant

DOB Age Highest Level Of Education Completed

TRANSCRIPT OF PLEA

G.S. 15A-1022, 15A-1022.1

NOTE: Use this section ONLY when the Court is rejecting the plea arrangement.

[ ] The plea arrangement set forth within this transcript is hereby rejected and the clerk shall place this form in the case file. (Applies to plea arrangements disclosed on or after December 1, 2009.)

Date Name Of Presiding Judge (Type Or Print) Signature Of Presiding Judge

The undersigned judge, having addressed the defendant personally in open court, finds that the defendant (1) was duly sworn or affirmed, (2) entered a plea of [ ] guilty [ ] guilty pursuant to Alford decision [ ] no contest, and (3) offered the following answers to the questions set out below:

Answers

- 1. Are you able to hear and understand me? (1) \_\_\_\_\_
2. Do you understand that you have the right to remain silent... (2) \_\_\_\_\_
3. At what grade level can you read and write? (3) \_\_\_\_\_
4. (a). Are you now under the influence of alcohol... (4a) \_\_\_\_\_
(b). When was the last time you used or consumed any such substance? (4b) \_\_\_\_\_
5. Have the charges been explained to you by your lawyer... (5) \_\_\_\_\_
6. (a). Have you and your lawyer discussed the possible defenses... (6a) \_\_\_\_\_
(b). Are you satisfied with your lawyer's legal services? (6b) \_\_\_\_\_
7. (a). Do you understand that you have the right to plead not guilty... (7a) \_\_\_\_\_
(b). Do you understand that at such trial you have the right to confront... (7b) \_\_\_\_\_
(c). Do you understand that at a jury trial you have the right to have a jury determine... (7c) \_\_\_\_\_
(d). Do you understand that by your plea(s) you give up these and other valuable constitutional rights... (7d) \_\_\_\_\_
8. Do you understand that, if you are not a citizen of the United States of America... (8) \_\_\_\_\_
[ ] 9. Do you understand that upon conviction of a felony you may forfeit any State licensing privileges... (9) \_\_\_\_\_
10. Do you understand that following a plea of guilty or no contest there are limitations on your right to appeal? (10) \_\_\_\_\_
11. Do you understand that your plea of guilty may impact how long biological evidence related to your case... (11) \_\_\_\_\_

12. Do you understand that you are pleading  guilty  no contest to the charges shown below? (12) \_\_\_\_\_  
*(Describe charges, total maximum punishments, and applicable mandatory minimums for those charges.)*

PLEAS										
Ü	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL.	‡Pun. CL.	Maximum Punishment

See attached AOC-CR-300, Page Three, for additional charges.

\*G = Guilty  
 NC = No Contest

**TOTAL MAXIMUM PUNISHMENT**

**MANDATORY MINIMUM FINES & SENTENCES** *(if any)*

ü **NOTE TO CLERK:** If this column is checked this is an added offense or reduced charge.

‡ **NOTE:** Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

13. Do you now personally plead  guilty  no contest to the charges I just described? (13) \_\_\_\_\_

14.  (a) Are you in fact guilty? (14a) \_\_\_\_\_

(b) *(no contest plea)* Do you understand that, upon your plea of no contest, you will be treated as being guilty whether or not you admit that you are in fact guilty? (14b) \_\_\_\_\_

(c) *(Alford guilty plea)*  
 (1) Do you now consider it to be in your best interest to plead guilty to the charges I just described? (14c1) \_\_\_\_\_

(2) Do you understand that, upon your "Alford guilty plea," you will be treated as being guilty whether or not you admit that you are in fact guilty? (14c2) \_\_\_\_\_

15. *(Use if aggravating factors/sentencing points are listed below)* Have you admitted the existence of  the aggravating factors  the sentencing points not related to prior convictions shown below, have you agreed that there is evidence to support these factors and/or points beyond a reasonable doubt, and have you agreed that the Court may accept your admission to these factors and/or points? *(If so, review aggravating factors and/or sentencing points with the defendant.)* (15) \_\_\_\_\_

See aggravating factors selected on attached form AOC-CR-605.

16. *(Use if aggravating factors/sentencing points are listed above, or if aggravating factors/sentencing points are not listed, but have been alleged)* Do you  understand that you are waiving any notice requirement that the State may have with regard to the aggravating factors and/or sentencing points in your case?  agree that the State has provided you with appropriate notice about the aggravating factors and/or sentencing points in your case? (16) \_\_\_\_\_

17. *(Use if mitigating factors are listed below)* Do you understand that the State has stipulated to the mitigating factors shown below? *(If so, review mitigating factors with the defendant.)* (17) \_\_\_\_\_

See mitigating factors selected on attached form AOC-CR-605.

18. Do you understand that you also have the right during a sentencing hearing to prove to the Court the existence of any mitigating factors that may apply to your case? (18) \_\_\_\_\_

19. Do you understand that the courts have approved the practice of plea arrangements and that you can discuss your plea arrangement with me without fearing my disapproval? (19) \_\_\_\_\_



**PLEA ADJUDICATION**

Upon consideration of the record proper, evidence or factual presentation offered, answers of the defendant, and statements of the lawyer for the defendant and the prosecutor, the undersigned finds that:

- 1. There is a factual basis for the entry of the plea (*and for the admission as to aggravating factors and/or sentencing points*);
- 2. The defendant is satisfied with his/her lawyer's legal services;
- 3. The defendant is competent to stand trial;
- 4.  The State has provided the defendant with appropriate notice as to the aggravating factors and/or points;  The defendant has waived notice as to the aggravating factors and/or points; and
- 5. The plea (*and admission*) is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea (*and admission*) is hereby accepted by the Court and is ordered recorded.

<i>Date</i>	<i>Name Of Presiding Judge (Type Or Print)</i>	<i>Signature Of Presiding Judge</i>
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**SUPERIOR COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT**

<b>File No.</b>	<b>Count No.(s)</b>	<b>Offense(s)</b>

**DISTRICT COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT**

<b>File No.</b>	<b>Count No.(s)</b>	<b>Offense(s)</b>

**CERTIFICATION BY PROSECUTOR**

The undersigned prosecutor enters a dismissal to the above charges pursuant to a plea arrangement shown on this Transcript Of Plea.

<i>Date</i>	<i>Name Of Prosecutor (Type Or Print)</i>	<i>Signature Of Prosecutor</i>
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**STATE VERSUS**

File No.

Name Of Defendant

**PLEAS**

Ü	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL.	‡Pun. CL.	Maximum Punishment

‡ **NOTE:** Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).