

**STATE OF NEW YORK
COUNTY OF ALLEGANY**

COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

-vs-

**PLEA AGREEMENT/
WAIVER OF RIGHTS**

Defendant.

**STATE OF NEW YORK)
COUNTY OF ALLEGANY) SS:)**

1. I have been charged in [Supreme] [County] Court, Allegany County, New York, by Indictment Number _____ or Superior Court Information Number _____, with the crime(s) of _____ in violation of Section (s) _____ of the Penal Law of the State of New York.

2. I am represented by counsel, _____, who is present in court with me today. I am satisfied by the representation given me by my counsel. I understand that I have a right to an attorney throughout the prosecution of these charges.

3. I have been advised of and understand the nature of the charges against me, the elements of the offense(s) with which I am charged, and the range of permissible sentences.

4. The prosecutor has offered me the opportunity to plead guilty to _____ in satisfaction of _____

I understand that as a result of this plea, I would receive a sentence of _____, unless the court, upon a review of the pre-sentence report, or for any other reason, determines that such sentence is inappropriate. I further understand that I may be sentenced by a different County Court Judge, unless such Judge determines that a sentence other than that agreed upon should be imposed, in which case this matter would be returned to the Judge before whom I pleaded guilty. In the event that the court determines that the agreed upon sentence is inappropriate, I will be permitted to withdraw my guilty plea. I understand, however, that I will not be permitted to withdraw my guilty plea if the court imposes a greater sentence due to my failure to keep all appointments that are needed to prepare the pre-sentence report, my failure to appear in court on a required date, or if I am arrested while awaiting sentencing on these charges.

5. Waiver of rights by pleading guilty.

a) I understand that by pleading guilty I am giving up my right to a trial by a 12-person jury drawn from a broad cross-section of the community.

b) I understand that by pleading guilty I am giving up my right to have the People produce witnesses to testify against me.

c) I understand that by pleading guilty I am giving up my right to have my attorney cross-examine any witnesses who may testify against me.

d) I understand that by pleading guilty I am giving up my right to have my attorney produce witnesses to testify for me.

e) I understand that by pleading guilty I am giving up my right to either testify or not testify at trial.

f) I understand that by pleading guilty I am giving up my right to have the People prove my guilt beyond a reasonable doubt by a unanimous verdict of 12 jurors at I trial.

g) I understand that by pleading guilty my plea will operate just like a conviction of guilty after a jury trial.

h) I understand that by pleading guilty, if I have a defense to this charge, I am giving up my right to present that defense at trial.

i) I understand that by pleading guilty I am giving up my right to claim that the police did anything illegal in regard to this charge, and my right to a hearing to determine if that police conduct was, in fact, illegal.

j) I understand that I have a right to appeal from any conviction that may result from this prosecution, and that by pleading guilty I am giving up my right to appeal.

6. [felony guilty pleas only] I have been advised of and understand that I am pleading guilty to a felony, and that if I am found guilty of a second felony within ten years, I will be sentenced to a State Correctional Facility as a Second Felony Offender for a maximum and a minimum period of time.

7. [DWI conviction only] I have been advised of and understand that if I am arrested on another charge of DWI within the next 10 years, I may be prosecuted on that charge as a felony.

8. [felony guilty pleas, non-US citizens] I have been advised of and understand that by pleading guilty to a felony, I may be deported or excluded from the United States, denied naturalization as a United States citizen, and/or paroled to the

custody of the Immigration and Naturalization Service.

9. [restitution to be imposed] I understand that I have an obligation to repay whatever restitution is ordered by the court pursuant to my plea agreement.

10. I hereby agree to enter a plea of guilty in accordance with the terms of the plea agreement that has been made to me, having consulted with my attorney and having been advised of all of the above-mentioned rights.

11. I understand these rights and the terms and conditions of the plea agreement. My plea of guilty is given freely, voluntarily, knowingly, and without coercion of any kind. No threats or promises, except the sentence agreement, have been made to me to induce me to plead guilty.

12. I am not under the influence of alcohol, drugs, or medication, nor is there any other mental or physical impairment that prevents me from understanding the proceedings here or from entering this plea knowingly, intelligently, and voluntarily.

13. I understand that I am waiving my rights to be sentenced by the same judge who accepted this plea.

Dated: _____

Defendant

Attorney for Defendant