

STATE OF NEW YORK
SUPREME/COUNTY COURT

COUNTY OF ALLEGANY

THE PEOPLE OF THE STATE OF NEW YORK

-vs-

PLEA AGREEMENT
and
COLLOQUY

Defendant.

STATE OF NEW YORK }
COUNTY OF ALLEGANY }SS:

1) I have been charged in [Supreme] [County] Court, Allegany County, New York, by

Indictment # _____ or Superior Court Information # _____, 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 the court with me today. I am satisfied with
the representation given me by my counsel.

3) I have been informed of the following rights and have discussed them with my attorney:

- a) *I have the right to a trial by a jury of twelve men and women drawn; from a broad cross-section of the community.*
- b) *I have the right to confront witnesses against me;*
- c) *I have a right to compel the prosecution to prove my guilt as to each and every element of the charge(s) against me beyond a reasonable doubt.*
- d) *I have the right to testify on my own behalf at trial, but I could not be forced to testify. If I decided not to testify, I could require the Court to tell the jury that they could not draw any adverse inference from the fact that I did not testify.*

e) I have a right to have an attorney throughout the prosecution of these charges and if I cannot afford an attorney, one would be appointed for me.

f) I have the right to appeal from any conviction that may result from this prosecution and if I cannot afford an attorney to handle the appeal, one will be appointed to me.

4) The prosecutor has offered me the opportunity to plead 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 I reason, determines that such sentence is inappropriate.

In that event, I will be permitted to withdraw my guilty plea.

5) I have been advised of and understand the nature of the charges against me, the elements of the offenses with which I am charged, and the range of permissible sentences. I also understand that if I am again convicted of a felony within ten years (excluding time spent in prison), I may be subjected to a heavier sentence because of this conviction.

6) I have discussed with my attorney potential defenses to the crime (s) with which I am charged and I hereby waive the right to assert any such defense.

7) I hereby agree to enter a plea of guilty in accordance with the terms of the plea offer which has been made to me, having consulted, with my attorney and having been advised of all the above listed rights.

- 8) 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 make me plead guilty.
- 9) 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.
- 10) I understand that I am waiving my right to be sentenced by the same judge who accepted this plea.

Dated: _____

Defendant