

PLEA OF NO CONTEST OR NOLO CONTENDERE TO A FELONY

Case No. _____

1. My name is _____ . I am _____ years old. I have completed _____ years of schooling.
2. I am represented by counsel whose name is _____ , and I am completely satisfied with his/her service as my lawyer in this matter.
3. I have received a copy of the indictment, warrant, or information before being called upon to plead and have read and discussed it with my lawyer. I fully understand the charge against me. I am the person named in the indictment. I have discussed the charge and its elements with my lawyer. I have told my lawyer all the facts and circumstances, as known to me, concerning the case against me and we have discussed my criminal record, if any. I understand what the Commonwealth must prove before I may be found guilty. I have had enough time to discuss with my lawyer any possible defenses that I may have had to this charge.
4. My lawyer has advised me that the punishment which the law provides is as follows: A maximum of _____ years imprisonment (and a minimum of _____ year(s) imprisonment), and a fine of up to \$ _____ , or in the discretion of the jury or the Judge sitting without a jury, up to 12 months in jail and a fine of \$2500; that a minimum mandatory sentence of _____ must be imposed; also that probation may or may not be granted; and that if I plead guilty to more than one offense, the Court may order the sentences to be served consecutively, that is, one after another. I understand that if the Court sentences me to a term of incarceration, it may impose an additional term of post release incarceration of not less than six months nor more than three years, all of which shall be suspended, conditioned upon successful completion of a period of post release supervision.
5. I understand that I may, if I so choose, plead "NOT GUILTY" to any charge against me, and if I do plead "NOT GUILTY" the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the process of the Court to compel the production of evidence and the attendance of witnesses on my behalf; (c) the right to have the assistance of a lawyer at all stages of the proceedings; and (d) the right against self-incrimination; (e) the right to confront and cross-examine all witnesses against me; and (f) the right to appeal if convicted.
6. I have discussed with my lawyer whether I should plead guilty or not guilty. After that discussion, I decided for myself that I should plead no contest or nolo contendere. I am entering this plea of no contest or nolo contendere freely, voluntarily, and understandingly. I am aware of the Commonwealth's evidence against me. I am not admitting that I committed the crime charged, but I am not contesting the Commonwealth's evidence. Also, I agree that the Commonwealth's evidence is sufficient for a finding of guilt. I further understand that if the Court finds that the evidence proffered by the Commonwealth is sufficient for a finding of guilt that I will be found guilty and that the only issue to be decided by the Court is punishment.

7. The parties recommend the following to the Court:

8. I understand that notwithstanding any recommendation as to punishment, the Court may or may not follow the recommendation, and may impose any sentence within the limits set forth above in Paragraph 4. In the event that the Court does not accept such recommendation, I have been advised and understand that I have no right to withdraw my plea of no contest or nolo contendere.
9. I declare that no officer or employee of any government or Commonwealth's Attorney's Office, or anyone else, has made any promises to me that I would receive a lighter sentence or probation if I would plead no contest or nolo contendere.
10. I understand that by pleading no contest or nolo contendere I am giving up or waiving the following rights: (a) the right to a speedy and public trial by jury; (b) the process of the Court to compel the production of any evidence and the attendance of witnesses on my behalf; (c) the right against self-incrimination; (d) the right to confront and cross-examine all witnesses against me; and (e) any grounds I may have to appeal my conviction and resulting sentence.
11. I understand that if I am not a citizen of the United States and that if I plead guilty or I am found to be guilty, there may be consequences of deportation, exclusion from admission into the United States, or denial of naturalization according to the laws of the United States.
12. My lawyer and I have discussed the Virginia Sentencing Guidelines (Guidelines). I agree that the calculation or result arrived at by my lawyer is based on his/her best efforts and available information. I understand that if the Guidelines calculation that the Court accepts differs from the calculation that my lawyer and I arrived at, I will not have the right or opportunity to withdraw my plea of no contest or nolo contendere. I understand that the Guidelines are not binding, that the Court is not required to follow the Guidelines and that the Court may impose a sentence that exceeds or is higher than the Guidelines up to the limits set out in paragraph 4 above.
13. After having discussed the matter with my lawyer, I do freely and voluntarily plead no contest or nolo contendere to the offense of _____ Criminal No. _____, and waive my right to a trial by jury and request the Court to hear all matters of law and fact.

Signed by me in the presence of my lawyer this _____ day of _____, 20____

Defendant

CERTIFICATE OF ATTORNEY FOR THE DEFENDANT

The undersigned lawyer for the above-named defendant, after having made a thorough investigation of the facts and law relating to this case, does certify that I have explained to the defendant the charges in this case; that I have reviewed this document and its contents with the defendant and that the defendant's plea of no contest or nolo contendere is voluntarily and understandingly made.

Attorney for the Defendant

CERTIFICATE OF COMMONWEALTH'S ATTORNEY

The above accords with my understanding of the facts in the case.

Assistant Commonwealth's Attorney

The Court, having made inquiry and being of the opinion that the defendant fully understands the nature and consequences of the plea, of the penalties that may be imposed upon conviction, of the waiver of trial by jury, and having determined that the plea of no contest or nolo contendere and waiver of right to trial by jury were given knowingly, intelligently, and voluntarily, accepts said plea and waiver and finds the defendant guilty.

Date

JUDGE