

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT
OFFICE OF CLERK
141 CHURCH STREET
NEW HAVEN, CT 06510**

Dear Counselor:

In the event that your client intends to enter a plea of guilty in the above-captioned case, Judge Arterton requires that the enclosed Petition to Enter a Plea of Guilty be completed by the defendant, with the assistance of counsel, as well as a Certificate of Counsel. These forms should be executed in open court at the time of the plea proceeding.

Defense counsel is expected to cause a completed, but unexecuted, copy of the petition to, be delivered to the Assistant United States Attorney in charge of the case prior to the parties appearance in Court for the plea proceeding; the Assistant United States Attorney will be asked in open court whether he/she has any questions, comments, statements or objections with regard to it.

Judge Arterton will also ask the pleading defendant a number of questions in open court, covering the subject matter of the attached Petition, as well as other appropriate areas of inquiry, before accepting a plea of guilty.

Sincerely,
Robin D. Tabora, Clerk

See Attached Petition

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

v.

:
:
:
:
:
:

CASE NO.

(JBA)

**PETITION TO ENTER A PLEA OF GUILTY
PURSUANT TO RULES 10 AND 11 OF THE
FEDERAL RULES OF CRIMINAL PROCEDURE**

The above-named defendant respectfully petitions this Court to permit him/her to withdraw his/her previously entered plea of "Not Guilty" to Count(s) _____ of the Indictment/Information in Criminal No. _____ (JBA), and to plead "GUILTY" at this time to Count(s) _____.

In support of this petition, petitioner represents to the Court as follows:

(1) My full and legal name is: _____

I request that all proceedings against me be had in this name.

(2) I am _____ years of age.

(3) I was born in (City, State, etc.) _____.

(4) (Place check in appropriate places.)

(a) I am able to read _____ and write _____ in the English language.

(b) I am not able to read and write in English, and I have had the benefit of the interpretation and translation services of _____ (name of interpreter), who is fluent in _____ (name of language). I continue to require such an interpreter.

(5) (a) I have received the following education in the United States (check the highest level completed):

Grade School 1 ___ 2 ___ 3 ___ 4 ___ 5 ___ 6 ___ 7 ___ 8 ___
High School _____ (Years)
College _____ (Years)
Graduate School _____ (Years)

(b) If education received in foreign country, give details _____
_____.

(6) I am represented by counsel and the name of my attorney is _____.

(7) (a) I have received a copy of the Indictment/Information, I have read and discussed it with my attorney, and I understand every accusation made against me in this case.

(b) As stated below in my own words, I understand that in the counts of the Indictment/Information to which I am now offering to plead guilty, I am charged with the following crime(s):

[Identify each count and the nature of the crime charged therein.]

(8) My attorney informed, counseled, and advised me as to the nature of every accusation against me, and as to any possible defense I might have with respect to these accusations.

(9) My attorney has advised me that, with respect to the Count(s) to which I intend to plead "GUILTY," the punishment which the law provides is as follows:

[Add up the punishments on each count. For example, if a defendant is pleading guilty to counts one and two, and there is a two-year maximum sentence on count one, and a five-year maximum sentence on count two, write in seven years as the maximum amount of imprisonment, and \$100 as the mandatory special assessment.]

- (a) A maximum of _____ imprisonment.
- (b) A mandatory minimum of _____ imprisonment.
- (c) A maximum fine of \$ _____.
- (d) A minimum fine of \$ _____.
- (e) A maximum term of supervised release of _____ years following imprisonment for the offense(s) charged in Count(s) _____ of the Indictment/Information.
- (f) A minimum term of supervised release of at least _____ years following imprisonment for the offense(s) charged in Count(s) _____ of the Indictment/Information.
I understand that if I violate any condition of the supervised release before the term expires, I may be required to serve a further term without any credit for the time already spent on supervised release of:
(a) _____ **years imprisonment**
(b) the entire term of supervised release.
- (g) A maximum order of restitution equal to the amount of loss resulting to any victims of the offense(s) charged in the Indictment/Information to which I am offering to plead guilty.
- (h) I understand that I must also pay a mandatory special assessment of \$ _____.

(10) My attorney has also advised me that:

[Check applicable line.]

_____ (a) Because the offense to which I am offering to plead "GUILTY" is a Class A/B felony, the Court is not authorized to sentence me to probation.

_____ (b) Probation is a possible sentence, but that it may or may not be granted.

(11) My attorney has also advised me that in imposing a sentence on the offense(s) to which I am now offering to plead guilty, the Court must consider the Guidelines promulgated by the United States Sentencing Commission and the related policy statement. The Court, however, is not bound by the Guidelines but must consider them along with other factors set forth in 18 U.S.C. §3553.

My attorney has counseled me with his/her opinion on what my sentencing range might be. I fully understand that my attorney's opinion (or my own) may be incorrect and that any disputed facts and objections to application of the Guidelines calculated will be made by a preponderance of the evidence. I understand that my attorney's opinion or prediction concerning the Guidelines to be considered is not binding on the Court nor are the Guidelines themselves binding on the Court; and that I have no right to withdraw my plea on the ground that my attorney's opinion or prediction (or my own) concerning any

sentence proved to be incorrect. I fully understand that the sentence could be up to the maximum provided by the statute.

My attorney has advised me that in certain instances, conduct which is found or stipulated to have occurred will be taken into consideration in computing the applicable Guidelines to be considered, even though that conduct does not form the basis of the specific count(s) to which I am pleading guilty.

My attorney has advised me, and I fully understand, that parole has been abolished for offenses committed on or after November 1, 1987, and that if I am sentenced to prison, I will not be released on parole.

 (12) Consequences for parole and probation. [Check if defendant is on probation or parole in this or any other court.]

I understand that by pleading GUILTY here, my probation/parole may be revoked and I may be required to serve time in prison in the case in which I am on probation/parole, in addition to any sentence imposed upon me in this case. Moreover, my attorney has advised me that my status on probation/parole at the time of the offense charged in this case may result in an increase in the Guideline range or in the sentence imposed.

(13) My attorney has advised me that if I plead "GUILTY" to more than one offense, the Court may order the sentence to be served consecutively - that is, one after another.

(14) I understand that I may, if I so choose, plead "NOT GUILTY" to any offense charged against me, and that I may continue to plead "NOT GUILTY," if I have already so pleaded.

(15) I understand that if I choose to plead "NOT GUILTY," I may proceed to trial at the time set by the Court. I further understand that the United States Constitution guarantees me:

- (a) the right to a speedy and public trial by jury;
- (b) the right to see, hear, and question all witnesses called by the government against me;
- (c) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses, in my favor;
- (d) the right to have the assistance of counsel in my defense at all stages of these proceedings, as well as upon the trial;
- (e) the right not to be compelled to incriminate myself; that is, I understand that if I go to trial, I may remain silent and I cannot be compelled to take the witness stand; and
- (f) the right to be found "not guilty" on any charge for which the evidence lawfully admitted at trial does not sustain a finding of guilt beyond a reasonable doubt.

(16) I understand that, by pleading "GUILTY," I waive (that is, I give up) my right to a trial, and that there will be no further trial of any kind.

(17) I understand that, if I plead "GUILTY," the Court may ask me questions about the offense to which I am pleading "GUILTY." I also understand that if I answer these questions under oath, on the record, and in the presence of counsel, my answers, if false may later be used against me in a prosecution for perjury or false statement.

I understand also that, by pleading "GUILTY," I waive any right against self-incrimination concerning the facts constituting the offense to which I am pleading "GUILTY."

(18) I understand that, if I plead "GUILTY," the Court may impose the same punishment as if a I pleaded "NOT GUILTY," stood trial, and had been convicted by a jury.

(19) I further understand that if a plead "GUILTY," I waive (that is, I give up) any defenses I may have had and, in particular, that I waive any claims which I may have based upon any previous violations of my statutory or constitutional rights. I understand that if I were to continue to plead "NOT GUILTY," I would be entitled to have my attorney make appropriate application to the Court based upon any such violations - for example, a motion to suppress evidence.

(20) I declare that no officer or agent of any branch of government (federal, state or local), nor any other person, has made any promises or suggestion of any kind to me, or within my knowledge to anyone else, that I would receive a lighter

sentence, or probation, or any other form of leniency, if I would plead "GUILTY," except to the extent that my plea of "GUILTY," may be a factor considered by the Court in determining whether I have accepted responsibility for my criminal conduct within the meaning of the Guidelines or to the extent indicated in my written plea agreement with the Government.

(21) I declare that I have not been threatened or forced in any way to plead guilty at this time or any other times.

(22) My decision to plead "GUILTY" arises out of discussions between me and my attorney, who advised me that if I plead "GUILTY" to Count(s) _____ the government has agreed to the following: [Staple here a copy of any written agreement between the government and the defendant. If there is no written agreement, state the nature of the agreement in the space below.]

(23) I understand that the Court may accept or reject the terms of this agreement, or may defer its decision to accept or reject the agreement until it has had an opportunity to consider a presentence report prepared by the United States Probation Office.

(24) (a) I have made this decision to plead "GUILTY" freely and voluntarily and as a result of my own reasoning processes.

(b) I know that the Court will not accept a plea of "GUILTY" from any one who claims to be innocent and I am not pleading "GUILTY" for any reason other than that I am indeed guilty.

(25) [Place check mark in appropriate place:]

I have _____/have not _____ made any statement to any law enforcement officer or anyone else in which I admitted the crime or any part of the crime to which I now want to plead guilty.

[Check if defendant has made such a statement]

_____ I would choose to plead "GUILTY" even if I knew that the statement could not be used against me.

(26) I understand that, in cases prior to November 1, 1987, a federal judge has no authority to order a federal sentence of imprisonment to run at the same time as a state sentence of imprisonment.

(31) I declare that I offer my plea of "GUILTY" freely and voluntarily and of my own accord. I also declare that my attorney has explained to me, and I understand, the statements set forth in the Indictment/Information and in this petition and in the "Certificate of Counsel" attached to this petition.

(32) I have read and discussed with my attorney the Indictment/Information, and I further state that I wish the Court to omit and consider as waived (that is, to consider as given up) by me all reading of the Indictment/Information in open court, and all further proceedings upon my arraignment, and to consider any undecided motions previously made by me as withdrawn.

(33) I request that the Court enter now my plea of "GUILTY" as set forth above in reliance upon my statements in this petition.

Signed by me in open court in the presence of my attorney at New Haven, Connecticut, this ____ day of _____, 20____.

Defendant

CERTIFICATE OF COUNSEL

The undersigned, as attorney and counselor for the defendant, _____, hereby certifies as follows:

(1) I have read and fully explained to the defendant all the accusations against the defendant which are set forth in the Indictment/Information in this case;

(2) To the best of my knowledge and belief each statement set forth in the foregoing petition is in all respects accurate and true;

(3) The plea of "GUILTY," as offered by the defendant in the foregoing petition, accords with my understanding of the facts as related to me by the defendant, and is consistent with my advice to the defendant;

(4) In my opinion, the defendant's waiver of the reading of the Indictment/Information in open court, and of all further proceedings upon arraignment as provided in the Federal Rules of Criminal Procedure, is voluntarily made; the defendant understood what he/she was doing when he/she waived the reading; and I recommend to the Court that the waiver be accepted by the Court;

(5) In my opinion the plea of "GUILTY," as offered by the defendant in the foregoing petition, is voluntarily and understandingly made, and I recommend to the Court that the plea of "GUILTY" be now accepted and entered on behalf of the defendant as requested in the defendant's petition;

(6) I have read and understood and explained to the defendant all the provisions of Rules 10 and 11 of the Federal Rules of Criminal Procedure, and I believe the defendant understands the substance of both of those Rules;

(7) I have caused a copy of the foregoing petition, completed by the defendant, to be delivered to the Assistant United States Attorney in charge of this case prior to the parties' appearance in court at the plea proceeding.

Signed by me in open Court and in the presence of the defendant above named at New Haven, Connecticut, this _____ day of _____, 20_ . _____

Attorney for the Defendant

O R D E R

Good cause appearing from the foregoing petition of the defendant above named and the certificate of his counsel, and from all proceedings heretofore had in this case, it is hereby ORDERED that the petition by granted and that the defendant's plea of "GUILTY" be accepted and entered as prayed in the defendant's petition and as recommended in the certificate of his/her counsel.

Done in open court in New Haven, Connecticut this _____ day of _____, 20_.

Janet Bond Arterton
United States District Judge