

STATE OF INDIANA vs.

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IN THE HAMILTON SUPERIOR COURT 4.

CAUSE NO. 29D04-_____

MISDEMEANOR AND LEVEL 6 FELONY ADVISEMENT FORM

Before the Court may accept a guilty plea, you must be informed of certain facts and certain rights that you have. You must read this document carefully and initial each paragraph in the shaded area [] and sign the back page.

[] **For a Level 6 Felony**, the maximum penalty is 2.5 years imprisonment at the Department of Correction and a \$10,000 fine; the minimum penalty is 6 months imprisonment at the Department of Correction and no fine; but the Court must assess court costs. The Court may suspend all or part of the imprisonment and place you on probation. If you plead guilty to a Level 6 Felony, the Court may sentence you as a **Class A Misdemeanor** unless you have received such treatment on a prior, unrelated Class D Felony or Level 6 Felony and that prior felony was committed within three years of the commission of this offense.

[] **For a Class A Misdemeanor**, the maximum penalty is 365 days in jail and a fine of \$5,000.
For a Class B Misdemeanor, the maximum penalty is 180 days in jail and a fine of \$1,000.
For a Class C Misdemeanor, the maximum penalty is 60 days in jail and a fine of \$500.
For all classes of misdemeanors, the minimum penalty is no jail and no fine, but the Court may place you on probation for up to 1 year. The Court must assess court costs for all classes of misdemeanors.

[] If you plead guilty to more than one offense, the Court may impose the penalties concurrently (together), or consecutively (one after the other). Also, any sentence that you may receive for this offense must be consecutive to a sentence you were serving at the time of this offense, or consecutive to any sentence you may be serving or will be serving for a probation or parole violation, or other pending charge. Also, your guilty plea may adversely affect any sentence, probation, or parole that you are currently serving, or may affect your bond on any other pending charge.

[] If you have a prior history of juvenile or criminal offenses, the Court may impose a harsher penalty than you would otherwise receive.

[] You have the right to be represented by an attorney. If you cannot afford an attorney, the Court will appoint one for you. An attorney can help you prepare your case for trial and subpoena witnesses for you. If you are pleading guilty without an attorney, you should know that an attorney is usually more experienced in plea negotiations and better able to identify and evaluate any potential defenses and evidentiary or procedural problems in the State's case. An attorney may be able to obtain a more favorable sentence through a plea agreement. If you choose to proceed without an attorney, you will be giving up this assistance.

[] You have the right to a public and speedy trial by a jury or by the Court; the right to confront and cross-examine witnesses against you; the right to subpoena witnesses at no cost; the right to remain silent (you cannot be forced to testify against yourself); the right to require the State to prove you guilty beyond a reasonable doubt at a trial before you can be convicted of a crime, and the right to appeal your conviction or any decision of the judge. **By pleading guilty, you will give up each one of these rights.**

[] If you plead guilty to an offense involving the operation of a motor vehicle, your conviction will be sent to the Bureau of Motor Vehicles. The conviction may count toward you being determined to be a Habitual Traffic Violator.

[] If you plead guilty to an offense involving the operation of a motor vehicle while intoxicated, or in

excess of the statutory limit for alcohol, or with a controlled substance or its metabolite in your body, this conviction may count toward you being considered a Habitual Vehicular Substance Offender and that status could be used to enhance future convictions for these offenses.

If you admit/plead guilty to **Habitual Vehicular Substance Offender** enhancement, the Court must sentence you to an additional fixed term of at least 1 year, but no more than 8 years.

Except as provided below, if you plead guilty to any offense for which the operation of a motor vehicle is an element, the Court may suspend your driving privileges for a period not to exceed the maximum possible sentence for the offense. For a C misdemeanor this would be 60 days, for a B misdemeanor, 180 days, for an A misdemeanor 365 days, and for a Level 6 felony, 2.5 years.

If you plead guilty to **Operating While Intoxicated as a Misdemeanor** [Ind. Code 9-30-5-1(a) or 9-30-5-1(b) or 9-30-5-2] **or as a Level 6 Felony** (Ind. Code 9-30-5-3), and if you have a prior OWI conviction for an offense that occurred after June 30, 1991, the Court must suspend your driving privileges for one year.

If you plead guilty to **Operating While Intoxicated as a Misdemeanor** [Ind. Code 9-30-5-1(a) or 9-30-5-1(b) or 9-30-5-2 **or to Operating While Intoxicated as a Level 6 Felony** (Ind. Code 9-30-5-3),], and if you have one prior conviction of operating while intoxicated, the Court must sentence you to at least 5 actual days imprisonment or 240 hours of community service. If you have two or more prior convictions of operating while intoxicated, the Court must sentence you to at least 10 actual days imprisonment or 480 hours of community service.

If you plead guilty to **Illegal Consumption or Transportation of Alcohol by a Minor** (Ind. Code 7.1-5-7-7) and if you were operating a motor vehicle at the time of the offense, the Court may suspend your driver's license for up to 1 year.

If you are not a U.S. citizen, a criminal conviction may have immigration consequences, including deportation. You should discuss this possibility with your attorney because if you do plead guilty, you will receive a criminal conviction.

If you and the State have entered into a plea agreement, and if the Court accepts the plea agreement, then the Court is bound by the terms of the plea agreement.

If the Court places you on probation, you must sign an Order of Probation and agree to all standard conditions probation and any special conditions required by the Court or by your plea agreement. If you violate a condition of probation, a petition to revoke your probation may be filed within one year after the termination of your probation or 45 days after the State receives notice of the violation, whichever is earlier.

I hereby certify that I am pleading guilty knowingly and voluntarily, that no promises, threats or force have been used to make me plead guilty, that I have read the above statements or that they were translated or read to me, that I understand each paragraph that applies to my case, and that I do waive and give up each and every right listed.

Date

Attorney's signature

Defendant's signature