State of Alabama

EXPLANATION OF RIGHTS AND PLEA OF GUILTY

Case Number

Unified Judicial Sys	stem	(I	Habitual Felony Offender – Circu	it or District Court)	
Form CR-52		(FOR OFF	ENSES COMMITTED ON OR A	FTER JANUARY 30, 2016)	Count # if applicable)
Page 1	Rev. 1/201	9	Class D Felonie	S	(count # if applicable)
IN THE			COURT OF		, ALABAMA
	cuit or Distr	rict)	_	Tame of County)	, , , , , , , , , , , , , , , , ,
STATE OF AI		· ·	,	., ,,	
		-	D	efendant	
				peen informed that you wish	to enter a plea of guilty
in this cas	se, hereby	informs you of your rig	ghts as a criminal defen	dant.	
		PENAL	TIES APPLICABLE	TO YOUR CASE	
., .					
=				, which is a (class Felony.
		•	plea of guilty to this of		
				, which is a (Class Felony.
The Presumptive s	sentence dis	sposition is Non-Priso	on ∐ Prison		
If the Presumptive	sentence d	lisposition is Prison, an Al	abama Department of Cor	rections sentence is limited to o	ffenders that have been previously
				e felonies that are Class A or Cl	
If the Presumptive	santanca d	lienocition is Non-Prison	a iail centence is limited to	offenders that have been previous	ously convicted of any three or
more felonies, or p	reviously co	onvicted of any two or mo	ore felonies that are Class	A or Class B felonies.	daily convicted of any timee of
The Presumptive	Total Senter	nce Length range is	_ months to months	and the Split range is mo	onths to months
	Not lose t	than and (1) year and and	(1) day and not more than	a five (E) veers imprisonment in	the state penitentiary and must be
Class D felony	in accord	lance with subsection (b)	of Section 15-18-8, includi	ng hard labor and may include a	fine not to exceed \$7,500. For
•	imprisonr	ment not more than 3 yea	rs, confinement may be in	county jail and sentence may in	clude hard labor.
	•				
The Alabama Habi	tual Offende	er Act. Section 13A-5-9. A	la. Code 1975, as amende	ed by Act 2015-185, provides the	e following punishments for
Class D felony offe		,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	, , , , , , , , , , , , , , , , , , , ,	3 1 2 2 2 2 2
Prior Feloni	es	No	One	Two	Three +
This Offens	se	Prior Felonies	Prior Felony	Prior Felonies	Prior Felonies
				-If previously convicted of any two or mo	are felonies that are Class A or Class B
		1 Yr. & 1 Day – 5 Years	1 Vr. & 1 Day 5 Voors		committed a Class D felony, upon conviction,
Class D felo	ny	In State Penitentiary	1 Yr. & 1 Day – 5 Years In State Penitentiary	· ·	, ,
		Fine Up To \$7,500	Fine Up To \$7,500	-If previously convicted of any three or n	nore felonies and after such convictions

This Offense	Prior Felonies	One Prior Felony	Prior Felonies	Prior Felonies
Class D felony	1 Yr. & 1 Day – 5 Years In State Penitentiary Fine Up To \$7,500	1 Yr. & 1 Day – 5 Years In State Penitentiary Fine Up To \$7,500	-If previously convicted of any two or more felonies and after such convictions has co he or she must be punished for a Class C -If previously convicted of any three or mo has committed a Class D felony, upon cor a Class C felony (maximum of 10 years).	mmitted a Class D felony, upon conviction, felony (maximum of 10 years). re felonies and after such convictions

Multiple Sentences. If you face multiple sentences for multiple crimes, the court may order your sentence for the above crime to run consecutively to or concurrently with the other sentence or sentences.

Costs & Crime Victim's Assessment: You will also be ordered to pay the costs of court, which may include the fees of any appointed attorney, fines, fees, assessments, and restitution if there is any. You will also be ordered to pay an additional monetary penalty for the use and benefit of the Alabama Crime Victims Compensation Commission of not less than \$50 and not more than \$10,000 for each felony and not less than \$25 and not more than \$1,000 for each misdemeanor for which you are convicted.

This crime is also subject to the following enhancements or additional penalties as provided by law:(Provisions Checked Apply to Your Case)

\square Enhanced Punishment for Use of Firearm or Deadly Weapon: Sections 13A-5-6(a)(5) and (a)(6), Ala. Code 1975, provide for the
enhancement of a punishment for a Class A, B, or C, felony in which a "firearm or deadly weapon was used or attempted to be used in the
commission of the felony." This section provides for the following punishments in such events: For the commission of a Class A Felony, a term
of imprisonment of not less than 20 years; For the commission of a Class B or C Felony, a term of imprisonment of not less than 10 years.

Form CR-52 Page 2	Rev. 1/2019	EXPLANATION OF RIGHTS AND PLEA OF GUILTY (Habitual Felony Offender – Circuit/District Court)				
for the er	hancement of a po ohy. These Section	r a Felony Criminal Sex Offense Involving a Child: Sections 13A-5-6(a)(5) and (a)(6), Ala. Code 1975, provide unishment for a Class A or B felony criminal sex offense involving a child under the age of 12 or involving child as provide for the following punishment in such events: For a Class A felony criminal sex offense, not less than 20 sex offense, not less than 10 years.				
☐ Enhanced Punishment For Use Of Firearm Or Deadly Weapon: Sections 13A-5-6(a)(5) and (a)(6), Ala. Code 1975, provide for the enhancement of a punishment for a Class A, B, or C, felony in which a "firearm or deadly weapon was used or attempted to be used in the commission of the felony." This section provides for the following punishments in such events: For the commission of a Class A Felony, a term of imprisonment of not less than 20 years; For the commission of a Class B or C Felony, a term of imprisonment of not less than 10 years.						
☐ Enhanced Punishment for a Felony Criminal Sex Offense Involving a Child: Sections 13A-5-6(a)(5) and (a)(6), Ala. Code 1975, for the enhancement of a punishment for a Class A or B felony criminal sex offense involving a child under the age of 12 or involving pornography. These Sections provide for the following punishment in such events: For a Class A felony criminal sex offense, not less 20 years; For a Class B felony sex offense, not less than 10 years.						
unlawfully	selling any contro	r Drug Sale Near School : Section 13A-12-250, Ala. Code 1975, provides that any person who is convicted of olled substance within a three (3) mile radius of a public or private school, college, university or other educational by an additional penalty of five years imprisonment for each violation.				
of unlawfu	ully selling any con	Drug Sale Near Housing Project : Section 13A-12-270, Ala. Code 1975, provides that any person who is convicted atrolled substance within a three (3) mile radius of a public housing project owned by a housing authority must be enalty of five years imprisonment in a state correctional facility for each violation.				
anyone c	onvicted of selling	Sales of Controlled Substance to One Under the age of 18: Section 13A-12-215, Ala. Code 1975, provides that , furnishing or giving away a controlled substance to one who has not yet attained the age of 18 years, shall and the punishment imposed shall not be suspended or probation granted.				
violation of shall be a these section of the to the could be withdrawing Prany of the in specific possession for a conviction of the convi	of Sections 13A-12- assessed an additions. Collection of defendant agrees are to reduce the peraction of the court if rivileges: Pursuant of following: attempted substances und on with intent to distriction of driving un	Assessment Act and Loss of Driving Privileges: Section 13A-12-281 provides that any person convicted of a 202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-215 or 13A-12-231, Ala. Code 1975, onal penalty of \$1,000 if he or she is a first-time offender or \$2,000 if he or she is a repeat offender under one of all or part of the penalty will be suspended if, with court approval, the defendant enters a drug rehabilitation program to pay for a part or all of the program costs. Upon successful completion of the program, the defendant may apply malty by the amount actually paid by him or her for participation in the program. Any suspension of the penalty can the defendant fails to enroll in or successfully pursue or otherwise fail to complete an approved program. Loss of to Section 13A-12-291, Ala. Code 1975, a driver's license shall be suspended for six months for a conviction for ing to commit, criminally conspiring to commit, criminal solicitation to commit, or committing the crime of trafficking er Section 13A-12-231; attempting to commit, criminal solicitation to commit, or committing the crime of unlawful cribute a controlled substance under subsections (c) and (d) of Section 13A-12-211. Suspension of a driver's license der the influence of a controlled substance or under the combined influence of a controlled substance and alcohol in 32-5A-191, the DUI law.				
substance and/or tre to comple granted. ⁻ breath tes for any po	e abuse. Based upon atment and to pay te any program to The defendant may tots and to pay a fee	enses: A person convicted of an alcohol or drug-related offense will be required to undergo an evaluation for on the results of any such evaluation, he or she will be required to complete the recommended course of education for the evaluation and any program to which the defendant is referred. Failure to submit to an evaluation or failure which the defendant may be referred will be considered a violation of any probation or parole he or she may be also be required to attend monitoring sessions, including random drug and alcohol testing or blood, urine and/or for this service. The defendant may request a waiver of part or all of the fees assessed if he or she is indigent or she is financially unable to pay. Community service may be ordered by the court in lieu of the monetary payment of				
		a Criminal Sex Offense: A person convicted of a sex offense is required to comply with the requirements of the stration and Notification Act (Section 15-20A-1, et seq., Ala. Code, 1975).				
		s: Convictions for drug trafficking while in possession of a firearm includes an additional mandatory period of a mandatory fine of \$25,000.				
an ignitio	n interlock devices	32-5A-191.4, Code of Alabama 1975, persons convicted of driving under the influence are subject to installation of on motor vehicles. Pursuant to Section 32-5A-191, Ala. Code 1975, a conviction for driving under the influence license suspension.				
offenses a		erson is convicted in any court of this state for drug possession, drug sale, drug trafficking, or drug paraphernalia on 13A-12-211 to 13A-12-260, inclusive, Ala. Code 1975, an additional fee of \$100.00 will be assessed pursuant to 1975.				
Other:						

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EXPLANATION OF RIGHTS AND PLEA OF GUILTY

(Habitual Felony Offender – Circuit/District Court)

RIGHTS YOU HAVE AND WAIVER OF YOUR RIGHTS

Under the Constitution of the United States and the Constitution and laws of the State of Alabama, you have a right to remain silent and you may not be compelled to give evidence against yourself. You attorney cannot disclose any confidential talks he/she has had with you. You are not required to answer any questions. If you do answer questions knowing that you have a right to remain silent, you will have waived this right. You have the right to enter, and continue to assert, a plea of "Not Guilty" or "Not Guilty by Reason of Mental Disease or Defect", and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed to trial, you would have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront and cross examine your accuser(s) and all the State's witnesses, you would have the right to subpoena witnesses to testify on your behalf and to have their attendance in court and their testimony required by the court, and you would have the right to take the witness stand and to testify, but only if your choose to do so, as no one can require you to do this. If you elect to testify, you can be cross examined by the State, just as any other witness is subjected to cross examination. If you decide not to testify, no one but your attorney will be allowed to comment about that fact to the jury. Your attorney is bound to do everything he/she can honorably and reasonably do to see that you obtain a fair and impartial trial.

If you elect to proceed to trial, you come to court presumed to be innocent. This presumption of innocence will follow you throughout the trial until the State produces sufficient evidence to convince the jury (or the court if the trial is non-jury) of your guilt beyond a reasonable doubt. You have no burden of proof in this case. If the State fails to meet its burden, you would be found not guilty. If you are entering a guilty plea to a charge for which you have not yet been indicted, you are waiving indictment by a grand jury and you will be pleading guilty to a charge preferred against you by a District Attorney's Information filed with the court.

If you are not a United States citizen, a guilty plea may subject you to adverse immigration consequences, including deportation (See 8 U.S.C. §1227), exclusion from reentry to the United States and amnesty, and that the appropriate consulate may be informed of the plea and conviction.

If you plead guilty, there will be no trial. You will be waiving your rights outlined above, except your rights relating to representation by an attorney. The state will have nothing to prove and you will stand guilty on your guilty plea. By entering a plea of guilty, YOU WILL ALSO WAIVE YOUR RIGHT TO APPEAL, unless in appeals to the Court of Criminal Appeals or the Supreme Court (1) you have before entering the plea of guilty, expressly reserved the right to appeal with respect to a particular issue or issues, in which event appellate review shall be limited to a determination of the issue or issues reserved, (2) you have timely filed a motion to withdraw the plea of guilty after pronouncement of sentence on the ground that the withdrawal is necessary to correct a manifest injustice, and the court has denied your motion to withdraw your plea, or the motion has been deemed denied by operation of law.

IF YOU HAVE A RIGHT TO APPEAL UNDER ONE OF THE CONDITIONS ABOVE AND YOU ARE DETERMINED BY THE COURT TO BE INDIGENT, COUNSEL WILL BE APPOINTED TO REPRESENT YOU ON APPEAL IF YOU SO DESIRE AND IF THE APPEAL IS FROM A CIRCUIT

COURT JUDGMENT OR SENTENCE, A COPY OF THE RECORD AND REPORTER'S TRANSCRIPT WILL BE PROVIDED AT NO COST TO YOU. IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS OR THE CONSEQUENCES OF PLEADING GUILTY, PLEASE LET THE COURT KNOW NOW AND FURTHER EXPLANATION WILL BE MADE.			
The court having personally addressed the defendant determines that the de	efendant has entered the plea voluntarily.		
Date	Judge		
ATTORNEY'S C	ERTIFICATE		
I certify that the above was fully read to the defendant by me; that I explained the penalty or penalties involved with the defendant; that I discussed in detail defendant's rights and the consequences of pleading guilty; and that, in my judgment, the defendant understands the same and that he/she is knowingly, voluntarily, and intelligently waiving his/her rights and entering a voluntary and intelligent plea of guilty. I further certify to the court that I have in no way forced or induced the defendant to plead guilty and to my knowledge no one else has done so.			
Date	Attorney		
DEFENDANT'S STATEMENT OF WAIVE	CR OF RIGHTS AND PLEA OF GUILTY		
I certify to the court that my attorney has read and explained the matters set forth above; that my rights have been discussed with me in detail and fully explained; that I understand the charge or charges against me; that I understand my rights, the punishment or punishments provided by law as they may apply to my case, and I understand the consequences of pleading guilty; that I am not under the influence of any drugs, medicines, or alcoholic beverages; and I have not been threatened or abused or offered any inducement, reward, or hope of reward to plead guilty other than the terms of the plea agreement which will be stated on the record. I further state to the court that I am guilty of the charge to which I am entering a plea of guilty, that I desire to plead guilty, that I made up my own mind to plead guilty and that I knowingly and intelligently, and voluntarily waive my right to trial in this case. I further state that I am satisfied with my attorney's services and his/her handling of my case.			
Date	Defendant		