

IN THE MUNICIPAL COURT OF THE CITY OF SALEM  
COUNTY OF MARION, STATE OF OREGON

City of Salem/State of Oregon )  
 )  
 )  
 vs. )  
 )  
 Defendant )  
 )

**PETITION TO PLEAD  
GUILTY OR NO  
CONTEST**

CASE NUMBER:

*I am the defendant in this case, and my initials and signature below indicate that I have read or have had read to me, understand, and affirm all of the following:*

1. My true name is above, but I also am known as \_\_\_\_\_.
2. I am \_\_\_ years old and have gone to school through\_\_\_\_\_. I (have taken) (have not taken) alcohol, medication, or a drug (whether prescribed for me, over the counter, or illegal) that could affect my ability to make decisions. My ability to make decisions is not affected by injury, illness, or disability.
3. My attorney’s name is\_\_\_\_\_.  I choose not to have an attorney (see Waiver of Counsel).
4. I have told my attorney everything I know about the charge(s) against me. My attorney has talked with me about the charge(s), possible defenses, and legal challenges I may have in this case. I am satisfied with the advice and help my attorney gave me.
5. I know I have the following rights at trial: (1) to have a jury trial or, if I choose not to have a jury trial, the right to have a trial by a judge; (2) to see, hear, and question all people who testify against me; (3) to remain silent about all facts of the case; (4) to call witnesses and enter evidence; (5) to testify; (6) to have the jury told, if I do not testify, that it cannot hold that decision against me; and (7) to require the City attorney to prove my guilt to a jury or court beyond a reasonable doubt.
6. I understand that I give up: (1) any defenses I may have to the charge(s); (2) objections to the consideration of evidence concerning my guilt; and (3) challenges to the accusatory instrument.
7. I understand that a plea of “Guilty” or “No Contest” will result in a final conviction for the charge(s) listed in paragraph #8 below. I understand that if I plead “Guilty” or “No Contest,” the judge may impose the same punishment as if I pleaded “Not Guilty,” had a trial, and was convicted.
8. I want to plead:

Guilty  No Contest

Count # \_\_\_\_\_:\_\_\_\_\_,  Violation/  Misdemeanor  
Maximum Probation: \_\_\_\_\_,  
Maximum Jail Sentence:\_\_\_\_\_, Minimum Jail Sentence:\_\_\_\_\_,  
Maximum Fine:\_\_\_\_\_, Minimum fine:\_\_\_\_\_,  
Mandatory License Suspension:\_\_\_\_\_

Guilty  No Contest

Count # \_\_\_\_\_:\_\_\_\_\_,  Violation/  Misdemeanor  
Maximum Probation: \_\_\_\_\_,  
Maximum Jail Sentence:\_\_\_\_\_, Minimum Jail Sentence:\_\_\_\_\_,  
Maximum Fine:\_\_\_\_\_, Minimum fine:\_\_\_\_\_

Mandatory License Suspension: \_\_\_\_\_

Guilty  No Contest

Count # \_\_\_\_\_: \_\_\_\_\_,  Violation/  Misdemeanor

Maximum Probation: \_\_\_\_\_,

Maximum Jail Sentence: \_\_\_\_\_, Minimum Jail Sentence: \_\_\_\_\_,

Maximum Fine: \_\_\_\_\_, Minimum fine: \_\_\_\_\_,

Mandatory License Suspension: \_\_\_\_\_

See attached sheet for additional costs

If there are multiple charges I am entering a plea of guilty/no contest to or I am already serving a sentence, I understand that the judges may order me to serve the sentences at the same time (concurrently) or one after the other (consecutively) unless prohibited by ORS 137.123(5).

9. I understand that, in addition to other fines, the judge may order me to pay  restitution or a  compensatory fine to the victim totaling \$ \_\_\_\_\_, or  an amount to be determined by the judge

10. I understand that any sentence imposed in this case can be added to any other prison or jail sentence that I have not finished serving.

11. In addition to the sentence imposed, I understand that there may be other significant consequences if I enter a "Guilty" or "No Contest" plea, including, but not limited to:

Deportation/removal, exclusion from future entry into the United States, or denial of naturalization, if I am not a United States citizen;

Revocation or a sanction proceeding of my probation, post-prison supervision, or parole, which may require me to serve any sentence(s) imposed or executed in any such case(s) consecutively to the sentence that is imposed in this case;

Suspension, revocation, or permanent loss of my driving privileges;

12. Other than what is contained in this plea petition, I affirm that no one has promised me anything to enter my plea of "Guilty or "No Contest." I also affirm that no one has threatened me or forced me to enter this plea.

13.  I understand that the City attorney agrees to make the following recommendation to the court about my sentence and/or other pending charges:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that the court is not bound by any plea agreement I have made with the City attorney unless made pursuant to ORS 135.432(2) (court approved plea agreement). This recommendation  (is)  (is not) made pursuant to ORS 135.432(2). I understand that if this agreement includes recommendations to be made at sentencing, those recommendations may depend upon my true criminal history. I understand that the City attorney will not be bound by this agreement if I willfully fail to appear for sentencing. ***I acknowledge that everything that has been agreed to is included in this document or incorporated by reference***

14.  **I PLEAD "GUILTY"** because in Salem, Marion County, Oregon, I did the following:

\_\_\_\_\_  
\_\_\_\_\_

15.  **I PLEAD "NO CONTEST"** because I understand that a jury or judge could find me guilty of the charge(s), I prefer to accept the plea offer or plea to the charge.

16.  I am entering a **CONDITIONAL PLEA** pursuant to ORS 135.335(3) and reserve for appeal for the following pretrial rulings:

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17. **APPEAL RIGHTS:** Unless this is a conditional plea, I understand the right to appeal my conviction is limited and that I may appeal only if I can make a colorable showing that the sentence exceeds the maximum allowed by law or is unconstitutionally cruel and unusual. If I am financially eligible for court-appointed counsel, I may apply to the Circuit Court to appoint an attorney to represent me on appeal, to request a transcript of this proceeding, and to have my trial attorney prepare the necessary documents. I know that I must serve and file the notice of appeal not later than **30 days** after the judgment of conviction is entered in the register, and I may ask my attorney to help me do this. Copies of the notice of appeal must be served to the City attorney and the court. The original notice and proof of its service must be filed with the clerk of the court to which I am appealing.

18.  I agree that if I withdraw or if a court later reverses, vacates, or sets aside my plea of “Guilty” or “No Contest” in this case, the court will reinstate any charge(s) that were dismissed in return for my plea and the City attorney no longer will be bound by any promises made to me in exchange for my plea. If the court reinstates the charge(s), I waive the statute of limitations and any statutory or constitutional speedy trial or double jeopardy rights applicable to the dismissed charges.

19. I am signing this plea petition and entering this plea voluntarily, intelligently, and knowingly with full understanding of all matters set forth in the charging instrument and in this petition.

20. I declare that:

I can read, speak, and understand English

This for was read to me by (print name): \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Reader’s Signature

This form was translated to me by (print name): \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Translator’s Signature

Language: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant’s Signature

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

**CERTIFICATE OF COUNSEL**

*I am the attorney for the defendant in this proceeding and I certify that:*

1. I have fully explained to my client the named offenses and lesser-included offenses contained in the charging instrument, and the possible defenses that may apply in this case.
2. I have personally examined the attached *Petition to Plead Guilty/No Contest*, explained all its provisions to my client, and discussed fully with my client all the matters described and referred to in the petition.
3. I have explained to my client the maximum penalty and other consequences of entering a guilty or no contest plea, including possible immigration consequences.
4. To the best of my knowledge and belief, my client’s decision to enter this plea is made voluntarily, intelligently, and knowingly.
5. I have told my client that if he or she is eligible for court appointed counsel and wishes to pursue and appeal, I will transmit the information necessary to perfect the appeal to the Circuit Court.

Date	Attorney’s Signature	OSB No.
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Case No:

**FINDINGS**

The court makes the following findings regarding the defendant’s plea of Guilty No contest:

Defendant’s Plea is made voluntarily, intelligently, and knowingly.

Other:

\_\_\_\_\_  
\_\_\_\_\_

**ORDER**

DEFENDANT’S PLEA PETITION IS HEREBY ACCEPTED

Date	Municipal Court Judge
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