

**Guilty/Alford/Nolo Contendere Plea Questions to be asked Defendant by Court**

1. (a) What is your full name? \_\_\_\_\_
- (b) What is your date of birth? \_\_\_\_\_
- (c) What is your social security number? \_\_\_\_\_
- (d) What is your last residence address? \_\_\_\_\_
- (e) What was the last grade in school you completed? \_\_\_\_\_
- (f) What other education have you received? \_\_\_\_\_

**[For defendants who don't have at least a high school education or a GED]:**

Are you able to read, write and understand the English language? \_\_\_\_\_

2. Are you under the influence of any drugs or alcohol? \_\_\_\_\_
3. Are you the person charged with the offense(s) of:  
\_\_\_\_\_  
\_\_\_\_\_

4. Do you fully understand the charge(s) against you? \_\_\_\_\_  
Have you discussed the charge(s) and (its) (their) elements with your lawyer and do you understand what the Commonwealth must prove beyond a reasonable doubt before you may be found guilty of the charge(s)? \_\_\_\_\_

5. Have you had enough time to discuss with your lawyer any possible defenses to the charge(s)? \_\_\_\_\_
6. Have you discussed with your lawyer whether you should plead not guilty, guilty or nolo contendere? \_\_\_\_\_
7. After the discussion, did you decide for yourself that you should plead guilty (*nolo contendere*)? \_\_\_\_\_
8. Are you entering your plea(s) of [ ] guilty [ ] nolo contendere freely and voluntarily? \_\_\_\_\_

**[If the plea is nolo contendere]:** Do you understand that a plea of nolo contendere still subjects you to a finding of guilt, to the same punishment and other consequences as if you had pleaded guilty, and to the loss of the same constitutional rights as if you had pleaded guilty? \_\_\_\_\_

9. Are you entering your plea(s) of guilty because you are, in fact, guilty of the crime(s) charged? \_\_\_\_\_  
**[If the answer is "no"/Alford Plea]:** Are you pleading guilty based upon: your written/oral stipulation of the Commonwealth's evidence; because you do not wish to take the risk associated with trial; and because you believe it is in your best interests to enter the Alford plea of guilty? \_\_\_\_\_

10. Do you understand that, by pleading guilty, you are NOT entitled to a trial by jury? \_\_\_\_\_
11. Do you understand that, by pleading guilty, you waive your right not to incriminate yourself? \_\_\_\_\_

12. Do you understand that, by pleading guilty, you waive your right to confront and to cross-examine your accusers and you waive your right to defend yourself? \_\_\_\_\_
13. Do you understand that if you are on parole, on probation, or under a suspended sentence that a conviction may affect your parole, probation, or suspended sentence? \_\_\_\_\_
14. (a) Do you understand that if you are not a United States citizen, and if you plead guilty plea or are found to be guilty, there may be consequences of deportation, exclusion from admission into the United States, or denial of naturalization pursuant to the laws of the United States? \_\_\_\_\_
- (b) Do you understand that the conviction(s) resulting from your guilty plea(s) may carry a variety of consequences including the loss of the right to vote and the right to possess firearms? \_\_\_\_\_
15. Do you understand that, by pleading guilty, you may waive any right to appeal the decision of this Court? \_\_\_\_\_
16. Do you understand that there is no parole in Virginia? \_\_\_\_\_
17. **[If the crime involves possession/distribution of drugs]:** Have you discussed with your lawyer whether the defense of accommodation may apply in this case? \_\_\_\_\_
18. **[If the accused may be sentenced under the habitual offender statute]:** Have you discussed with your lawyer the possibility that there may be mitigating circumstances that would permit this court not to impose the mandatory sentence? \_\_\_\_\_
19. Do you understand that the maximum punishment for this crime is \_\_\_\_\_ years imprisonment and \$\_\_\_\_\_ fine plus all court costs? \_\_\_\_\_.
- [If more than one offense]:**  
Do you understand that if you are sentenced consecutively, the maximum punishment for these offenses is \_\_\_\_\_ years imprisonment [and a maximum fine of \$ \_\_\_\_\_]? \_\_\_\_\_
- [For mandatory minimum sentences]:** Do you understand that there is a mandatory minimum penalty of \_\_\_\_\_ days/months/years of imprisonment [and a mandatory fine of \$ \_\_\_\_\_ [and a mandatory loss of your driver's license]? \_\_\_\_\_
20. Have you discussed the sentencing guidelines with your attorney? \_\_\_\_\_. Do you understand that the Court is not required to follow those guidelines and may sentence you to more than the guidelines suggest so long as the Court does not exceed the maximum punishment provided by law? \_\_\_\_\_
21. (a) Has anyone connected with your arrest or with your prosecution, such as the police or the Commonwealth's attorney, or any other person, in any manner threatened you or forced you to enter your guilty plea?  
\_\_\_\_\_
- (b) [Other than what may be contained in the written plea agreement] Has anyone made any promises to you in exchange for your guilty plea(s)? \_\_\_\_\_.

22. Have you entered into a plea agreement with the Commonwealth's attorney in this case? \_\_\_\_\_

**[If the answer is "yes"]:** Does it contain the full and complete agreement entered into among you, your lawyer, and the Commonwealth's attorney? \_\_\_\_\_.

**[If the answer is "yes", also complete either (a) or (b) below, whichever is appropriate]:**

**(a) [To be asked if the Commonwealth's attorney has agreed that a particular sentence is appropriate.]**

(1) Do you understand the court may accept the agreement, reject the agreement, or may defer a decision to either accept or reject the agreement until there has been an opportunity to consider a presentence report? \_\_\_\_\_

(2) Do you understand that if the court accepts the agreement, the court will include in its judgment and sentence the sentence provided for in the agreement? \_\_\_\_\_

(3) Do you understand that if the court rejects the agreement, you will not be bound by the agreement and you will be given an opportunity to withdraw your plea of guilty, and if you do, you will have the right for your trial to be conducted by another judge of this court? \_\_\_\_\_

(4) Do you understand that if the court rejects the plea agreement, and you still plead guilty, the sentence imposed may be more severe than the disposition in the rejected plea agreement? \_\_\_\_\_

**(b) [To be used if the Commonwealth's attorney merely recommends, or agrees not to oppose a request for, a specific sentence.]**

(1) Do you understand that this agreement only provides for the Commonwealth's attorney to make a recommendation or to agree not to oppose a request for a particular sentence, that this recommendation or request is not binding on the court, and if the court does not accept the recommendation or does not go along with the request, you have no right to withdraw your plea of guilty unless the Commonwealth fails to perform its part of the agreement? \_\_\_\_\_

(2) Do you also understand that the sentence the court imposes may be more severe than the sentence recommended or requested? \_\_\_\_\_.

**23. [To be asked if the defendant was a juvenile at the time of the offense] or [ ] Not applicable.**

Do you understand that if you were tried for this offense and found guilty by a jury, the Judge and not the jury would set the sentence? \_\_\_\_\_

**24.** Are you entirely satisfied with the service of the lawyer [ ] appointed [ ] retained to represent you? \_\_\_\_\_

**25.** Did you discuss and review all of these questions with your attorney? \_\_\_\_\_

**26.** Do you have any questions you wish to ask the court? \_\_\_\_\_

**27.** Did you understand all of these questions and did you answer all of these questions truthfully? \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Signature of Defendant's Attorney