

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF BANNOCK**

STATE OF IDAHO vs. _____

1. Name: _____ **Age:** _____
Address: _____ **DOB:** ____/____/____
Married: YES NO **Children:** _____

2. What schooling have you completed? _____
High School Diploma, GED or HSE? _____

3. Do you read and understand the English Language? YES NO

4. Have you ever been treated or counseled for mental illness, disease or disorder?
YES NO
If yes, please explain _____
Are you at this time receiving treatment for the same? _____
When were you last treated or counseled? _____

5. Are you presently addicted to the use of alcohol or drugs? YES NO

6. Have you taken any alcohol, drug or medication within the last 48 hours? YES NO

If your answer is yes, indicate the last time you took such alcohol, drugs or medication, and what it was. _____

If your answer is yes, are you unable, as a result of such alcohol, drugs or medication, to understand these questions, or to understand the information given to you by your attorney or by the Court? YES NO

I hereby certify truly, under penalty of perjury, that I have answered the foregoing questions truthfully and correctly to the best of my knowledge.

Dated _____

Signature _____

7. Have you been represented by an attorney at all stages of these proceedings? YES NO
- What is your attorney's name? _____
 - Have you had enough time to discuss all of the ramifications of this case with your attorney? YES NO
 - Have you fully discussed all facts and circumstances surrounding the charges against you with your attorney? YES NO
 - Has your attorney discussed fully with you the nature of the charges against you, your involvement with the crime, your arrest, the elements of the crime which you committed, any defenses (legal or otherwise) you may have to the charges, and possible consequences of your guilty plea? YES NO
 - Has your attorney discussed your Constitutional and Civil rights with you? YES NO
 - Are you satisfied with your attorney's services? YES NO
 - In your opinion, have you been adequately and competently represented by your attorney? YES NO

8. Do you claim any violation of your Constitutional or Civil rights? YES NO

9. What crime(s) are you accused of committing? _____

-
- Have you received and read the Prosecutor's Information charging you with such crimes? YES NO
 - Do you understand that each crime charged in the Information is a felony? YES NO
 - What is the maximum sentence that you may receive for each crime charged?

 - Do you realize that you may be imprisoned in the State Penitentiary? YES NO

I hereby certify truly, under penalty of perjury, that I have answered the foregoing questions truthfully and correctly to the best of my knowledge.

Dated _____ Signature _____

- Do you understand that your sentence may be imposed with no right to probation or parole?
YES NO
- Do you understand that if there is more than one crime charged, that the sentences may be consecutive? YES NO

10. Do you understand that you have the following Constitutional Rights, relating to the crime(s) charged against you?

- (a) to the presumption that you are innocent, until proven by the State beyond a reasonable doubt to be guilty? YES NO
- (b) to a speedy and public trial by jury? YES NO
- (c) to a jury trial where the State must convince all jurors of your guilt as to each element of the crime beyond a reasonable doubt? YES NO
- (d) to present evidence in your own behalf? YES NO
- (e) to the process of the Court to compel the attendance of witnesses to testify in your behalf? YES NO
- (f) to remain silent and not to make any statement to the Court or any person (including any law enforcement officer, policeman or other official) that will incriminate you, or in any way help to prove the charged crime(s) against you?
YES NO
- (g) to require that all persons who have accused you of a crime appear in Court and be questioned under oath? YES NO

11. Do you realize that if you enter a plea of guilty that you give up your above listed rights in Question 10, which are constitutional rights under the 4th, 5th, and 6th Amendments to the Constitution of the United States and similar rights under the Idaho Constitution?
YES NO

12. Has any person (including a law enforcement officer or policeman) threatened you or done anything to make you enter this plea against your will? YES NO

I hereby certify truly, under penalty of perjury, that I have answered the foregoing questions truthfully and correctly to the best of my knowledge.

Dated _____ Signature _____

13. Has any person promised you that you will receive any special sentence, reward, favorable treatment, or leniency with regard to the plea you are about to enter? YES NO

If your answer is yes, what promises have been made and by whom? _____

14. Do you understand that the only person who can promise what sentence you actually receive is the Judge? YES NO

15. Do you understand that the Judge is not required to follow the sentence recommended by either your attorney or the prosecutor? YES NO

16. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a persistent violator?

YES NO

Do you understand that if you are convicted as a persistent violator, the court in that new case could sentence you to an enhanced sentence which could be life imprisonment?

YES NO

17. Are you a citizen of the United States of America? YES NO

- If you answered no to the above question, do you understand that a consequence of your plea(s) of Guilty in this case is your deportation and exclusion from the United States?

YES NO

- Do you understand that if you are deported or excluded from the United States, and you chose to reenter the United States, you could be charged with a new felony? YES

NO

- Do you understand that another consequence of your plea(s) of Guilty in this case is possible denial of naturalization to become a citizen of the United States? YES

NO

I hereby certify truly, under penalty of perjury, that I have answered the foregoing questions truthfully and correctly to the best of my knowledge.

Dated _____ Signature _____

- If you answered no to being a citizen of the United States, are you a lawful permanent resident of the United States? YES NO
 - If you answered yes to the previous “permanent resident” question, do you understand that your plea(s) of Guilty in this case may result in the loss of your status as a lawful permanent resident of the United States? YES NO
18. Are you a resident of Bannock County, Power County, Caribou County, Oneida County, Bear Lake County or Franklin County? YES NO
19. By pleading guilty to a felony, as a citizen of the United States, do you understand each of the following happens:
- (a) You lose your right to be on a jury? YES NO
 - (b) You lose your right to possess or purchase a firearm? YES NO
 - (c) If you possess a firearm after being convicted of a felony, you may be charged with a new felony? YES NO
 - (d) You lose your right to vote in local, state, and federal elections? YES NO
 - (e) You lose the right to hold public office? YES NO
20. Do you admit the truth of the charge(s) against you as stated in the Prosecuting Attorney’s Information? YES NO
21. Do you disagree with any statement in the Prosecuting Attorney’s Information? YES NO
22. Is this a *North Carolina v. Alford* Guilty Plea? YES NO
23. Do you admit that you are guilty of the acts and conduct charged in the Information? YES NO
24. Have you therefore instructed your attorney not to raise any defense(s) as to your involvement in or whether you committed this crime(s)? YES NO

I hereby certify truly, under penalty of perjury, that I have answered the foregoing questions truthfully and correctly to the best of my knowledge.

Dated _____ Signature _____

25. Have you answered all questions on this Questionnaire truthfully and of your own free will?
YES NO
26. Is it still your desire to enter a guilty plea at this time? YES NO
27. Do you swear under penalty of perjury that your answers to these questions are true and correct? YES NO
28. Are you pleading GUILTY to the crime(s) freely and voluntarily?
YES NO
29. Do you wish to participate in the Bannock County Felony Drug or DUI Court Program, and abide by all the terms and conditions of the program as outlined in the Participant Agreement and Drug/DUI Court Program handbook? YES NO
Have you executed the Participant Agreement? YES NO
30. Have you discussed this decision with your attorney? YES NO
Do you understand the consequences of entering into the program? YES NO
Do you freely, and voluntarily agree to such consequences? YES NO
31. Have you resolved all outstanding charges or pending charges? YES NO
Are you on felony/misdemeanor/juvenile probation? YES NO
32. Do you understand that participation in this program is voluntary, and that the sentence for the guilty plea you have here entered will be deferred while you participate in the Drug/DUI Court Program? YES NO
Do you understand that if you successfully complete the Drug/DUI Court Program, that you will be allowed to withdraw your guilty plea, and will not have a conviction entered on your record? YES NO
33. Do you agree to waive your right to appoint your own lawyer while in the Drug/DUI Court Program? YES NO

I hereby certify truly, under penalty of perjury, that I have answered the foregoing questions truthfully and correctly to the best of my knowledge.

Dated _____

Signature _____

Do you consent to have the Public Defender's Office represent you during the time in which you participate in the Drug/DUI Court Program? YES NO

Do you understand that if you fail to successfully complete the Drug/DUI Court Program for any reason, you will at that time, again, have a right to have your appointed lawyer represent you and be sentenced for the guilty plea you have just entered? YES NO

34. Have you consented to the disclosure of your confidential substance abuse treatment information by completing the consent form? YES NO

35. Do you understand that if time in the Bannock County Jail is used as a sanction against you while in the Drug/DUI Court Program, none of such time can be used as a credit against the jail/penitentiary time you receive as a sentence for your conviction?
YES NO

Do you understand that the Department of Probation and Parole and or Misdemeanor Probation department may have discretionary jail time which may be imposed as a sanction during the course of the Drug/DUI Court Program YES NO

36. Do you understand that you are waiving any and all rights to appeal your dismissal from the Drug/DUI Court Program and/or any sanctions imposed during the program?
YES NO

(a) Notice of the charges/violations? YES NO

(b) Disclosure of adverse evidence? YES NO

(c) Opportunity to be heard and present evidence? YES NO

(d) Opportunity to confront and cross-examine witnesses? YES NO

(e) Neutral and detached tribunal? YES NO

(f) Written statement of the reasons for revocation and the evidence relied on?
YES NO

I hereby certify truly, under penalty of perjury, that I have answered the foregoing questions truthfully and correctly to the best of my knowledge.

Dated _____ Signature _____

37. Do you realize that if you enter a plea of guilty that you give up your above listed rights in Question #36, which are constitutional rights under the 5th and 14th Amendments to the Constitution of the United States and similar rights under the Idaho Constitution?
YES NO

38. Do you understand and consent to the Court being the sole authority for determining such dismissal and sanctions? YES NO

I hereby certify truly, under penalty of perjury, that I have answered the questions on pages 1, 2, 3, 4, 5, 6, 7, and 8 of this Questionnaire truthfully, understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this Questionnaire freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this _____ day of _____, 20__.

Defendant

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.

Dated this _____ day of _____, 20__.

Defendant's Attorney