

Montgomery County Common Pleas Court
General Division
41 N. Perry St. P.O. Box 972
Dayton, OH 45422

**ENTRY OF WAIVERS AND PLEA(S) ON
INDICTMENT/INFORMATION
ENTRY AND ORDER**

FOR COURT USE ONLY

STATE OF OHIO
PLAINTIFF
V

CASE NUMBER(S)

DEFENDANT

JUDGE

WAIVERS AND PLEA(S)

The Court informed me and I understand that by pleading **GUILTY** **NO CONTEST** I am waiving (giving up) my rights to a jury trial; to confront witnesses against me; to have compulsory process for obtaining witnesses in my favor; and to require the State to prove my guilt beyond a reasonable doubt at a trial at which I cannot be compelled to testify against myself

I voluntarily give up those rights, withdraw my former plea(s) of not guilty and plead **GUILTY** **NO CONTEST** to the charge(s) that I committed the offense(s) and specification(s) of:

I understand the nature of the(se) charge(s).

The Court also informed me and I understand the effect of my plea(s) and that the Court, upon acceptance of my plea(s), may proceed with judgment and sentence. For the offense(s) and specification(s) to which I am pleading, the Court can sentence me to

Financial sanctions, including a fine up to \$ _____, a mandatory fine up to \$ _____ court costs, restitution, and other financial sanctions; and

Prison term(s), of _____ (plus _____ years); plus
The prison term(s) for _____ is/are mandatory and cannot be reduced by judicial release, earned credit, or furlough; plus

Mandatory, consecutive prison term(s) of _____ for firearm specification(s) to be served first; plus

Mandatory/ **Non-Mandatory Post-release control** for a period of _____ (3 or 5) years and **prison term(s)** up to the period of post-release control or one-half the total term(s) originally imposed, whichever is greater, for violations of post-release control.

I AM/ **I AM NOT eligible to be sentenced to community control sanctions**, for a period up to 5 years, which may include
Community residential sanctions (including up to 6 months incarceration), and
Nonresidential sanctions.

I understand that for violations of community control sanctions, I can be required to serve a prison term of up to _____; and

Permanent revocation or suspension of my Driver's License for not less than _____ and not more than _____; and

Other sanctions:

My plea(s) is/are voluntary. No coercion, force or threats have been used to induce my plea(s). No promises were made to me to induce my plea(s). This plea was a negotiated plea and the entire underlying agreement upon which the plea is based has been stated on the record in open Court.

I acknowledge that **I AM**/ **I AM NOT** a citizen of the United States

ATTORNEY FOR DEFENDANT
Supreme Court No. _____

DEFENDANT

ENTRY AND ORDER

The above-named Defendant appeared with counsel in open Court this _____ day of _____, 20____ whereupon the Court addressed the Defendant personally and informed and explained to said Defendant the contents of the above Entry of Waivers and Plea(s) on **INDICTMENT**/ **INFORMATION**, which the Defendant signed.

The Court FINDS that the Defendant understood the waivers of constitutional rights and what those rights are; the effect of his/her plea; the nature of the charge(s); the maximum penalty involved and, if applicable, his/her eligibility for probation or community control sanctions; and that the Court may proceed with judgment and sentence.

The Court further FINDS that the Defendant understood any plea negotiations concluded between Defendant's attorney and the Assistant Prosecuting Attorney and that the underlying agreement upon which the plea(s) is/are based was stated on the record in open Court. The Defendant then entered his/her plea of **GUILTY**/ **NO CONTEST**, both orally and in writing in open Court, to the offense(s) and specification(s) set forth in the written plea(s).

The Court further FINDS that the Defendant is making the(se) plea(s) voluntarily. Upon evidence presented and representations made and accepted, the Court further FINDS that there is a factual basis to support the charge(s) and said plea(s).

Accordingly, the Court hereby **ACCEPTS** the Defendant's plea(s) and FINDS the Defendant guilty of the offense(s) and specification(s) to which said plea(s) was/were entered.

In accord with the underlying agreement upon which the(se) negotiated plea(s) was/were based, which agreement this Court approves and accepts, the following Count(s) and Specification(s) is/are hereby **DISMISSED**.

It is hereby ORDERED that this Defendant's Entry of Waivers and Plea(s) be filed and journalized in the Office of the Clerk of Courts.

This Court refers the Defendant to Court Services for a pre-sentence investigation and report and sets the _____ day of _____, 20____ at _____ .m. for sentencing hearing in this matter.

ASSISTANT PROSECUTING ATTORNEY

Supreme Court No. _____

JUDGE