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[Questions and/or comments may be directed to 609-292-4638.]

Directive # 05-11

Supplements Directive #14-08 and #08-09

TO: ASSIGNMENT JUDGES

FROM: GLENN A. GRANT, J.A.D.

SUBJ: CRIMINAL PLEA FORM -- QUESTION REGARDING THE IMMIGRATION CONSEQUENCES OF A GUILTY PLEA

DATE: AUGUST 1, 2011

Directive #14-08 reissued a number of plea forms, including the Main Plea Form (referred to in that Directive as the "Four-Page Plea Form"). Directive #08-09 supplemented Directive #14-08 by inter alia promulgating a revised Main Plea Form. Those 2009 revisions to the Main Plea Form, in particular to Question 17 on that plea form, were in response to the Court's instructions in State v. Nuñez-Valdēz, 200 N.J. 129, 144 (2009), (a) "that the plea form should inform a non-citizen defendant that 'if your plea of guilty is to a crime considered an aggravated felony under federal law you will be subject to deportation/removal,'" and (b) "that the form should instruct defendants of their right to seek legal advice regarding their immigration status."

This Directive promulgates further revisions to Question 17 of the Main Plea Form. The Supreme Court adopted these further revisions at its July 12, 2011 Administrative Conference in response to recommendations from the Criminal Practice Committee in its "Report on Revisions to the Plea Form to Address Immigration Consequences of a Guilty Plea," which the Committee had submitted to the Court as part of its 2009-2011 rules cycle report. The attached five-page Main Plea Form as thus revised supersedes the four-page version appended to Directive #08-09 and should be used effective immediately.

Question #17 is designed to ensure that defendants understand that they have an opportunity to seek consultation with an attorney about the immigration consequences of a plea, should they choose to do so. However, there is no obligation to provide defendant with separate counsel for this purpose. Judges should be guided accordingly when addressing these matters.

As noted, the attached revised Main Plea Form is effective immediately. There are a number of cases pending in the Supreme Court that might further address the immigration consequences of a guilty plea. If additional revisions to the plea form are necessary as a result of any of these cases, a further revised plea form will be promulgated by a subsequent directive.

The Court also has added Question 5i to the Main Plea Form so as to include reference to the Computer Crime Prevention Fund Penalty, N.J.S.A. 2C:43-3.8. The Criminal Practice Committee had recommended this revision in its 2009-2011 Report.

Both English and English-Spanish version of the revised Main Plea Form promulgated by this Directive are attached. Any questions or comments regarding this Directive or the revised Main Plea Form may be directed to Joseph J. Barraco, Assistant Director for Criminal Practice at 609-292-4638.

G.A.G.

/mp
Attachment (Plea Form)

cc: Chief Justice Stuart Rabner
Attorney General Paula T. Dow
Public Defender Joseph Krakora
Criminal Division Judges
Family Division Judges
Municipal Court Judges
Stephen J. Taylor, Director, DCJ
County Prosecutors
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Trial Court Administrators
Criminal Division Managers
Family Division Managers
Municipal Division Managers
Assistant Criminal Division Managers
Municipal Court Administrators and Directors
Gurpreet M. Singh, Special Assistant
Joanne M. Dietrich, Chief, Family Practice
Carol A. Welsch, Acting Chief, Mun. Ct.
Melaney S. Payne, Criminal Practice

ATTACHMENT 1

FIVE-PAGE PLEA FORM

ENGLISH AND ENGLISH-SPANISH VERSIONS

New Jersey Judiciary
Plea Form

County _____

Prosecutor File Number _____

Defendant's Name:

before Judge:

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum	Time	Fine	VCCO Assmt*
				Max			
				Max			
				Max			
				Max			
				Max			
Your total exposure as the result of this plea is:				**Total**			

		Please Circle Appropriate Answer
2.	**a.** Did you commit the offense(s) to which you are pleading guilty?	[Yes] [No]
	b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)?	[Yes] [No]
3.	Do you understand what the charges mean?	[Yes] [No]
4.	Do you understand that by pleading guilty you are giving up certain rights? Among them are:	
	a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt?	[Yes] [No]
	b. The right to remain silent?	[Yes] [No]
	c. The right to confront the witnesses against you?	[Yes] [No]
	d. Do you understand that by pleading **you are not waiving** your right to appeal (1) the denial of a motion to suppress physical evidence (*R.* 3:5-7(d)) or (2) the denial of acceptance into a pretrial intervention program (PTI) (*R.* 3:28(g))?	[Yes] [No]
	e. Do you further understand that by pleading guilty **you are waiving** your right to appeal the denial of all other pretrial motions except the following: _____ _____ _____	[Yes] [No]

* Victims of Crime Compensation Office Assessment

5. Do you understand that if you plead guilty:

a. You will have a criminal record? [Yes] [No]

b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crime Compensation Agency Assessment? [Yes] [No]

c. You must pay a minimum Victims of Crime Compensation Agency assessment of $50 ($100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is $30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. $25 if offense occurred before January 1, 1986.) [Yes] [No]

d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to $1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to $2.00 for each occasion when a payment or installment payment is made? [Yes] [No]

e. If the offense occurred on or after August 2, 1993 you must pay a $75 Safe Neighborhood Services Fund assessment for each conviction? [Yes] [No]

f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to $25 per month for the term of probation? [Yes] [No]

g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of $30? [Yes] [No]

h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? [Yes] [No]

i. Computer Crime Prevention Fund Penalty, N.J.S.A. 2C:43-3.8 (L. 2009, c. 143). If the crime involves a violation of N.J.S.A. 2C:24-4b(5)(b) (knowingly possessing or knowingly viewing child pornography, N.J.S.A. 2C:34-3 (selling, distributing or exhibiting obscene material to a person under age 18) or an offense involving computer criminal activity in violation of any provision of Title 2C, chapter 20, you will be assessed a mandatory penalty as listed below for each offense for which you pled guilty? [Yes] [No]

(1) $2,000 in the case of a 1st degree crime
(2) $1,000 in the case of a 2nd degree crime
(3) $ 750 in the case of a 3rd degree crime
(4) $ 500 in the case of a 4th degree crime
(5) $ 250 in the case of a disorderly persons or petty disorderly persons offense

Total CCPF Penalty $ _____

6. Do you understand that **the court could**, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentenced imposed? [Yes] [No]

7. Did you enter a plea of guilty to any charges **that require** a mandatory period of parole ineligibility or a mandatory extended term? [Yes] [No]
   a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is _____ years and _____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be _____ years and _____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.

   b. If you are pleading guilty to such a charge, the minimum mandatory extended term is _____ years and _____ months (fill in the number of years/months) and the maximum mandatory extended term can be _____ years and _____ months (fill in the number of years/months).

8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? [Yes] [No]

9. Are you presently on probation or parole? [Yes] [No]
   a. Do you realize that a guilty plea may result in a violation of your probation or parole? [Yes] [No] [NA]

10. Are you presently serving a custodial sentence on another charge? [Yes] [No]
    a. Do you understand that a guilty plea may affect your parole eligibility? [Yes] [No] [NA]

11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? [Yes] [No] [NA]

12. List any charges the prosecutor has agreed to recommend for dismissal:

Ind./Acc./Compl.#	Count	Nature of Offense and Degree

13. Specify any sentence the prosecutor has agreed to recommend:

_____
_____
_____
_____
_____

14. Has the prosecutor promised that he or she will **NOT**:

a. Speak at sentencing? [Yes] [No]

b. Seek an extended term of confinement? [Yes] [No]

c. Seek a stipulation of parole ineligibility? [Yes] [No]

15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution? [Yes] [No] [NA]

16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty? [Yes] [No] [NA]

17. a. Are you a citizen of the United States? [Yes] [No]

If you have answered "No" to this question, you must answer Questions 17b – 17f. If you have answered "Yes" to this question, proceed to Question 18

b. Do you understand that if you are not a citizen of the United States, this guilty plea may result in your removal from the United States and/or stop you from being able to legally enter or re-enter the United States? [Yes] [No]

c. Do you understand that you have the right to seek individualized advice from an attorney about the effect your guilty plea will have on your immigration status? [Yes] [No]

d. Have you discussed with an attorney the potential immigration consequences of your plea? If the answer is "No," proceed to question 17e. If the answer is "Yes," proceed to question 17f. [Yes] [No]

e. Would you like the opportunity to do so? [Yes] [No]

f. Having been advised of the possible immigration consequences and of your right to seek individualized legal advice on your immigration consequences, do you still wish to plead guilty? [Yes] [No]

18. a. Do you understand that pursuant to the rules of the Interstate Compact for Adult Offender Supervision if you are residing outside the State of New Jersey at the time of sentencing that return to your residence may be delayed pending acceptance of the transfer of your supervision by your state of residence? [Yes] [No]

b. Do you also understand that pursuant to the same Interstate Compact transfer of your supervision to another state may be denied or restricted by that state at any time after sentencing if that state determines you are required to register as a sex offender in that state or if New Jersey has required you to register as a sex offender? [Yes] [No]

19. Have you discussed with your attorney the legal doctrine of merger? [Yes] [No] [NA]

20. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence? [Yes] [No] [NA]

21. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:

_____

_____

_____

_____

_____

_____

22. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty? [Yes] [No]

23. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? [Yes] [No]

b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea? [Yes] [No]

c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? [Yes] [No]

24. Are you satisfied with the advice you have received from your lawyer? [Yes] [No]

25. Do you have any questions concerning this plea? [Yes] [No]

Date _____ Defendant _____

Defense Attorney _____

Prosecutor _____

[ ] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

Poder Judicial de Nueva Jersey
New Jersey Judiciary

Formulario de Declaración
Plea Form

Condado _____
County

Número de archivo del fiscal _____
Prosecutor File Number

Nombre del acusado _____
Defendant's Name:

ante el Juez _____
before Judge:

1. Enumere los cargos de que usted se declara culpable:
List the charges to which you are pleading guilty:

No. de Ac. Formal / Ac./Denun. Ind./Acc./Comp.#	Cargo Count	Naturaleza de la infracción Nature of Offense	Grado Degree	**Máximo estatutario / Statutory Maximum**	Tiempo Time	Multa Fine	Multa de la VCCO* VCCO Assmt*
				Máx/Max			
				Máx/Max			
				Máx/Max			
				Máx/Max			
				Máx/Max			
Su exposición total como resultado de esta declaración es: ....**Total/Total**							

Your total exposure as the result of this plea is:

Sírvase marcar la respuesta apropiada con un círculo / Please Circle Appropriate Answer

2. a. ¿Cometió usted la infracción (las infracciones) de que se declara culpable? [Sí/Yes] [No/No]
Did you commit the offense(s) to which you are pleading guilty?

b. ¿Entiende que antes de que el juez lo pueda encontrar culpable, tendrá que decirle al juez qué es lo que usted hizo que lo hace culpable de la infracción particular (de las infracciones particulares)? [Sí/Yes] [No/No]
Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)?

3. ¿Entiende lo que significan los cargos? [Sí/Yes] [No/No]
Do you understand what the charges mean?

4. ¿Entiende que al declararse culpable, usted renuncia a ciertos derechos? Entre ellos están:
Do you understand that by pleading guilty you are giving up certain rights? Among them are:

a. El derecho a un juicio con jurado en que el Estado tiene que probar su culpabilidad fuera de duda razonable? [Sí/Yes] [No/No]
The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt?

b. El derecho a guardar silencio? [Sí/Yes] [No/No]
The right to remain silent?

c. El derecho a carearse con los testigos en su contra? [Sí/Yes] [No/No]
The right to confront the witnesses against you?

* Multa de la Oficina de Compensación a Víctimas de Delitos / Victims of Crime Compensation Office Assessment

Iniciales del acusado / Defendant's Initials _____

4. d. ¿Entiende que al declararse culpable **usted no renuncia** a su derecho a apelar (1) la denegación de un pedimento para excluir pruebas físicas (*R.* 3:5-7(d)) o (2) la denegación de admisión a un programa de intervención antes del juicio (PTI) (*R.* 3:28(g))? [Sí/Yes] [No/No]

Do you understand that by pleading **you are not waiving** your right to appeal (1) the denial of a motion to suppress physical evidence (*R.* 3:5-7(d)) or (2) the denial of acceptance into a pretrial intervention program (PTI) (*R.* 3:28(g))?

e. ¿Entiende además que al declararse culpable **usted renuncia a** su derecho a apelar la denegación de todos los demás pedimentos previos al juicio excepto los siguientes: [Sí/Yes] [No/No]

Do you further understand that by pleading guilty **you are waiving** your right to appeal the denial of all other pretrial motions except the following:

_____

_____

_____

5. ¿Entiende que si usted se declara culpable:

Do you understand that if you plead guilty:

a. Tendrá antecedentes penales? [Sí/Yes] [No/No]

You will have a criminal record?

b. A menos que el convenio declaratorio estipule otra cosa, se le podría sentenciar a cumplir el tiempo máximo de reclusión, a pagar la multa máxima y a pagar la multa máxima de la Oficina de Compensación a Víctimas de Delitos? [Sí/Yes] [No/No]

Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crime Compensation Office Assessment?

c. Tendrá que pagar una multa mínima de la Oficina de Compensación a Víctimas de Delitos de $50 dólares (un mínimo de $100 dólares si se le condena por un delito violento) por cada cargo de que usted se declara culpable? (La multa es $30 dólares si la infracción ocurrió entre el 9 de enero de 1986 y el 22 de diciembre de 1991; $25 dólares si la infracción ocurrió antes del primero de enero de 1986.) [Sí/Yes] [No/No]

You must pay a minimum Victims of Crime Compensation Office Assessment of $50 ($100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is $30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. $25 if offense occurred before January 1, 1986.)

d. Si la infracción ocurrió el primero de febrero de 1993 o después de dicha fecha pero antes del 13 de marzo de 1995 y se le sentencia a libertad a prueba o a un instituto correccional del estado, usted tendrá que pagar un gasto de transacción de hasta $1.00 dólar en cada ocasión en que se haga un pago o en que se abone una cuota? Si la infracción ocurrió el 13 de marzo de 1995 o después de dicha fecha, y se le sentencia a libertad a prueba, o si la sentencia por otro motivo requiere pagos de obligaciones económicas a la división de libertad a prueba, usted tendrá que pagar un gasto de transacción de hasta $2.00 dólares en cada ocasión en que se haga un pago o se abone una cuota? [Sí/Yes] [No/No]

If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to $1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to $2.00 for each occasion when a payment or installment payment is made?

5. **e.** Si la infracción ocurrió el 2 de agosto de 1993 o después de dicha fecha, usted tendrá que pagar una multa de $75 dólares al Fondo de Servicios de Vecindarios Seguros por cada condena? [Sí/Yes] [No/No]

If the offense occurred on or after August 2, 1993 you must pay a $75 Safe Neighborhood Services Fund assessment for each conviction?

f. Si la infracción ocurrió el 5 de enero de 1994 o después de dicha fecha y se le sentencia a libertad a prueba, usted tendrá que pagar un cargo de un máximo de $25 dólares por mes durante el término de la libertad a prueba? [Sí/Yes] [No/No]

If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to $25 per month for the term of probation?

g. Si el delito ocurrió el 9 de enero de 1997 o después de dicha fecha, usted tendrá que pagar una multa de $30 dólares al Fondo de Capacitación y Equipo de Oficiales del Orden Público? [Sí/Yes] [No/No]

If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of $30?

h. Se requerirá que usted suministre y pague el costo del análisis de una muestra de su ADN que podría ser usada por las autoridades del orden público en la investigación de actividades delictuosas? [Sí/Yes] [No/No]

You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing?

i. Multa del Fondo de Prevención de Delitos con una Computadora (Computer Crime Prevention Fund Penalty (CCPF)), N.J.S.A. 2C:43-3.8 (L. 2009, c. 143). Si el delito tiene que ver con una infracción de N.J.S.A. 2C:24-4b(5)(b) (poseer pornografía de niños intencionalmente o mirarla intencionalmente,) N.J.S.A. 2C:34-3 (la venta, distribución o presentación de material obsceno a una persona menor de los 18 años) o una infracción que tiene que ver con alguna actividad delictivo en la computadora que infringe cualquier disposición del Título 2C, capítulo 20, se le fijará una multa obligatoria de acuerdo con la lista que sigue a continuación para cada infracción de la cual se haya declarado culpable? [Sí/Yes] [No/No]

(1) $2,000 en el caso de un delito de primer grado
(2) $1,000 en el caso de un delito de segundo grado
(3) $750 en el caso de un delito de tercer grado
(4) $500 en el caso de un delito de cuarto grado
(5) $250 en el caso de un delito contra la moral pública o una infracción menor contra la moral pública

Multa total del CCPF $ _____

Computer Crime Prevention Fund Penalty (CCPF), N.J.S.A. 2C:43-3.8 (L. 2009, c. 143). If the crime involves a violation of N.J.S.A. 2C:24-4b(5)(b) (knowingly possessing or knowingly viewing child pornography), N.J.S.A. 2C:34-3 (selling, distributing or exhibiting obscene material to a person under age 18) or an offense involving computer criminal activity in violation of any provision of Title 2C, chapter 20, you will be assessed a mandatory penalty as listed below for each offense for which you pled guilty?

(1) $2,000 in the case of a 1st degree crime
(2) $1,000 in the case of a 2nd degree crime
(3) $ 750 in the case of a 3rd degree crime
(4) $ 500 in the case of a 4th degree crime
(5) $ 250 in the case of a disorderly persons or petty disorderly persons offense

Total CCPF Penalty $ _____

Iniciales del acusado / Defendant's Initials _____

6. ¿Entiende que a su discreción **el juez podría** imponerle un tiempo mínimo de reclusión que cumplir antes de que pueda aspirar a la libertad condicional, y que ese período podría ser tan largo como la mitad del período de la sentencia de privación de libertad que se le haya impuesto a usted? [Sí/Yes] [No/No]

Do you understand that **the court could**, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed?

7. ¿Presentó usted una declaración de culpabilidad a algún cargo **que requiera** un período obligatorio sin posibilidades de libertad condicional o un término obligatorio prolongado? [Sí/Yes] [No/No]

Did you enter a plea of guilty to any charges **that require** a mandatory period of parole ineligibility or a mandatory extended term?

a. Si usted se declara culpable de tal cargo, el período mínimo obligatorio sin posibilidades de libertad condicional es _____ años y _____ meses (llene la cantidad de años/meses) y el período máximo sin posibilidades de libertad condicional podrá ser de _____años y _____ meses (llene la cantidad de años/meses) y dicho período no se podrá reducir por créditos por buen comportamiento, trabajo o custodia mínima.

If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is _____ years and _____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be _____ years and _____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.

b. Si usted se declara culpable de tal cargo, el término obligatorio prolongado mínimo es _____ años y _____ meses (llene la cantidad de años/meses), y el término obligatorio prolongado máximo puede ser _____ años y _____ meses (llene la cantidad de años/meses).

If you are pleading guilty to such a charge, the minimum mandatory extended term is _____ years and _____ months (fill in the number of years/months) and the maximum mandatory extended term can be _____ years and _____ months (fill in the number of years/months).

8. ¿Se declara usted culpable de un delito que conlleva la presunción de encarcelamiento, lo cual quiere decir que es casi seguro que usted irá a una prisión del estado? [Sí/Yes] [No/No]

Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison?

9. ¿Actualmente se encuentra usted bajo libertad a prueba o libertad condicional? [Sí/Yes] [No/No]

Are you presently on probation or parole?

a. ¿Se da cuenta usted de que una declaración de culpabilidad podrá dar por resultado una infracción de su libertad a prueba o bajo palabra? [Sí/Yes] [No/No] [No aplica/ NA]

Do you realize that a guilty plea may result in a violation of your probation or parole?

10. ¿Actualmente está cumpliendo usted una sentencia privativa de libertad por otro cargo? [Sí/Yes] [No/No]

Are you presently serving a custodial sentence on another charge?

a. ¿Entiende usted que una declaración de culpabilidad podría afectar sus posibilidades de conseguir libertad condicional? [Sí/Yes] [No/No] [No aplica/ NA]

Do you understand that a guilty plea may affect your parole eligibility?

11. ¿Entiende usted que si se ha declarado culpable de otros cargos, o lo han encontrado culpable de otros cargos, o si actualmente está cumpliendo un término de privación de libertad y el convenio declaratorio no menciona el tema, el juez podrá requerir que las sentencias sean consecutivas? [Sí/Yes] [No/No] [No aplica/ NA]

Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively?

12. Enumere los cargos que el fiscal haya acordado recomendar que se desestimen:
List any charges the prosecutor has agreed to recommend for dismissal:

No. de Ac. Formal/Ac./Denun. Ind./Acc./Compl.#	Cargo Count	Naturaleza y grado de la infracción Nature of Offense and Degree

13. Especifique cualquier sentencia que el fiscal haya acordado recomendar:
Specify any sentence the prosecutor has agreed to recommend:

_____
_____
_____
_____
_____
_____

14. ¿Ha prometido el fiscal que él o ella **NO**:
Has the prosecutor promised that he or she will **NOT**:

a. Hablará cuando lo sentencien a usted? [Sí/Yes] [No/No]
Speak at sentencing?

b. Tratará de obtener un término prolongado de reclusión? [Sí/Yes] [No/No]
Seek an extended term of confinement?

c. Tratará de obtener la estipulación de que usted no podrá conseguir la libertad condicional? [Sí/Yes] [No/No]
Seek a stipulation of parole ineligibility?

15. ¿Sabe usted que tendrá que pagar una restitución si el juez determina que existe una víctima que ha sufrido una pérdida y si el juez determina que usted puede o en el futuro podrá pagar una restitución? [Sí/Yes] [No/No] [No aplica/NA]
Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution?

16. ¿Entiende usted que si ocupa un cargo público o si es empleado público, se podrá requerir que renuncie a su cargo o empleo en virtud de su declaración de culpabilidad? [Sí/Yes] [No/No] [No aplica/NA]
Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty?

17. a. ¿Es usted ciudadano de los Estados Unidos? [Sí/Yes] [No/No]
Are you a citizen of the United States?

Si ha contestado que "no" a esta pregunta, debe contestar las Preguntas 17b a 17F. Si ha contestado que "sí" a esta pregunta, siga a la pregunta 18.
If you have answered "No" to this question, you must answer Questions 17b – 17f. If you have answered "Yes" to this question, proceed to Question 18

Iniciales del acusado / Defendant's Initials _____

17. b. ¿Entiende que si usted no es ciudadano de los Estados Unidos, esta declaración de culpabilidad puede resultar en su expulsión de los Estados Unidos o impedir que pueda entrar o volver a entrar legalmente en los Estados Unidos? [Sí/Yes] [No/No]

Do you understand that if you are not a citizen of the United States, this guilty plea may result in your removal from the United States and/or stop you from being able to legally enter or re-enter the United States?

c. ¿Entiende que usted tiene el derecho de buscar consejos individualizados de un abogado sobre el efecto que tendrá su declaración de culpabilidad sobre su situación como inmigrante? [Sí/Yes] [No/No]

Do you understand that you have the right to seek individualized advice from an attorney about the effect your guilty plea will have on your immigration status?

d. ¿Ha hablado con un abogado sobre las posibles consecuencias de inmigración como resultado de su declaración? Si su respuesta es "No," siga a la pregunta 17e. Si la respuesta es "Sí," siga a la pregunta 17f. [Sí/Yes] [No/No]

Have you discussed with an attorney the potential immigration consequences of your plea? If the answer is "No," proceed to question 17e. If the answer is "Yes," proceed to question 17f.

e. ¿Le gustaría tener la oportunidad de hacerlo? [Sí/Yes] [No/No]

Would you like the opportunity to do so?

f. Después de haber sido informado de las posibles consecuencias de inmigración y de su derecho a tratar de obtener consejos legales individualizados con respecto a sus consecuencias de inmigración ¿todavía quiere declararse culpable? [Sí/Yes] [No/No]

Having been advised of the possible immigration consequences and of your right to seek individualized legal advice on your immigration consequences, do you still wish to plead guilty?

18. a. ¿Entiende que, conforme a las reglas del Acuerdo Interestatal de Supervisión de Infractores Adultos, si usted reside fuera del estado de Nueva Jersey en el momento de ser sentenciado, su regreso a su residencia podría demorarse hasta que su estado de residencia acepte la transferencia de su supervisión? [Sí/Yes] [No/No]

Do you understand that pursuant to the rules of the Interstate Compact for Adult Offender Supervision if you are residing outside the State of New Jersey at the time of sentencing that return to your residence may be delayed pending acceptance of the transfer of your supervision by your state of residence?

b. ¿Entiende también que, conforme al mismo Acuerdo Interestatal, un estado puede denegar o restringir la transferencia de su supervisión a ese estado en cualquier momento después de que haya sido sentenciado si ese estado determina que se requiere que usted se registre como delincuente sexual en ese estado o si Nueva Jersey ha requerido que se registre como delincuente sexual? [Sí/Yes] [No/No]

Do you also understand that pursuant to the same Interstate Compact transfer of your supervision to another state may be denied or restricted by that state at any time after sentencing if that state determines you are required to register as a sex offender in that state or if New Jersey has required you to register as a sex offender?

19. ¿Ha hablado usted con su abogado sobre la doctrina legal de fusión? [Sí/Yes] [No/No] [No aplica/NA]

Have you discussed with your attorney the legal doctrine of merger?

20. ¿Renuncia usted al derecho que tiene cuando lo sentencien de argüir que hay cargos de que se declaró culpable para los cuales no se le puede imponer una sentencia aparte? [Sí/Yes] [No/No] [No aplica/NA]

Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence?

21. Enumere cualquier otra promesa o representación que haya hecho usted, el fiscal, su abogado defensor, o cualquier otra persona como parte de esta declaración de culpabilidad:

List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:

_____

_____

_____

_____

_____

_____

22. ¿Se le ha hecho alguna otra promesa además de las que se mencionan en este formulario, o alguna amenaza, para conseguir que usted se declare culpable? [Sí/Yes] [No/No]

Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty?

23. a. ¿Entiende usted que el juez no se encuentra obligado por ninguna promesa o recomendación del fiscal y que el juez tiene el derecho de rechazar la declaración antes de sentenciarlo a usted y el derecho de imponerle una sentencia mayor? [Sí/Yes] [No/No]

Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence?

b. ¿Entiende usted que si el juez decide imponerle una sentencia mayor que la que recomienda el fiscal, usted podrá retractar su declaración? [Sí/Yes] [No/No]

Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea?

c. ¿Entiende que si se permite que usted retracte su declaración de culpabilidad debido a la sentencia del juez, cualquier cosa que usted diga para apoyar la declaración de culpabilidad no se podrá usar en su contra en un juicio? [Sí/Yes] [No/No]

Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial?

24. ¿Está usted conforme con los consejos que ha recibido de su abogado? [Sí/Yes] [No/No]

Are you satisfied with the advice you have received from your lawyer?

25. ¿Tiene usted alguna pregunta con respecto a esta declaración? [Sí/Yes] [No/No]

Do you have any questions concerning this plea?

Fecha: _____ Acusado _____
Date Defendant

Abogado defensor _____
Defense Attorney

Fiscal _____
Prosecutor

[ ] Esta declaración es el resultado de las indicaciones condicionales del juez en cuanto a la sentencia máxima que él o ella impondría sin consideración de la recomendación del fiscal. Por consiguiente, se ha completado el "Formulario Suplementario para Declaraciones No Negociadas".

This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.