



TO:

Rule 28 Distribution

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**ATTACHMENT\***

**Arizona Rules of Criminal Procedure**

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**Rule 41. Forms**

The forms contained in the following Appendix are recommended for use in Arizona courts and are sufficient to meet the requirements of these rules. All forms shall comply with the formatting requirements of Rule 10, Rules of Civil Procedure.

\* \* \* \*

**Form 18(a). Felony Plea Agreement -- Non-Capital**

\_\_\_\_\_ **COURT** \_\_\_\_\_ **County, Arizona**

STATE OF ARIZONA Plaintiff

[CASE/COMPLAINT NO.]

-vs-

Defendant (FIRST, MI, LAST)

**FELONY  
PLEA  
AGREEMENT  
(Non-Capital)**

The defendant agrees to plead guilty / no contest to \_\_\_\_\_ committed on or about \_\_\_\_\_.

This crime is a [ ] dangerous [ ] non-dangerous, [ ] repetitive [ ] non-repetitive offense under the criminal code.

Terms: On the following understandings, terms and conditions:

- \_\_\_1. The crime carries a presumptive sentence of \_\_\_ years; a minimum sentence of \_\_\_ years; and a maximum sentence of \_\_\_ years. Probation is / is not available. A maximum amount of restitution for economic loss to the victim not to exceed the amount specified in paragraph 2 and waiver of extradition for probation revocation procedures may be required. The maximum fine that can be imposed is \$150,000

\* \_\_\_\_\_  
Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

plus a surcharge of \_\_\_ + \_\_\_. Special conditions regarding the sentence imposed by statute (if any) are:

None

If sentenced to a term of imprisonment, the defendant shall also be sentenced to a term of community supervision equal to one-seventh of the prison sentence to be served consecutively to the actual period of imprisonment. If the defendant fails to abide by the conditions of community supervision, the defendant can be required to serve the remaining term of community supervision in prison.

Other: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_ 2. The parties stipulate to the following additional terms, subject to court approval at sentencing as set forth in paragraph 7: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_ 3. The following charges are dismissed, or if not yet filed, shall not be brought against the defendant. \_\_\_\_\_  
\_\_\_\_\_

\_\_\_ 4. This agreement serves to amend the complaint, indictment, or information to charge the offense to which the defendant pleads, without the filing of any additional pleading. However, if the plea is rejected by the court or withdrawn by either party, or if the conviction is subsequently reversed, the original charges and any charges that are dismissed by reason of this plea agreement are automatically reinstated.

\_\_\_ 6. Unless this plea is rejected by the court or withdrawn by either party, the defendant hereby gives up any and all motions, defenses, objections or requests which he or she has made or raised, or could assert hereafter, to the court's entry of judgment against him or her and imposition of a sentence upon him or her consistent with this agreement. The defendant acknowledges by entering this agreement that he or she will have no right to direct appeal (ARS 13-4033) and that the only available review is pursuant to Rule 32, Rules of Criminal Procedure.

\_\_\_ 7. If after accepting this plea agreement the court concludes that any of its provisions regarding the sentence or the terms and conditions of probation are inappropriate, it can reject the plea. If the court decides to reject the plea agreement provisions regarding sentencing, it must give both the State and the defendant each an opportunity to withdraw from the plea.

\_\_\_ 8. If the court decides to reject the plea agreement provisions regarding sentencing and neither the State nor the Defendant elects to withdraw the plea agreement, then any sentence either stipulated to or recommended herein in paragraph 2 is not binding upon the court, and the court is bound only by the sentencing limits set

forth in paragraph 1 and the applicable statutes.

\_\_\_ 9. I understand that if I am not a citizen of the United States, my decision to go to trial or enter into a plea agreement may have immigration consequences. Specifically, I understand that pleading guilty or no contest to a crime may affect my immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. My plea or admission of guilt could result in my deportation or removal, could prevent me from ever being able to get legal status in the United States, or could prevent me from becoming a United States citizen. I understand that I am not required to disclose my legal status in the United States to the court.

\_\_\_ 10. I have read and understand the provisions of all pages of this agreement. I have discussed the case and my constitutional rights with my attorney. I understand that by pleading (guilty) (no contest) I will be giving up my right to a determination of probable cause, to a trial [ ] by jury [ ] by a judge [ ] by jury on facts used to aggravate a sentence, to confront, cross-examine, and compel the attendance of witnesses, to present witnesses on my behalf; my right to remain silent, my privilege against self-incrimination, the presumption of innocence and right to direct appeal. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that, as part of this plea agreement, if I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation in the event that I violate any written condition of my probation. I understand that if I violate any of the written conditions of my probation, my probation may be terminated and I can be sentenced to any term or terms stated above in paragraph 1.

I have personally and voluntarily placed my initials beside each of the above paragraphs and signed the signature line below to indicate that I read, or had read to me, understood and approved all of the previous paragraphs in this agreement, both individually and as a total binding agreement. My plea is voluntary and not the result of force, or threat, or promises other than those contained in the plea agreement.

**DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY, OR HAD IT READ TO YOU AND UNDERSTAND IT FULLY.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

I have discussed this case with my client in detail and advised my client of his or her constitutional rights and all possible defenses. ~~I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.~~ I believe that the defendant's plea is knowing, intelligent, and voluntary and that the plea and disposition are consistent with law.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defense Attorney

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Prosecutor

**Form 18(b). Misdemeanor Plea Agreement**

\_\_\_\_\_ **COURT** \_\_\_\_\_ **County, Arizona**

STATE OF ARIZONA Plaintiff

[CASE/COMPLAINT NO.]

-vs-

**MISDEMEANOR  
PLEA  
AGREEMENT**

Defendant (FIRST, MI, LAST)

The defendant agrees to plead guilty / no contest to the following offense(s):

- \_\_\_\_\_  class misdemeanor  petty/civil traffic offense

on the following understandings, terms and conditions:

1. The Defendant agrees to a sentence of: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. The following charges are dismissed, or if not yet filed, shall not be brought against the defendant. \_\_\_\_\_  
\_\_\_\_\_
3. This agreement, serves to amend the complaint, indictment, or information to charge the offense to which the defendant pleads, without the filing of any additional pleading. However, if the plea is rejected by the court or withdrawn by either party, or if the conviction is subsequently reversed, the original charges and any charges that are

dismissed by reason of this plea agreement are automatically reinstated.

4. Unless this plea is rejected by the court or withdrawn by either party, the defendant hereby waives and gives up any and all motions, defenses, objections or requests which he or she has made or raised, or could assert hereafter, to the court's entry of judgment against him or her and imposition of a sentence upon him or her consistent with this agreement. The defendant acknowledges by entering this agreement he or she will have no right to direct appeal (ARS 13-4033) and the only available review is pursuant to Rule 32, Rules of Criminal Procedure.
5. If the court decides to reject the proposed sentencing in the plea agreement after accepting the defendant's plea, it must give each party an opportunity to withdraw from the plea.
6. If the court decides to reject the plea agreement provisions regarding sentencing and neither the State nor the Defendant elects to withdraw the plea agreement, then any sentence either stipulated to or recommended herein is not binding upon the court, and the court is bound only by the sentencing limits set forth in the applicable statutes.
7. I understand that if I am not a citizen of the United States, my decision to go to trial or enter into a plea agreement may have immigration consequences. Specifically, I understand that pleading guilty or no contest to a crime may affect my immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. My plea or admission of guilt could result in my deportation or removal, could prevent me from ever being able to get legal status in the United States, or could prevent me from becoming a United States citizen. I understand that I am not required to disclose my legal status in the United States to the court.
8. I have read and understand the provisions of all pages of this agreement. I have discussed the case and my constitutional rights with my attorney. I understand that by pleading (guilty) (no contest) I will be giving up my right to a determination of probable cause, to a trial [ ] by jury [ ] by a judge, to confront, cross-examine, and compel the attendance of witnesses, to present witnesses on my behalf; my right to remain silent, my privilege against self-incrimination, the presumption of innocence and right to direct appeal. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that, as part of this plea agreement, if I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation in the event that I violate any written condition of my probation. I understand that if I violate any of the written conditions of my probation, my probation may be terminated and I can be sentenced up to the maximum term.

I have personally signed the signature line below to indicate that I read, or had read to me, understood and approved all of the previous paragraphs in this agreement, both individually and as a total binding agreement. My plea is voluntary and not the result of force, or threat, or promises other than those contained in the plea agreement.

**DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY, OR HAD IT READ TO YOU AND UNDERSTAND IT FULLY.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

I have discussed this case with my client in detail and advised my client of his or her constitutional rights and all possible defenses. ~~I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.~~ I believe that the defendant's plea is knowing, intelligent, and voluntary and that the plea and disposition are consistent with law.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defense Attorney

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Prosecutor

\* \* \* \*