

WRITTEN WAIVER OF ARRAIGNMENT

PURSUANT TO ARIZONA RULES OF CRIMINAL PROCEDURE

I understand that by expressing my desire to plead guilty and have my case resolved, I am waiving certain rights that are guaranteed to me under both the United States Constitution and the Constitution for the State of Arizona. I acknowledge, understand and agree to waive or give up, for my charges(s), the following rights:

1. My right to an initial appearance and arraignment where my charges would be read to me, my constitutional rights explained to me, a plea of "not guilty" would be entered on my behalf and a decision on whether I was entitled to have a court-appointed attorney represent me. (**Please note**, a person is not entitled to a court-appointed attorney unless they are unable to afford an attorney *and* they are facing a likelihood of incarceration. If you are being offered the opportunity to plead guilty by mail, you are not facing a likelihood of incarceration if you plead guilty, and are therefore not eligible for a court-appointed attorney).
2. My right to remain silent, my privilege against self-incrimination, and the right to refuse to testify against myself.
3. My rights to a trial, and a trial by jury if in fact I had one under Arizona law, and the right to have an attorney represent me.
4. My right to confront and cross-examine witnesses who testify against me, my right to have subpoenas issued for my witnesses so they could attend my trial and testify on my behalf, my right to present other evidence and to testify if I chose to do so.
5. My right to a direct appeal of my conviction.

I further understand that once the Court accepts my plea, I cannot change my mind or withdraw from my plea unless I file a petition for post-conviction relief within 90 days of the Court's acceptance of my plea. I must prove that a terrible injustice would occur if I were forced to keep my plea of guilty. If the Court denies my petition, I have the right to request review of that denial from the judges in Coconino County Superior Court, but that review may or may not be granted.

I further acknowledge that the maximum penalties that may be imposed for a class one misdemeanor, is a fine up to a maximum of \$2,500.00 plus an 83% surcharge, supervised probation for up to three years, and incarceration for up to six months. I further acknowledge that the maximum penalties that may be imposed for a class two misdemeanor, is a fine up to a maximum of \$750.00 plus an 83% surcharge, supervised probation for up to two years, and incarceration for up to four months. I further acknowledge that the maximum penalties that may be imposed for a class three misdemeanor, is a fine up to a maximum of \$500.00 plus an 83% surcharge, supervised probation for up to one year, and incarceration for up to 30 days. I further agree that this plea is made voluntarily and of my own free will, and that I am not under any threat of force or compulsion to plead guilty. Finally, I admit that I am the person named in the complaint, that jurisdiction lies with this Court, and that I do not contest the facts as stated in the complaint.

*** If you are not a citizen of the United States, pleading guilty or no contest to a crime may affect your immigration status. Admitting guilt may result in deportation, even if the charge is later dismissed. Your plea or admission of guilt could result in your deportation or removal, could prevent you from ever being able to obtain legal status in the United States, or could prevent you from becoming a United States citizen. ***

Date

Name

Case # _____

Name: _____

STATE OF ARIZONA, Plaintiff -vs- Defendant (Print your full legal name) _____	CRIMINAL GUILTY/NO CONTEST PLEA BY MAIL Case/Complaint # _____
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I have a copy of the criminal complaint in this case. I have read, and I understand the charges filed against me.

I admit that if my case went to trial, the facts would support the charges.

I understand that the range of penalties for misdemeanor and petty offenses are as follows:

Class 1 misdemeanor: a suspended sentence up to a \$2500 fine, 6 months jail, and/or 3 years probation, plus surcharges and fees.

Class 2 misdemeanor: a suspended sentence up to a \$750 fine, 4 months jail, and/or 2 years probation, plus surcharges and fees.

Class 3 misdemeanor: a suspended sentence up to a \$500 fine, 30 days jail, and/or 1 year probation, plus surcharges and fees.

Petty offense: a suspended sentence up to a \$300 fine, plus surcharges and fees.

Certain charges carry mandatory probation. I exercise my right to reject probation.

If I am convicted of a future offense, this case may be used to increase a penalty on the new offense.

If I was on probation or parole at the time this offense occurred, pleading guilty or no contest may result in a petition to revoke my probation or parole and could include additional incarceration.

I know that if I am not a citizen of the United States, 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 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 by entering my plea of guilty or no contest by mail I am giving up the following constitutional rights:

- a. The right to plead not guilty and to require the State to prove guilt beyond a reasonable doubt.
- b. The right to a trial, and depending on the charge(s) against me, a right to a trial by jury.
- c. The right to assistance of an attorney at all stages of the proceeding, including appeal. If I cannot afford one, I may be eligible for a court-appointed attorney at a reduced cost or at no cost.
- d. The right to confront the witnesses against me and to cross-examine them as to the truthfulness of their testimony.
- e. The right to present evidence in my own behalf and to have the court compel my chosen witnesses to appear and to testify free of charge.
- f. The right to remain silent, not to incriminate myself, and to be presumed innocent unless/or until proven guilty beyond a reasonable doubt.
- g. The right to a direct appeal.

My plea is voluntary and not the result of force, threat, or promises.

I understand that I may file a petition for post-conviction relief in accordance with Rule 32 of the AZ Rules of Criminal Procedure, and if it is denied I may file a petition for review.

I give up the right to be present at the time of sentencing. I would like the court to consider the following information in determining an appropriate sentence (attach additional pages if needed):

Oath & acknowledgement. I swear or affirm that have read, truthfully answered and not misrepresented information contained in this plea under penalty of perjury. I understand that the court will determine the sentence and mail a copy of its judgment to me. I will be responsible for fulfilling the penalties and the sentence imposed by the court.

Dated: _____ Defendants Signature _____

(Address) _____

(City) _____ (State) _____ (Zip Code) _____