

WAIVER OF INDICTMENT

(12-10-13)

1. WHAT IS YOUR NAME?

2. DO YOU AUTHORIZE YOUR LAWYER, ATTORNEY _____ TO SPEAK FOR YOU?

3. (A) IF AT ANY TIME YOU DON'T UNDERSTAND ANY QUESTION I ASK YOU, DON'T TRY TO ANSWER IT. TELL ME YOU DON'T UNDERSTAND AND I WILL REPHRASE IT.
(B) IF AT ANY TIME YOU WANT TO TALK TO YOUR LAWYER, DON'T TRY TO ANSWER MY QUESTION – TELL ME YOU WANT TO TALK TO YOUR LAWYER AND I'LL PERMIT YOU TO DO SO.
(C) EXPLAIN PURPOSE OF HEARING AND MY QUESTIONS.

4. HOW OLD ARE YOU?

5. WHAT IS THE EXTENT OF YOUR FORMAL EDUCATION?

6. ARE YOU NOW, OR HAVE YOU RECENTLY BEEN, UNDER THE CARE OF ANY PHYSICIAN OR PSYCHIATRIST?

7. ARE YOU CURRENTLY TAKING ANY MEDICATIONS?
WHAT IS THE DRUG? QUANTITY?
HOW RECENTLY TAKEN? PURPOSE & EFFECTS?

8. HAVE YOU USED ANY DRUG OR ALCOHOL IN THE LAST 24 HOURS?

9. DO YOU FEEL YOU UNDERSTAND WHAT IS HAPPENING IN THESE PROCEEDINGS?

10. HAS YOUR LAWYER EXPLAINED TO YOU THE CONSEQUENCES THAT MAY FLOW FROM THESE PROCEEDINGS?

11. [*To Lawyer*] HAS ANYTHING COME TO YOUR ATTENTION THAT CASTS ANY DOUBT ON THE DEFENDANT'S COMPETENCE TO WAIVE INDICTMENT?

THE COURT, HAVING OBSERVED THE DEFENDANT IN MAKING HIS ANSWERS AND HIS DEMEANOR AND MANNER AND HIS ATTITUDE, AND THE COURT HAVING OBSERVED THE DEFENDANT DOES NOT APPEAR TO BE UNDER THE INFLUENCE OF MEDICINE, DRUGS OR OTHER SUBSTANCE THAT MAY AFFECT HIS JUDGMENT IN THE MATTER, I FIND THE DEFENDANT IS COMPETENT TO WAIVE INDICTMENT IN THIS MATTER.

12. HAVE YOU BEEN PROVIDED WITH A COPY OF THE PROPOSED INFORMATION?

13. DO YOU UNDERSTAND THE CHARGES MADE AGAINST YOU?

14. HAVE YOU CONSULTED YOUR LAWYER ABOUT THESE CHARGES AND HAS HE/SHE EXPLAINED THEM TO YOU?

15. [*To Lawyer*] ARE YOU SATISFIED THAT THIS DEFENDANT UNDERSTANDS THE NATURE AND SIGNIFICANCE OF THE CHARGES MADE AGAINST HIM IN THE PROPOSED INFORMATION?

16. [*To Lawyer*] DO YOU APPROVE OF THIS DEFENDANT'S WAIVER OF INDICTMENT IN THIS MATTER?

17. YOU ARE CHARGED IN A _____ COUNT INFORMATION. THE CHARGE[S] MADE IS [ARE] AS FOLLOWS:
[Detail Charges]
18. DO YOU UNDERSTAND THAT THE CHARGE[S] MADE AGAINST YOU IS A FELONY OFFENSE [ARE FELONY OFFENSES]?
19. YOU HAVE A CONSTITUTIONAL RIGHT TO REQUIRE THAT THIS MATTER PROCEED ONLY UPON AN INDICTMENT OF A GRAND JURY OF THIS DISTRICT. YOU CAN WAIVE, OR GIVE UP, THAT RIGHT. IF YOU DO GIVE UP THAT RIGHT, THIS MATTER WILL PROCEED AGAINST YOU WITHOUT ANY CONSIDERATION OF THE MATTER BY A GRAND JURY. IT WILL PROCEED SOLELY ON THE GOVERNMENT'S INFORMATION. DO YOU UNDERSTAND?
20. IF YOU DO NOT GIVE UP THAT RIGHT, THE MATTER WILL NOT PROCEED AGAINST YOU UNLESS A GRAND JURY OF THIS DISTRICT FINDS, BY RETURNING AN INDICTMENT, THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE OFFENSE(S) CHARGED WERE COMMITTED BY YOU. A GRAND JURY IS COMPRISED OF AT LEAST 16, BUT NOT MORE THAN 23, PEOPLE SELECTED AT RANDOM FROM THE VOTERS OF THIS DISTRICT. AT LEAST 12 GRAND JURORS MUST FIND PROBABLE CAUSE TO BELIEVE THAT THE OFFENSE[S] CHARGED IN THE PROPOSED INFORMATION WAS [WERE] COMMITTED BY YOU BEFORE YOU CAN BE INDICTED AND A GRAND JURY MIGHT NOT INDICT YOU FOR THAT OFFENSE [ANY OF THOSE OFFENSES]. DO YOU UNDERSTAND?
21. HAVE YOU DISCUSSED YOUR WAIVER OF INDICTMENT WITH YOUR LAWYER AND RECEIVED HIS/HER ADVICE?

22. HAS ANYONE MADE ANY THREATS OR PROMISES TO YOU TO GET YOU TO WAIVE YOUR RIGHT TO INDICTMENT BY A GRAND JURY?
23. [*To Lawyer*] ARE YOU AWARE OF ANY REASON WHY I SHOULD NOT PERMIT THIS DEFENDANT TO WAIVE INDICTMENT?
24. **THE DEFENDANT WILL SIGN THE PRESCRIBED WAIVER OF INDICTMENT BY THE GRAND JURY.**
I FIND THAT THIS DEFENDANT HAS KNOWINGLY AND VOLUNTARILY WAIVED HIS/HER RIGHT TO INDICTMENT BY A GRAND JURY OF THIS DISTRICT. THE DEFENDANT’S WAIVER OF INDICTMENT IS HEREBY ACCEPTED.
THE INFORMATION AGAINST THIS DEFENDANT WILL BE FILED AT THIS TIME.

TAKING OF GUILTY PLEA

25. [*Inquire of Counsel*] DO I UNDERSTAND CORRECTLY THAT THIS DEFENDANT IS NOW READY FOR ARRAIGNMENT ON THE INFORMATION?
26. DO I UNDERSTAND CORRECTLY THAT HE/SHE INTENDS, ON ARRAIGNMENT, TO TENDER A PLEA OF “GUILTY” TO THE CHARGED OFFENSE(S)?
27. HAVE YOU RECEIVED A COPY OF THE INFORMATION PENDING AGAINST YOU – THAT IS, THE WRITTEN CHARGES MADE AGAINST YOU IN THIS CASE – AND HAVE YOU HAD AN ADEQUATE OPPORTUNITY TO DISCUSS THOSE CHARGES, AND THE CASE IN GENERAL WITH YOUR ATTORNEY?

28. **THE CLERK MAY INQUIRE.**

[Clerk obtains tender of a guilty plea]

29. [To Defendant] HAVE YOU PLEADED GUILTY TO THE CHARGES CONTAINED IN COUNTS _____ AND _____ OF THIS INFORMATION BECAUSE YOU ARE ACTUALLY GUILTY?

OPTION: IF THE PLEA TURNS INTO AN ALFORD PLEA (400 U.S. 25),

DETERMINE:

(A) WHETHER THE DEFENDANT HAS CONSIDERED ALTERNATIVE COURSES OF ACTION AND MADE VOLUNTARY AND INTELLIGENT CHOICE;

(B) WHETHER COMPETENT COUNSEL'S ADVICE IS THAT PLEA IS TO DEFENDANT'S ADVANTAGE;

(C) WHETHER DEFENDANT DEMONSTRATES CLEARLY EXPRESSED DESIRE TO PLEAD GUILTY.

ALFORD: SPECIFICALLY ASK DEFENDANT:

(i) TO EXPLAIN IN DETAIL WHY PLEADING GUILTY;

(ii) WHAT BENEFIT HE/SHE BELIEVES WILL COME FROM PLEADING GUILTY;

(iii) HAVE YOU CONSULTED WITH YOUR LAWYER IN DETAIL ON THIS SUBJECT AND ARE YOU SATISFIED WITH HIS/HER ADVICE?

30. [To Lawyer] ARE YOU SATISFIED THAT _____ [defendant] HAS PLEADED GUILTY BECAUSE HE/SHE IS ACTUALLY GUILTY?

31. *[To Defendant]* HAS YOUR LAWYER EXPLAINED TO YOU:
- (A) THE ELEMENTS AND NATURE OF THE OFFENSES CHARGED?
 - (B) THE PENALTIES THAT CAN BE IMPOSED?
32. *[To Lawyer]* ARE YOU SATISFIED THAT _____ [defendant] UNDERSTANDS THE CHARGES CONTAINED IN COUNTS _____ AND _____ OF THE INFORMATION AND THE PENALTIES THAT CAN BE IMPOSED?
33. BY PLEADING GUILTY TO THESE CRIMES
- 1. YOU ARE SUBJECT TO IMPRISONMENT FOR A TOTAL OF _____ YEAR[S] (WITH A MINIMUM IMPRISONMENT OF _____ YEAR[S].)
 - 2. YOU ARE ALSO SUBJECT TO TOTAL FINES OF UP TO \$_____.
 - 3. FOLLOWING ANY TERM OF IMPRISONMENT, YOU ARE SUBJECT TO SUPERVISED RELEASE OF UP TO _____ YEARS (WITH A MINIMUM OF __ YEARS.) IF YOU VIOLATE THE TERMS OF THAT SUPERVISED RELEASE YOU COULD RECEIVE AN ADDITIONAL PRISON TERM OF _____ YEARS.
 - 4. YOU MUST ALSO PAY A MANDATORY ASSESSMENT OF \$100 ON EACH COUNT ON WHICH YOU ARE CONVICTED, FOR A TOTAL OF \$_____.

OPTION: YOU MAY ALSO BE REQUIRED BY COURT ORDER TO MAKE FULL RESTITUTION TO ANY VICTIM OF THE OFFENSE. [AND, IF APPLICABLE, YOU MAY ALSO BE REQUIRED TO FORFEIT CERTAIN PROPERTY TO THE GOVERNMENT.]

- 33A. IF YOU ARE NOT A U.S. CITIZEN, YOU MAY BE REMOVED FROM THE UNITED STATES, DENIED CITIZENSHIP, AND DENIED ADMISSION TO THE U.S. IN THE FUTURE. DO YOU UNDERSTAND?

34. DO YOU UNDERSTAND THAT YOU HAVE THE RIGHT TO PLEAD NOT GUILTY?
35. YOU HAVE THE RIGHT TO A TRIAL BY JURY, THE RIGHT TO THE ASSISTANCE OF YOUR LAWYER AT SUCH TRIAL AND, IF YOU CANNOT AFFORD A LAWYER, YOU HAVE THE RIGHT TO HAVE A LAWYER APPOINTED FOR YOU AT GOVERNMENT EXPENSE. DO YOU UNDERSTAND?
36. AT TRIAL, YOU WOULD BE PRESUMED INNOCENT AND THE GOVERNMENT WOULD HAVE THE BURDEN OF PROVING YOU GUILTY BEYOND A REASONABLE DOUBT AND YOU WOULD NOT HAVE THE BURDEN OF PROVING THAT YOU ARE NOT GUILTY. DO YOU UNDERSTAND?
37. AT TRIAL THE GOVERNMENT'S WITNESSES WOULD HAVE TO COME INTO OPEN COURT AND TESTIFY IN FRONT OF YOU AND YOUR LAWYER. YOUR LAWYER WOULD HAVE THE OPPORTUNITY TO CROSS-EXAMINE ANY GOVERNMENT WITNESSES, OBJECT TO EVIDENCE THE GOVERNMENT OFFERED, AND OFFER EVIDENCE IN YOUR BEHALF. YOUR COUNSEL WOULD ALSO HAVE THE RIGHT TO COMPEL THE ATTENDANCE OF WITNESSES AT TRIAL WHO MAY BE HELPFUL TO YOUR CASE. DO YOU UNDERSTAND?
38. YOU WOULD HAVE THE RIGHT TO TESTIFY AT TRIAL IF YOU WANTED TO, BUT YOU WOULD ALSO HAVE THE RIGHT NOT TO TESTIFY AND YOU COULD NOT BE REQUIRED TO TESTIFY AT TRIAL. IF YOU CHOSE NOT TO TESTIFY, I WOULD INSTRUCT THE JURY THAT THEY COULD DRAW NO INFERENCE OR SUGGESTION OF GUILT FROM THE FACT THAT YOU DID NOT TESTIFY. DO YOU UNDERSTAND?

39. IF I ACCEPT YOUR GUILTY PLEA, YOU WILL HAVE GIVEN UP YOUR RIGHT TO A TRIAL AND THE OTHER RIGHTS I HAVE JUST DESCRIBED TO YOU AND THERE WILL BE NO TRIAL OF ANY KIND ON THIS INFORMATION. DO YOU UNDERSTAND?
40. IF I PROCEED TO ENTER A JUDGMENT OF GUILTY AND SENTENCE YOU ON THE BASIS OF YOUR GUILTY PLEA AND IF ALL THAT HAPPENS, EXCEPT FOR VERY LIMITED CIRCUMSTANCES, YOU WILL HAVE NO RIGHT OF APPEAL FROM YOUR CONVICTION. DO YOU UNDERSTAND?
41. AS PART OF YOUR PLEADING GUILTY I MUST FIND THAT THERE IS A FACTUAL BASIS FOR YOUR GUILTY PLEA. TO ASSURE MYSELF THAT THERE IS SUCH A FACTUAL BASIS, I WILL BE ASKING YOU QUESTIONS ABOUT THE CONDUCT THAT GAVE RISE TO THESE CHARGES, AND YOU MUST ANSWER MY QUESTIONS TRUTHFULLY. DO YOU UNDERSTAND?
42. IN LIGHT OF ALL THAT I HAVE JUST EXPLAINED TO YOU, DO YOU STILL CHOOSE TO PLEAD GUILTY TO THE CHARGES CONTAINED IN COUNTS _____ AND _____ OF THE INFORMATION?
43. [*To U.S. Attorney*] MR./MS. _____, PLEASE INFORM ME WHAT EVIDENCE THE GOVERNMENT WOULD PRODUCE IF THIS MATTER SHOULD GO TO TRIAL.

PROSECUTION VERSION

[LISTEN TO ENTIRE RECITAL OF EVIDENCE OR, IN THE ALTERNATIVE, ADMIT WRITTEN PROSECUTION VERSION AND DO INQUIRY.]

44. *[To Defense Attorney]* MR./MS. _____ ARE YOU SATISFIED THAT THE GOVERNMENT CAN IN FACT PRODUCE THE EVIDENCE JUST INDICATED BY THE UNITED STATES ATTORNEY?

ARE YOU SATISFIED THAT THE ADMISSIBLE PART OF THAT EVIDENCE WOULD PERMIT A PROPERLY INSTRUCTED JURY TO DETERMINE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY OF [EACH OF] THE CRIME[S] TO WHICH HE/SHE IS PLEADING GUILTY?

45. *[To Defendant]* HAVE YOU HEARD THE PROSECUTOR DESCRIBE THE EVIDENCE HE/SHE WOULD PRODUCE IF THIS MATTER SHOULD PROCEED TO TRIAL?

[READ PROSECUTION VERSION]

46. IS THERE ANY RESPECT IN WHICH YOU DISAGREE WITH WHAT HE/SHE HAS SAID?
47. IS THE INFORMATION TRUE TO YOUR OWN PERSONAL KNOWLEDGE?

[If not satisfied with the status of the factual basis of the plea, inquire of the defendant as to the essential details of the crimes to which a plea is entered.]

I FIND A FACTUAL BASIS FOR THE GUILTY PLEAS THE CRIMES CHARGED IN EACH OF COUNTS _____ AND _____ OF THE INFORMATION.

OPTION: IF ALFORD PLEA, REQUIRE STRONG EVIDENCE OF ACTUAL GUILT.

IF ALFORD PLEA, HAS DEFENDANT MADE INTELLIGENT CONCLUSION THAT DEFENDANT'S INTERESTS REQUIRE GUILTY PLEA?

48. HAS ANYONE THREATENED YOU OR HAS ANYONE ATTEMPTED TO FORCE YOU TO GET YOU IN ANY WAY TO PLEAD GUILTY?
- 49A. *TO PROSECUTOR:* HAS YOUR OFFICE EXTENDED ANY FORMAL PLEA OFFERS TO THE DEFENSE? IF SO, PLEASE IDENTIFY THE DATES THEY WERE MADE.
TO DEFENSE LAWYER: HAVE YOU COMMUNICATED THOSE FORMAL OFFERS TO YOUR CLIENT?
TO DEFENDANT: DO YOU AGREE YOU RECEIVED NOTICE OF THOSE OFFERS? WERE THEY EXPLAINED TO YOU?
- 49B. DOES YOUR WILLINGNESS TO PLEAD GUILTY RESULT FROM PRIOR DISCUSSIONS BETWEEN YOU OR YOUR LAWYER AND THE GOVERNMENT? (IF NO AGREEMENT, GO TO QUESTION #51.)
50. IN EXAMINING THE WRITTEN PLEA AGREEMENT:
- (A) IS THAT YOUR SIGNATURE ON PAGE _____?
 - (B) DID YOU SIGN IT VOLUNTARILY?
 - (C) DID YOU READ IT BEFORE YOU SIGNED IT?
 - (D) DID YOU UNDERSTAND EVERYTHING IN IT BEFORE YOU SIGNED IT?
 - (E) IN SIGNING IT, DID YOU INTEND TO AGREE TO ALL ITS TERMS AND CONDITIONS?

OPTION: IF WAIVER OF RIGHT TO APPEAL OR § 2255, OR IF FORFEITURE PROVISION, EXAMINE ON THOSE PARTICULAR ASPECTS.

- A. [To Defendant] YOUR PLEA AGREEMENT CONTAINS A PROVISION BY WHICH YOU WAIVE THE RIGHT TO APPEAL THE SENTENCE I IMPOSE. HAVE YOU READ THIS PORTION OF YOUR PLEA AGREEMENT? DO YOU UNDERSTAND IT?
- B. ARE YOU AWARE THAT YOU NORMALLY WOULD HAVE A RIGHT TO APPEAL TO A HIGHER COURT ANY SENTENCE I IMPOSE, BUT THAT BY THIS AGREEMENT, YOU ARE WAIVING THAT RIGHT OF APPEAL?
- C. I WANT YOU TO UNDERSTAND THAT I CAN IMPOSE A WIDE RANGE OF POSSIBLE SENTENCES AND IF YOU DID NOT WAIVE THIS RIGHT TO APPEAL YOU WOULD HAVE THE RIGHT TO HAVE ANOTHER COURT REVIEW MY DECISION ON SENTENCE. BECAUSE YOU ARE WAIVING THAT RIGHT OF APPEAL, EXCEPT FOR THE MOST LIMITED CIRCUMSTANCE, I WILL MAKE THE FINAL DECISION REGARDING SENTENCE. DO YOU UNDERSTAND ALL OF THIS?

OPTION:

- D. I MUST REMIND YOU THAT DESPITE YOUR AGREEMENT WITH THE GOVERNMENT, I, AS THE JUDGE, HAVE THE AUTHORITY TO LESSEN OR INCREASE YOUR SENTENCE. IN THE EVENT THAT I IMPOSE A SENTENCE DIFFERENT FROM THE ONE RECOMMENDED IN YOUR PLEA AGREEMENT, AND EXCEPT IN VERY NARROW AND RARE INSTANCES, YOU ARE AGREEING NOT TO APPEAL THE SENTENCE EVEN THOUGH IT IS DIFFERENT FROM THE ONE IN YOUR PLEA AGREEMENT. DO YOU UNDERSTAND THIS?
- E. [**To counsel**] ARE YOU CONFIDENT THAT YOUR CLIENT FULLY UNDERSTANDS THE RIGHT TO APPEAL THAT HE/SHE IS WAIVING AND IS WAIVING THIS RIGHT KNOWINGLY AND VOLUNTARILY?
- F. [**To U.S. Attorney**] ARE YOU SATISFIED THAT THE DEFENDANT UNDERSTANDS THE WAIVER OF APPEALS PROVISION AND IS WAIVING HIS/HER RIGHT AFTER DUE CONSIDERATION?

51. **[If an 11(e)(1)(B) agreement]** DO YOU UNDERSTAND THAT SO FAR AS SENTENCING IS CONCERNED, THIS PLEA AGREEMENT PERMITS YOU, YOUR LAWYER AND THE PROSECUTOR TO MAKE RECOMMENDATIONS REGARDING SENTENCING, BUT THAT THE AUTHORITY TO DETERMINE THE APPROPRIATE SENTENCE IN THIS CASE RESTS WITH ME AS THE JUDGE IN THIS COURT, AND IF I DO NOT ACCEPT THOSE RECOMMENDATIONS, YOU WILL HAVE NO RIGHT TO WITHDRAW YOUR GUILTY PLEA?

[If an 11(e)(1)(A) or (C) agreement, detail the specific agreement re: dismissal of counts (A) or sentence limitations (C) and inform the defendant that if the judge does not ultimately accept those provisions, he/she will have the opportunity to withdraw the plea.]

52. THE SENTENCING COMMISSION GUIDELINES WILL BE CONSIDERED BY THIS COURT IN DETERMINING YOUR SENTENCE. HAVE YOU AND YOUR LAWYER TALKED ABOUT HOW THE SENTENCING COMMISSION GUIDELINES MAY AFFECT YOUR SENTENCE?

53. I CAN'T DETERMINE THE GUIDELINE SENTENCE UNTIL AFTER I HAVE READ A PRESENTENCE REPORT THE PROBATION OFFICE WILL PREPARE, AND UNTIL I HAVE GIVEN YOUR LAWYER AND THE PROSECUTOR AN OPPORTUNITY TO CHALLENGE THE FACTS THE PROBATION OFFICE REPORTS.

AFTER I DETERMINE WHAT GUIDELINE DOES APPLY TO A CASE, I STILL HAVE THE AUTHORITY IN SOME CIRCUMSTANCES TO IMPOSE A SENTENCE THAT IS MORE SEVERE OR LESS SEVERE THAN THE SENTENCE CALLED FOR BY THE APPLICABLE GUIDELINE. DO YOU UNDERSTAND?

AND YOU STILL WILL NOT BE PERMITTED TO WITHDRAW YOUR PLEA. DO YOU UNDERSTAND?

54. YOU AND THE GOVERNMENT WILL HAVE THE RIGHT TO APPEAL ANY SENTENCE THAT I IMPOSE.
55. IF A TERM OF IMPRISONMENT IS IMPOSED, YOU WILL BE REQUIRED TO ACTUALLY SERVE IN A JAIL OR PRISON ALL OF THE IMPRISONMENT TERM, EXCEPT GOOD-TIME DEDUCTIONS AND YOU WILL NOT BE PERMITTED TO SERVE ANY PART OF IT ON PAROLE. DO YOU UNDERSTAND?
56. ASIDE FROM THE WRITTEN PLEA AGREEMENT, HAS ANYONE MADE ANY PROMISE TO YOU IN AN EFFORT TO GET YOU TO PLEAD GUILTY?
57. HAS ANYONE MADE ANY PROMISE TO YOU AS TO WHAT KIND OF SENTENCE I WILL IMPOSE?

58. HAS ANYONE MADE ANY PROMISE TO YOU AS TO WHAT THE PROSECUTOR'S RECOMMENDATION WILL BE?
59. I ASK YOU FINALLY, THEN, DO YOU STILL WISH TO PLEAD GUILTY TO THE CHARGES CONTAINED IN COUNTS _____ AND _____ OF THE INDICTMENT/INFORMATION?
60. **[To Lawyer]** DO YOU, AS _____'S LAWYER, STILL RECOMMEND THAT I ACCEPT THE GUILTY PLEA?
61. **[To Defendant]** MR./MS. _____, SINCE YOU ACKNOWLEDGE THAT YOU ARE IN FACT GUILTY AS CHARGED IN COUNTS _____ AND _____ OF THE INDICTMENT/INFORMATION, AND SINCE I FIND THERE IS A FACTUAL BASIS FOR THE PLEA, AND SINCE I FIND, BASED ON YOUR RESPONSES TO MY QUESTIONS AND MY DIRECT OBSERVATIONS, THAT YOU ARE COMPETENT TO ENTER A PLEA, AND SINCE I FIND THAT YOU KNOW OF YOUR RIGHT TO A TRIAL AND THE RIGHTS ASSOCIATED WITH THE RIGHT TO A TRIAL, AND SINCE I FURTHER FIND THAT YOU KNOW THE MAXIMUM POSSIBLE PUNISHMENT [AND MINIMUM, **if applicable**] THAT MAY BE IMPOSED IF YOU ARE CONVICTED, AND SINCE I FIND THAT YOU HAVE NOT BEEN COERCED BUT THAT YOU HAVE VOLUNTARILY AND KNOWINGLY TENDERED A PLEA OF GUILTY TO COUNTS _____ AND _____ OF THIS INDICTMENT/INFORMATION, I NOW ACCEPT YOUR GUILTY PLEA AS TENDERED.

OPTION: 62. I WILL RESERVE DECISION ON ACCEPTANCE OF THE PLEA AGREEMENT UNTIL I HAVE REVIEWED THE PRESENTENCE INVESTIGATION REPORT.

63. I HEREBY ORDER THE PREPARATION OF THE CUSTOMARY PRESENTENCE INVESTIGATION REPORT.

64. MADAM CLERK, PLEASE PROVIDE TO MR./MS. _____ (DEFENSE COUNSEL), A COPY OF THE COURT'S STANDING ORDER AND PROCEDURE IN GUIDELINE SENTENCING CASES. IF YOU ARE NOT FAMILIAR WITH ITS CONTENTS, I ASK THAT YOU REVIEW IT PROMPTLY SO THAT WHATEVER IS REQUIRED OF DEFENSE COUNSEL TO PREPARE FOR IMPOSITION OF SENTENCE CAN BE DONE WITHOUT UNNECESSARY DELAY.

65. **RESOLVE DETENTION STATUS AND TAKE APPROPRIATE ACTION.**

[THE DEFENDANT IS REMANDED HERewith INTO THE CUSTODY OF THE UNITED STATES MARSHAL FOR THE DISTRICT OF MAINE. HE IS TO BE RETAINED IN THAT CUSTODY PENDING FURTHER ORDER OF THIS COURT.]

66. THE COURT WILL BE IN RECESS. THE DEFENDANT WILL
BE IN THE CUSTODY OF THE OFFICERS.

OPTION: 67. THE DEFENDANT IS RELEASED ON BAIL. (WARN
OF BAIL-JUMPING OFFENSE.)