

RULE 11 – CHANGE OF PLEA
(8/2001 rev. 08/2015 for corporate defendants)

1. THIS IS THE MATTER OF UNITED STATES v. _____. WOULD COUNSEL PLEASE ENTER THEIR APPEARANCES?
2. MR./MS._____, WOULD YOU PLEASE STAND?
3. WHAT IS YOUR NAME?
4. [TO NON-LAWYER REPRESENTATIVE] ARE YOU AN AUTHORIZED OFFICER OR AGENT FOR _____?
5. ARE YOU AUTHORIZED BY A VOTE OF THE BOARD OF DIRECTORS/SHAREHOLDERS TO SPEAK AND ACT ON ITS BEHALF THROUGHOUT THIS PROCEEDING?

[Make a record regarding entry in evidence of a certified resolution of the Board of Directors.]
6. HAVING REVIEWED THE CORPORATE AUTHORIZATION, I FIND THAT A.B., INC. HAS DULY AUTHORIZED _____, ITS [PRESIDENT/TREASURER/ATTORNEY] TO ACT AND SPEAK ON ITS BEHALF DURING THIS SENTENCING HEARING.
7. IS THERE ANY OBJECTION TO THIS FINDING ON THE PART OF THE GOVERNMENT? ON THE PART OF DEFENDANT A.B., INC.?
8. MR./MS._____, HAS A.B., INC.'s LAWYER EXPLAINED TO YOU THE CONSEQUENCES THAT MAY FLOW FROM THESE PROCEEDINGS?
9. DO YOU AUTHORIZE _____ [name of lawyer] TO SPEAK FOR A.B., INC.?
10. [**To Lawyer**] ARE YOU SATISFIED THAT A.B., INC. AND MR./MS. _____ACTING ON BEHALF OF A.B.,INC. UNDERSTAND THE NATURE AND SIGNIFICANCE OF THE CHARGES MADE AGAINST IT IN THE PROPOSED INFORMATION?
11. [**To Lawyer**] DO YOU APPROVE OF A.B., INC.'s WAIVER OF INDICTMENT IN THIS MATTER?

12. _____ (corporation) IS CHARGED IN A ____ COUNT INFORMATION. THE CHARGE[S] MADE IS [ARE] AS FOLLOWS:
[Detail Charges]
13. DO YOU AND THE OFFICERS AND DIRECTORS OF _____ UNDERSTAND THE CHARGE[S] MADE AGAINST IT IS [ARE] A FELONY OFFENSE[S]?
14. _____ (corporation) HAS A CONSTITUTIONAL RIGHT TO REQUIRE THAT THIS MATTER PROCEED ONLY UPON AN INDICTMENT OF A GRAND JURY OF THIS DISTRICT. THE CORPORATION CAN WAIVE, OR GIVE UP, THAT RIGHT. IF IT DOES GIVE UP THAT RIGHT, THIS MATTER WILL PROCEED AGAINST IT WITHOUT ANY CONSIDERATION OF THE MATTER BY A GRAND JURY. IT WILL PROCEED SOLELY ON THE GOVERNMENT'S INFORMATION. DO YOU AND THE OFFICERS AND DIRECTORS UNDERSTAND?
15. IF THE CORPORATION DOES NOT GIVE UP THAT RIGHT, THE MATTER WILL NOT PROCEED AGAINST IT 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 IT. 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 THE CORPORATION BEFORE IT CAN BE INDICTED AND A GRAND JURY MIGHT NOT INDICT IT FOR THAT OFFENSE [ANY OF THOSE OFFENSES]. DO YOU AND THE OFFICERS AND DIRECTORS UNDERSTAND?

16. HAVE YOU AND THE OFFICERS AND DIRECTORS DISCUSSED THE CORPORATION'S WAIVER OF INDICTMENT WITH ITS LAWYER AND RECEIVED HIS/HER ADVICE?
17. HAS ANYONE MADE ANY THREATS OR PROMISES TO YOU OR THE OFFICERS OR DIRECTORS TO GET YOU TO WAIVE THE CORPORATION'S RIGHT TO INDICTMENT BY A GRAND JURY?
18. *[To Lawyer]* ARE YOU AWARE OF ANY REASON WHY I SHOULD NOT PERMIT THIS DEFENDANT TO WAIVE INDICTMENT?
- 19. THE REPRESENTATIVE OF THE DEFENDANT WILL SIGN THE PRESCRIBED WAIVER OF INDICTMENT BY THE GRAND JURY.**

I FIND THAT THIS DEFENDANT HAS KNOWINGLY AND VOLUNTARILY WAIVED ITS 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.

20. I UNDERSTAND THAT THE CORPORATION WISHES TO CHANGE ITS [ENTER A] PLEA TO COUNTS _____ AND _____ OF THE INDICTMENT/INFORMATION. IS THAT CORRECT?
21. MR./MS. _____ [lawyer], DO YOU APPROVE OF THE [CHANGE OF] PLEA AND RECOMMEND THAT I ACCEPT IT?
22. IS THAT ACTION LEGALLY AUTHORIZED BY THE BOARD OF DIRECTORS OF THE DEFENDANT?
[Certified resolution required.]
23. THE CLERK MAY PROCEED.

[Clerk obtains tender of guilty plea]

24. [TO OFFICER/AGENT] MR./MS. _____, HAS _____
PLEADED GUILTY TO THESE CHARGES CONTAINED IN COUNTS
___ AND ___ OF THIS INDICTMENT/INFORMATION BECAUSE IT IS
GUILTY AS CHARGED?

**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.

IF ALFORD: SPECIFICALLY, ASK DEFENDANT:

- (i) TO EXPLAIN IN DETAIL WHY PLEADING GUILTY;
- (ii) WHAT BENEFIT IT BELIEVES WILL COME FROM PLEADING GUILTY;
- (iii) HAS IT CONSULTED WITH ITS LAWYER IN DETAIL ON THIS SUBJECT AND IS IT SATISFIED WITH HIS/HER ADVICE?

25. [To Lawyer] ARE YOU SATISFIED THAT _____
[defendant] HAS PLEADED GUILTY BECAUSE IT IS ACTUALLY
GUILTY?

26. [To Officer/Agent] HAVE YOU AND THE OFFICERS AND
DIRECTORS OF THE CORPORATE DEFENDANT RECEIVED A COPY
OF THE INDICTMENT/INFORMATION?

27. HAVE THE OFFICERS AND DIRECTORS OF THE CORPORATE DEFENDANT HAD ENOUGH TIME TO DISCUSS THE CHARGE(S) WITH ITS LAWYER?

28. HAS YOUR LAWYER EXPLAINED TO YOU and them:

(A) THE ELEMENTS AND NATURE OF THE OFFENSES CHARGED?

(B) THE PENALTIES THAT CAN BE IMPOSED?

29. [To Lawyer] ARE YOU SATISFIED THAT THE OFFICERS AND DIRECTORS OF THE CORPORATE DEFENDANT UNDERSTAND THE CHARGES CONTAINED IN COUNTS _____ AND _____ OF THE INDICTMENT/INFORMATION AND THE PENALTIES THAT CAN BE IMPOSED?

30. [To Officer/Agent] _____ IS CHARGED IN AN INDICTMENT/INFORMATION CONTAINING ___ COUNTS.

[Set out brief description of offenses]

31. DO YOU AND THE OFFICERS AND DIRECTORS OF THE CORPORATE DEFENDANT UNDERSTAND THESE CHARGES?

32. BY PLEADING GUILTY TO THESE CRIMES THE CORPORATE DEFENDANT IS SUBJECT TO:

1. TOTAL FINES OF UP TO \$_____.

2. PROBATION FOR UP TO _____ YEARS.

3. A MANDATORY ASSESSMENT OF \$400 ON EACH COUNT ON WHICH IT IS CONVICTED, FOR A TOTAL OF \$_____.

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

33. DO YOU AND THE OFFICERS AND DIRECTORS UNDERSTAND THAT THE DEFENDANT HAS THE RIGHT TO CONTINUE TO PLEAD NOT GUILTY TO THESE CHARGES?
34. I AM GOING TO TAKE A MOMENT AND REVIEW WITH YOU THE OTHER RIGHTS THAT THE CORPORATE DEFENDANT IS WAIVING OR GIVING UP BY PLEADING GUILTY. IT HAS THE RIGHT TO A TRIAL BY JURY AND THE RIGHT TO THE ASSISTANCE OF ITS LAWYER AT SUCH A TRIAL. DO YOU UNDERSTAND?
35. AT TRIAL, THE CORPORATION WOULD BE PRESUMED INNOCENT AND THE GOVERNMENT WOULD HAVE THE BURDEN OF PROVING IT GUILTY BEYOND A REASONABLE DOUBT, AND THE CORPORATION WOULD NOT HAVE THE BURDEN OF PROVING THAT IT IS NOT GUILTY. DO YOU UNDERSTAND?
36. AT A TRIAL THE GOVERNMENT'S WITNESSES WOULD HAVE TO COME INTO OPEN COURT AND TESTIFY IN THE PRESENCE OF CORPORATE OFFICERS AND OF THE CORPORATION'S LAWYER. THE CORPORATION'S LAWYER WOULD HAVE THE OPPORTUNITY TO CROSS-EXAMINE ANY GOVERNMENT WITNESSES, OBJECT TO EVIDENCE THE GOVERNMENT OFFERED, AND OFFER EVIDENCE IN THE CORPORATION'S BEHALF. THE CORPORATION'S LAWYER

WOULD ALSO HAVE THE RIGHT TO COMPEL THE ATTENDANCE OF WITNESSES AT TRIAL. DO YOU UNDERSTAND?

37. THE CORPORATION WOULD HAVE THE RIGHT TO TESTIFY THROUGH ITS DIRECTORS, OFFICERS, AGENTS, AND EMPLOYEES AT TRIAL IF IT WANTED TO. DO YOU UNDERSTAND?

38. IF I ACCEPT [THIS/THESE] GUILTY PLEA[S], YOU WILL HAVE GIVEN UP THE CORPORATE DEFENDANT'S 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 INDICTMENT/INFORMATION. DO YOU UNDERSTAND?

39. IF I PROCEED TO ENTER A JUDGMENT OF GUILTY AND SENTENCE THE CORPORATE DEFENDANT ON THE BASIS OF THIS GUILTY PLEA AND IF ALL THAT HAPPENS, EXCEPT FOR VERY LIMITED CIRCUMSTANCES, THE DEFENDANT WILL HAVE NO RIGHT OF APPEAL FROM ITS CONVICTION. DO YOU UNDERSTAND?

40. 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 INDICTMENT / INFORMATION?

41. [To U.S. Attorney] MR./MS. _____, I HAVE BEFORE ME A PROSECUTION VERSION DATED _____. DOES THIS PROSECUTION VERSION CONTAIN AT A MINIMUM THE EVIDENCE THAT THE GOVERNMENT WOULD BRING TO BEAR IF THE MATTER WERE TO GO TO TRIAL?

PROSECUTION VERSION

[Listen to entire recital of evidence or, in the alternative, admit written prosecution version and do inquiry.]

42. **[To Defense Attorney]** MR./MS. _____ ARE YOU SATISFIED THAT THE GOVERNMENT CAN IN FACT PRODUCE THE EVIDENCE JUST INDICATED BY THE UNITED STATES ATTORNEY?
43. 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 IT IS PLEADING GUILTY?
44. **[To Officer/Agent]** HAVE YOU AND THE OFFICERS AND DIRECTORS HAD AN OPPORTUNITY TO READ THE PROSECUTION VERSION IN THIS CASE?
45. DO YOU AND THE OFFICERS AND DIRECTORS UNDERSTAND WHAT THE GOVERNMENT SAYS HAPPENED AND WHAT THE CORPORATE DEFENDANT DID?
46. IS THERE ANY RESPECT IN WHICH YOU OR THE OFFICERS OR DIRECTORS DISAGREE WITH WHAT HE/SHE HAS SAID?
47. IS THE INFORMATION TRUE TO YOUR OWN PERSONAL KNOWLEDGE AND THAT OF THE OFFICERS AND DIRECTORS OF THIS CORPORATE DEFENDANT?

[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.]

BASED ON MY REVIEW OF THE PROSECUTION VERSION IN THIS CASE, THE CORPORATE LAWYER'S RESPONSES, AND YOUR OWN RESPONSES, I FIND A FACTUAL BASIS FOR THE GUILTY PLEAS TO THE CRIMES CHARGED IN EACH OF COUNTS _____ AND _____ OF THE INDICTMENT/INFORMATION.

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

IF ALFORD PLEA, have the officers/directors MADE INTELLIGENT CONCLUSION THAT DEFENDANT'S INTERESTS REQUIRE GUILTY PLEA?

48. HAS ANYONE THREATENED THE DEFENDANT OR ITS OFFICERS, DIRECTORS, OR AGENTS, OR HAS ANYONE ATTEMPTED TO FORCE THE DEFENDANT OR ITS OFFICERS, DIRECTORS, OR AGENTS ON ITS BEHALF, IN ANY WAY, TO PLEAD GUILTY?

49. I UNDERSTAND THERE IS A PLEA AGREEMENT IN THIS CASE, IS THAT CORRECT COUNSEL?

OR

I UNDERSTAND THERE IS NO PLEA AGREEMENT IN THIS CASE, IS THAT CORRECT COUNSEL?

50. **[To the prosecutor]** [OTHER THAN THE PLEA AGREEMENT IN THIS CASE,] HAS THE GOVERNMENT MADE ANY FORMAL PLEA OFFERS TO THE DEFENDANT? IF YES, PLEASE LIST THE DATE OF EACH FORMAL PLEA OFFER.

51. **[To defense counsel]** [IF NO OFFER,] IS THAT CORRECT?
[IF OFFERS,] IS THE PROSECUTOR'S LIST OF OTHER FORMAL PLEA OFFERS CORRECT? HAVE YOU COMMUNICATED EACH OF THE GOVERNMENT'S FORMAL PLEA OFFERS TO YOUR CLIENT?

52. **[To the officer/agent]** HAVE YOU AND THE OFFICERS AND DIRECTORS RECEIVED EACH OF THE FORMAL PLEA OFFERS THAT THE GOVERNMENT'S LAWYER JUST LISTED?
HAVE YOU AND THE OFFICERS AND DIRECTORS HAD AN OPPORTUNITY TO CONSULT WITH THE CORPORATION'S LAWYER ABOUT EACH OF THE OFFERS?

53. IN EXAMINING THE WRITTEN PLEA AGREEMENT:

- (A) IS THAT THE SIGNATURE OF A PERSON AUTHORIZED BY THE CORPORATE DEFENDANT TO ENTER INTO A PLEA AGREEMENT ON PAGE _____?
- (B) DID THE PERSON WHO SIGNED IT DO SO VOLUNTARILY?
- (C) DID THE PERSON WHO SIGNED IT READ IT BEFORE HE OR SHE SIGNED IT?
- (D) DID THE OFFICERS AND DIRECTORS OF THE CORPORATE DEFENDANT HAVE AN OPPORTUNITY TO CONSULT WITH THE CORPORATION'S LAWYER ABOUT THE MEANING OF THE AGREEMENT BEFORE IT WAS SIGNED?

- (E) DID THE OFFICERS AND DIRECTORS OF THE CORPORATE DEFENDANT UNDERSTAND EVERYTHING IN IT BEFORE IT WAS SIGNED?
- (F) IN AUTHORIZING THIS SIGNATURE, DID THE OFFICERS AND DIRECTORS OF THE CORPORATE DEFENDANT 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] THIS PLEA AGREEMENT CONTAINS A PROVISION BY WHICH THE CORPORATE DEFENDANT WAIVES THE RIGHT TO APPEAL THE SENTENCE I IMPOSE. HAVE YOU AND THE OFFICERS AND DIRECTORS READ THIS PORTION OF THE PLEA AGREEMENT? DO YOU AND THEY UNDERSTAND IT?
- B. ARE YOU AND THE OFFICERS AND DIRECTORS AWARE THAT THE DEFENDANT NORMALLY WOULD HAVE A RIGHT TO APPEAL TO A HIGHER COURT ANY SENTENCE I IMPOSE, BUT THAT BY THIS AGREEMENT, THE DEFENDANT IS 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 THE CORPORATE DEFENDANT WOULD HAVE THE RIGHT TO HAVE ANOTHER COURT REVIEW MY DECISION ON SENTENCE. BECAUSE THE DEFENDANT IS WAIVING THAT RIGHT OF APPEAL, EXCEPT FOR THE MOST LIMITED CIRCUMSTANCE, I WILL

MAKE THE FINAL DECISION REGARDING SENTENCE. DO YOU AND THE OFFICERS AND DIRECTORS UNDERSTAND ALL OF THIS?

OPTION:

- D. I MUST REMIND YOU THAT DESPITE THE CORPORATE DEFENDANT'S 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 THIS PLEA AGREEMENT, AND EXCEPT IN VERY NARROW AND RARE INSTANCES, THE DEFENDANT IS AGREEING NOT TO APPEAL THE SENTENCE EVEN THOUGH IT IS DIFFERENT FROM THE ONE IN THE PLEA AGREEMENT. DO YOU AND THE OFFICERS AND DIRECTORS UNDERSTAND THIS?
- E. **[To counsel]** ARE YOU CONFIDENT THAT YOUR CLIENT FULLY UNDERSTANDS THE RIGHT TO APPEAL THAT IT 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?

54. **[If an 11(e)(1)(B) agreement]** DO YOU UNDERSTAND THAT SO FAR AS SENTENCING IS CONCERNED, THIS PLEA AGREEMENT

PERMITS THE CORPORATE DEFENDANT, ITS 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, THE CORPORATE DEFENDANT WILL HAVE NO RIGHT TO WITHDRAW ITS 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 officer/agent that if the judge does not ultimately accept those provisions, the corporate defendant will have the opportunity to withdraw the plea.]

55. I WILL CONSIDER THE SENTENCING COMMISSION'S ADVISORY GUIDELINES IN DETERMINING THE DEFENDANT'S SENTENCE. I HAVE AN OBLIGATION TO CALCULATE THE APPLICABLE SENTENCING-GUIDELINE RANGE AND TO CONSIDER THAT RANGE, POSSIBLE DEPARTURES UNDER THE GUIDELINES. ONCE I FIX THE APPLICABLE GUIDELINE SENTENCE RANGE, I THEN TREAT THAT RANGE AS ADVISORY AND SENTENCE IN ACCORDANCE WITH CERTAIN FACTORS THAT ARE SET OUT IN FEDERAL CRIMINAL LAW. HAVE YOU AND YOUR LAWYER TALKED ABOUT HOW THESE ISSUES MAY AFFECT YOUR SENTENCE?

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

OFFICE REPORTS.

AFTER I DETERMINE WHAT ADVISORY GUIDELINE DOES APPLY TO THIS CASE, I STILL HAVE THE AUTHORITY TO IMPOSE A SENTENCE THAT IS MORE SEVERE OR LESS SEVERE THAN THE SENTENCE SET FORTH IN THE APPLICABLE GUIDELINE. DO YOU AND THE OFFICERS AND DIRECTORS UNDERSTAND?

AND THE CORPORATE DEFENDANT STILL WILL NOT BE PERMITTED TO WITHDRAW ITS PLEA. DO YOU AND THE OFFICERS AND DIRECTORS UNDERSTAND?

57. [If no appeal waiver] THE CORPORATE DEFENDANT AND THE GOVERNMENT WILL HAVE THE RIGHT TO APPEAL ANY SENTENCE THAT I IMPOSE.

58. ASIDE FROM THE WRITTEN PLEA AGREEMENT, HAS ANYONE MADE ANY PROMISE TO YOU OR ANY OF THE DEFENDANTS' OFFICERS, DIRECTORS, AGENTS, OR EMPLOYEES IN AN EFFORT TO INDUCE THE DEFENDANT TO PLEAD GUILTY?

59. HAS ANYONE MADE ANY PROMISE TO YOU [OTHER THAN WHAT IS SET FORTH IN THE PLEA AGREEMENT] AS TO WHAT THE PROSECUTOR'S RECOMMENDATION IS GOING TO BE?

60. HAS ANYONE MADE ANY PROMISE TO YOU AS TO WHAT KIND OF SENTENCE I WILL IMPOSE?

61. I ASK YOU FINALLY, THEN, DO YOU STILL WISH TO TENDER A PLEA OF GUILTY TO THE CHARGES CONTAINED IN COUNTS _
____ AND _____ OF THE INDICTMENT / INFORMATION?

62. [To Lawyer] DO YOU, AS THE DEFENDANT'S LAWYER, STILL RECOMMEND THAT I ACCEPT THE GUILTY PLEA?

63. [To officer/agent] MR./MS. _____, SINCE THE CORPORATE DEFENDANT ACKNOWLEDGES THAT IT IS 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 THAT THE CORPORATION KNOWS OF ITS RIGHT TO A TRIAL AND THE RIGHTS ASSOCIATED WITH THE RIGHT TO A TRIAL, AND SINCE I FURTHER FIND THAT THE CORPORATION KNOWS THE MAXIMUM POSSIBLE PUNISHMENT [AND MINIMUM, IF APPLICABLE] THAT MAY BE IMPOSED IF IT IS CONVICTED, AND SINCE I FIND THAT THE CORPORATION HAS NOT BEEN COERCED BUT THAT IT HAS VOLUNTARILY AND KNOWINGLY, AND WITH AUTHORIZATION, TENDERED A PLEA OF GUILTY TO COUNTS _____ AND _____ OF THIS INDICTMENT/INFORMATION, I NOW ACCEPT ITS GUILTY PLEA AS TENDERED.

<p>OPTION: 52. I WILL RESERVE DECISION ON ACCEPTANCE OF THE PLEA AGREEMENT UNTIL I HAVE REVIEWED THE PRESENTENCE INVESTIGATION REPORT.</p>
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53. I HEREBY ORDER THE PREPARATION OF THE CUSTOMARY PRESENTENCE INVESTIGATION REPORT.