

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)

IN THE CIRCUIT COURT
FIRST JUDICIAL DISTRICT

STATE OF WYOMING,)
)
 Plaintiff,)
 vs.)
)
 _____,)
 (Y.O.B) _____)
 Defendant.)

Docket(s) No.: _____

**PLEA AGREEMENT, WAIVER OF CONSTITUTIONAL RIGHTS,
PLEA OF GUILTY/NO CONTEST, WAIVER OF APPEARANCE, AND
CONSENT TO ENTRY OF ORDER FOR PROBATION**

COMES NOW the State of Wyoming by and through _____, Assistant District Attorney, and the Defendant, _____, by and through Counsel, _____, of _____ and in accordance with Rule 11(e)(1)(B), W.R.Cr.P., hereby enter into the following Plea Agreement:

1. The Defendant is presently charged with:

Crime: _____ **W.S. §** _____ **Penalty:** _____

2. Defendant has / has not been subject to testing and bond conditions since _____ and his bond has / has not been revoked.

3. In exchange for the Defendant pleading guilty / no contest to **Docket(s):**

_____ as alleged to have occurred on or about _____, in Laramie County, Wyoming, the State and Defense jointly recommend a sentence of:

4. The remaining charge(s) under **Docket(s):**

will be **dismissed at sentencing**.

Waiver of Constitutional Rights and Personal Appearance

5. Defendant recognizes that he has the right to be represented by an attorney at every stage of these proceedings; to have, under certain circumstances, an attorney appointed to represent him; and, that he currently is represented. He recognizes that he has the right to plead not guilty or to persist in that plea if it has already been made to the above charges; to have the case tried before a jury and the right to the assistance of counsel at that trial; to confront and to cross examine adverse witnesses; to Court process to obtain the testimony of other witnesses; the right against compelled self-incrimination; and that he has the right to appeal from any conviction if he is found guilty.
6. Defendant recognizes if he pleads guilty or is found guilty of a criminal offense, in addition to any fine and jail sentence that may be imposed, he may also be required to pay a surcharge to victim's compensation, court costs, restitution, public defender fees, an administration fee for drug and alcohol testing, and a drug court surcharge.
7. Defendant recognizes if he pleads guilty to controlled substance offense, he may lose certain federal benefits.
8. Defendant recognizes if he pleads guilty to a domestic violence offense, he may be prohibited under federal law from ever using or possessing a firearm or ammunition. If applicable, DEFENDANT HAS SIGNED A FIREARMS ADVISEMENT WHICH IS ATTACHED HERETO.
9. Defendant recognizes if his country of birth is other than the United States, a criminal conviction may have serious adverse effects on his immigration status.
10. If Defendant if entering a plea of no contest, the defendant recognizes that a no contest plea has the same effect as a guilty plea.
11. Defendant recognizes that by pleading guilty he hereby waives his right to trial, his right to remain silent, and his right to appeal from any conviction.
12. Defendant hereby voluntarily, knowingly, and intelligently waives the above-mentioned rights.
13. Defendant consents to the introduction of testimony in this case by affidavits, written statements of witnesses, and any other documentary evidence submitted to the court in this case.
14. That the Defendant waives his **right to be present** at his change of plea and sentencing hearings pursuant to the Wyoming Rules of Criminal Procedure, Rule 3.1, 11(b) and 43, by his undersigned signature.
15. That the Defendant consents to the use of this agreement in any trial or other court proceeding and waives any objection to the admission of this agreement in any trial or other court proceeding.
16. That the Defendant waives his right to a speedy trial and speedy prosecution pursuant to the Interstate Agreement on Detainers Act, and the Wyoming Rules of Criminal Procedure.
17. Defendant, _____, by his signature below, hereby pleads *guilty/no contest* to the charge(s) of:

_____ as set forth in paragraph #1 of this Plea Agreement, and provides the following factual basis:

“On or about _____, in Laramie County, Wyoming, I, _____,

_____ in violation of W.S. § _____ Defendant understands that this plea of *guilty* will be entered into the record and the Defendant will be sentenced according to the Order and Judgment.

Order and Judgment of the Court

THE ABOVE ENTITLED MATTER, having come on before the Court this date, the Plaintiff, the State of Wyoming, appearing by and through its prosecutor, Assistant District Attorney, _____; and the Defendant, appearing by and through Defendant’s Attorney, _____, and the parties having agreed to the disposition hereinafter set forth; and the Court having found that such disposition is acceptable and should be confirmed and approved by the Court, **FINDS AND ORDERS** as follows;

The Defendant, _____, by his signature on this document acknowledges as follows:

1. That he is the Defendant in this criminal action presently filed in Docket(s):

the Circuit Court, Laramie County, Wyoming.

2. That he has been informed that pleading guilty to Docket(s):

has the potential penalties as set forth in paragraph #1 on page #1 of this Plea Agreement in one of this document. **The Defendant also understands that this conviction may enhance any future sentence he may receive for other criminal convictions.**

3. That the Defendant has pled “*guilty*”/”*no contest*” and provided charging documents as the factual basis for the plea, the court has accepted the plea of “*guilty*”/”*no contest*,” and accepted the charging documents as the factual basis for the plea.

4. That the Defendant is sentenced to:

_____ Days Jail	_____ Days Suspended	_____ Days Credit	Concur/Consec
_____ Days Jail	_____ Days Suspended	_____ Days Credit	Concur/Consec
_____ Days Jail	_____ Days Suspended	_____ Days Credit	Concur/Consec
_____ Days Jail	_____ Days Suspended	_____ Days Credit	Concur/Consec

5. That the Defendant is ordered to pay the following:

Fine: _____ Costs: _____ VCF: _____ CST: _____
 Suspended: _____ Inability: _____ Inability: _____ Inability: _____
 Restitution: _____ PD Fees: _____ Waived: _____
 Civil Judgment of Restitution: _____
 Total Due: _____ Date Due: _____ *No Personal Checks*

The terms and conditions of _____ unsupervised probation and/or incarceration, including:

- a) _____ Obey all laws.
- b) _____ Attend DUI VIP on _____.
- c) _____ No convictions for similar offenses.
- d) _____ No driving without a valid license, registration or insurance.
- e) _____ Complete 8-hour DUI driving course within 90 days and provide proof to the court you have done so.
- f) _____ No arrests, citations, or convictions for any violation of the law other than minor traffic offenses
- g) _____ Cannot leave Laramie County without the permission of the Court.
- h) _____ No contact with the victim, the victim's residence or victim's place of employment.
- i) _____ No assaultive behavior.
- j) _____ No weapons or firearms.
- k) _____ Abide by any civil protection order.
- l) _____ No contact with _____.
- m) _____ Must attend and complete _____.
- n) _____ Shall not use or possess any controlled substances, synthetic controlled substances or drug paraphernalia or be around anyone who is using or possessing.
- o) _____ Shall submit to warrantless searches of your person, vehicle or residence at the request of law enforcement for the possession of prohibited items.
- p) _____ Shall not use or possess alcohol or be around anyone who is using or possessing alcohol.
- q) _____ Shall submit to warrantless searches of your person vehicle or residence at the request of law enforcement for the possession or use of alcohol and shall not enter any establishment where alcohol is the main source of income.
- r) _____ Shall submit evaluations for substance abuse, domestic violence evaluations or any other evaluation required either contemporaneously with this document or prior to the submission of this document. THE COURT WILL NOT SIGN THIS DOCUMENT IF EVALUATIONS HAVE NOT BEEN SUBMITTED.

- s) _____ Shall sign all waivers and releases in favor of the District Attorney Office.
- t) _____ Random drug and alcohol testing. See requirement under separate order.

6. That Defendant has knowingly and voluntarily entered a plea of “*guilty*”/”*no contest*,” and has waived his right to plead not guilty to persist in that plea if it has already been made to the above charges; to have the case tried before a jury and the right to the assistance of counsel at that trial; to confront and to cross examine adverse witnesses; to Court process to obtain the testimony of other witnesses; remain silent and not be compelled to give statements that may result in self-incrimination; and that he retains the right to appeal from this conviction within thirty (30) days from the entry of this Order pursuant to W.R.A.P., Rule 2.01.

7. Defendant has been afforded an opportunity to consult at length with his attorney, that he is satisfied with the representation, if any, furnished, and that he fully understands the charges filed against him as well as the plea agreement he has accepted.

8. That his plea is voluntary and not the result of any force or threat or of promises apart from the agreements which have been made between the parties which are fully stated and disclosed herein.

9. That no additional agreements or promises have been made regarding any other matter which may be the subject of prosecution.

10. That the Court was not obligated to any particular sentence in accordance with the recommendations contained herein, rather the Court could have imposed any sentence authorized by law and, if the Court chooses, could have sentenced to anywhere between the minimum and maximum sentence allowed by law; but that the Court has accepted the joint recommendation of the State of Wyoming and the Defendant.

ORDERED this _____ day of _____, 2020.

CIRCUIT COURT JUDGE

You are advised that you have the right to appeal this Judgment and Sentence by filing a Notice of Appeal to the District Court of the 1st Judicial District within 30 days of the entry of this order. If you are unable to afford the costs of the appeal, you may apply for leave to appeal *in forma pauperis*, have appointed counsel represent you for the appeal.

APPROVED AS TO FORM AND SUBSTANCE:

Prosecuting Attorney

Defense Attorney

Defendant