

State of Alabama Unified Judicial System Form C-44A (front) Rev. 07/02	<b>EXPLANATION OF RIGHTS OF YOUTHFUL          OFFENDER AND PLEA OF GUILTY</b>	Case Number
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IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_, ALABAMA  
 (Circuit, District, or Municipal) (Name of County or Municipality)

STATE OF ALABAMA  
 MUNICIPALITY OF \_\_\_\_\_ v. \_\_\_\_\_  
Defendant

**TO THE ABOVE-NAMED DEFENDANT:**

This is to inform you of your rights as a defendant in this case. The Court has determined that you are to be treated as a youthful offender. For you to be guilty of being a youthful offender in this case, the prosecutor would have to prove that you committed what would otherwise be the adult criminal offense of \_\_\_\_\_, a Class \_\_\_\_\_.

If that offense is a felony and you plead guilty to being a youthful offender, you may receive punishment of up to three (3) years' confinement in the custody of the State Department of Corrections and, in addition, may be fined in an amount up to \$ \_\_\_\_\_. You may be ordered by this Court to participate in the Boot Camp program set out in Section 15-18-8(a)(2), Ala. Code 1975.

If that offense is a misdemeanor or municipal ordinance violation and you plead guilty to being a youthful offender, you may receive punishment of imprisonment in the county/municipal jail or to hard labor for up to \_\_\_\_\_ and, in addition, may be fined in an amount up to \$ \_\_\_\_\_.

You will also be assessed court costs and may be ordered to pay restitution in an amount determined by the Court. In accordance with Section 15-23-17, Ala. Code 1975, if the adult criminal offense listed above is a felony or misdemeanor, you will be ordered to pay a victim compensation assessment of not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_.

If you are charged with an alcohol or drug-related offense, and if you plead guilty or are found guilty, you will be required to undergo an evaluation for alcohol or drug abuse. Based on the results of the evaluation, you will be required to complete the recommended education or treatment program and to pay for the evaluation and education or treatment program to which you are referred. Failure to complete the recommended program, which includes paying for it and the evaluation, will be considered a violation of probation or parole. You may be required to attend monitoring sessions with a court referral officer and to pay a monitoring fee. These monitoring sessions would include random alcohol or drug testing. Any person determined to be indigent by the Court may request a waiver of all or part of the fees in this paragraph. If you become able to pay during the course of monitoring, education or treatment, or at another future date, the waiver of fees may be revoked. The Court may order you to perform community service instead of payment of the fees in this paragraph if you are indigent.

**IN ENTERING A PLEA OF GUILTY IN THIS COURT, YOU ARE WAIVING A TRIAL AND THE FOLLOWING RIGHTS TO WHICH YOU ARE ENTITLED IN THE EVENT OF A TRIAL:**

Under the Constitutions of the United States and the State of Alabama, you have a right or privilege not to be compelled to give evidence against yourself. In the trial of your case before the Court, you have the right to take the witness stand and to testify on your own behalf, if you so desire, but no one can require you to so testify. If you testify, you can be cross-examined by the prosecutor. You have the right to remain silent, but anything that you voluntarily say, with knowledge of your rights, may be used against you. Your conversations with your attorney are confidential and cannot, and will not, be disclosed by your attorney.

You have the right to stand trial on your plea of not guilty and have your case tried by the Court. The Court would determine whether you are guilty or whether you are innocent, based upon the evidence in the case.

In the trial of your case, your attorney could subpoena witnesses on your behalf, make legal objections to matters that your attorney felt were objectionable, cross-examine the witnesses of the prosecution, examine your own witnesses, and argue the matter before the Court. Your attorney would be bound to do everything that he or she could honorably and reasonably do to see that you obtain a fair and impartial trial.

In the trial of your case, you will come into court clothed with a presumption that you are not guilty and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the prosecution convinces the Court, beyond a reasonable doubt, of your guilt. The burden of proof is upon the prosecution to convince the Court, from the evidence in the case, that you are guilty beyond a reasonable doubt before you would be found guilty. If the prosecution does not meet such burden of proof, it will be the Court's duty to find you not guilty. You will have no burden of proof whatsoever in your trial.

You have the right to enter a plea of "guilty," "not guilty," "not guilty by reason of mental disease or defect," or "not guilty and not guilty by reason of mental disease or defect."

If you enter a plea of guilty, you will waive your right to appeal, unless (1) you have, before entering the plea of guilty, expressly reserved the right to appeal with respect to a particular issue or issues, in which event appellate review shall be limited to a determination of the issue or issues reserved, or (2) you have timely filed a motion to withdraw the plea of guilty after pronouncement of sentence on the ground that the withdrawal is necessary to correct a manifest injustice, and the court has denied your motion to withdraw your plea, or the motion has been deemed denied by operation of law.

If you have a right to appeal under one of the conditions above and you are determined by the court to be indigent, counsel will be appointed to represent you on appeal if you so desire and if the appeal is from a circuit court judgment or sentence, a copy of the record and the reporter's transcript will be provided at no cost to you.

**EXPLANATION OF RIGHTS OF YOUTHFUL OFFENDER AND PLEA OF GUILTY**

**IF YOU PLEAD GUILTY, THERE WILL BE NO TRIAL AND YOU WILL BE WAIVING THE RIGHTS LISTED ABOVE.**

The Court will go over these rights, as well as the nature of the charge and the material elements of the offense, with you. If you have any questions about any of them, upon your request, the judge will make further explanation to you.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

I state to the Court that I have had the matters and rights set forth above read to me, that my attorney has discussed these matters and rights with me in detail and that I, the defendant, fully understand them, that I am not under the influence of any drugs, medicines or alcoholic beverages and have not been threatened or abused or offered and inducement or hope of reward to get me to plead guilty other than \_\_\_\_\_

I further state to the Court that I am guilty as charged in this case, desire to plead guilty, and knowingly, voluntarily and intelligently waive my right to a trial of this cause.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

I certify that the above rights were read to the defendant by me, that discussed such rights with the defendant, in detail, and that a copy of the rights was given to the defendant by me. Having gone over the defendant's rights and the consequences of entering a plea of guilty with the defendant, in my judgment, the defendant understands those rights and knowingly, intelligently and voluntarily waives the right to a trial and knowingly, voluntarily waives the right to a trial and knowingly, voluntarily and intelligently enters a plea of guilty.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Defendant