

RULE 11 – CHANGE OF PLEA

(8/2001 rev. 12/2013)

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. MR./MS. _____, THE PURPOSE OF THE HEARING TODAY IS FOR ME TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE DOING AND THAT YOU ARE DOING WHAT YOU ARE DOING OF YOUR OWN FREE WILL. IN OTHER WORDS, WHAT YOU ARE DOING TODAY MUST BE BOTH KNOWING AND VOLUNTARY, DO YOU UNDERSTAND?
5. I AM GOING TO START BY ASKING SOME QUESTIONS ABOUT YOU, BECAUSE I WANT TO BE SURE YOU ARE COMPETENT. HOW FAR DID YOU GO IN SCHOOL?
6. HAVE YOU RECENTLY BEEN SEEING ANY DOCTOR OR PSYCHIATRIST?
7. ARE YOU CURRENTLY TAKING ANY MEDICATIONS?

WHAT IS THE DRUG? QUANTITY?
HOW RECENTLY TAKEN? PURPOSE & EFFECTS?
8. [If any medication, alcohol or drug use, inquire of both lawyers whether in their dealings with defendant there is any cause for concern about his/her competence to do Rule 11.]
9. HAVE YOU FAILED TO TAKE ANY MEDICINE THAT A DOCTOR HAS TOLD YOU, YOU SHOULD TAKE?
10. [OTHER THAN THE MEDICINES YOU HAVE TOLD ME ABOUT,] HAVE YOU USED ANY DRUGS OR ALCOHOL IN THE LAST 24 HOURS?

11. DO YOU BELIEVE YOU UNDERSTAND WHAT IS HAPPENING IN THESE PROCEEDINGS?

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.

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

13. DO YOU AUTHORIZE _____ [name of lawyer] TO SPEAK FOR YOU?

14. I UNDERSTAND THAT YOU WISH TO CHANGE YOUR PLEA TO COUNTS _____ AND _____ OF THE INDICTMENT/INFORMATION. IS THAT CORRECT?

15. MR./MS. _____ [lawyer], DO YOU APPROVE OF THE CHANGE OF PLEA AND RECOMMEND THAT I ACCEPT IT?

16. THE CLERK MAY PROCEED.

[Clerk obtains tender of guilty plea]

17. [To Defendant] NOW, MR./MS. _____, I HAVE A VERY IMPORTANT QUESTION FOR YOU AND OBVIOUSLY IN THIS COURTROOM, I REQUIRE A TRUTHFUL ANSWER, HAVE YOU PLEADED GUILTY TO THE CHARGES CONTAINED IN COUNTS _____ AND _____ OF THIS INDICTMENT/INFORMATION BECAUSE YOU ARE ACTUALLY GUILTY OF THIS [THESE] CRIMES AND FOR NO OTHER REASON?

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 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?

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

19. **[To Defendant]** HAVE YOU RECEIVED A COPY OF THE
INDICTMENT/INFORMATION?

20. HAVE YOU HAD ENOUGH TIME TO DISCUSS THE CHARGE(S)
WITH YOUR LAWYER?

21. HAS YOUR LAWYER EXPLAINED TO YOU:

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

(B) THE PENALTIES THAT CAN BE IMPOSED?

22. **[To Lawyer]** ARE YOU SATISFIED THAT _____
[Defendant] UNDERSTANDS THE CHARGES CONTAINED IN
COUNTS _____ AND _____ OF THE
INDICTMENT/INFORMATION AND THE PENALTIES THAT CAN
BE IMPOSED?

23. **[To Defendant]** YOU ARE CHARGED IN AN
INDICTMENT/INFORMATION CONTAINING _ COUNTS.

[Set out brief description of offenses]

24. DO YOU UNDERSTAND THESE CHARGES?

25. 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 FOR EACH VIOLATION.
4. YOU MUST ALSO PAY A MANDATORY ASSESSMENT OF \$100 ON EACH COUNT ON WHICH YOU ARE CONVICTED, FOR A TOTAL OF \$_____.
5. BY PLEADING GUILTY TO THESE CRIMES, IF YOU ARE NOT A UNITED STATES CITIZEN YOU MAY BE REMOVED FROM THE UNITED STATES, DENIED CITIZENSHIP, AND DENIED ADMISSION TO THE UNITED STATES IN THE FUTURE. DO YOU UNDERSTAND?

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.]

26. NOW, MR./MS. _____, I WANT YOU TO UNDERSTAND THAT THE LAW DOES NOT REQUIRE YOU TO COME INTO THIS COURTROOM TODAY AND PLEAD GUILTY, DO YOU UNDERSTAND?

27. IN OTHER WORDS, IF YOU WERE TO TELL ME RIGHT NOW THAT YOU WISHED TO PLEAD NOT GUILTY, I WOULD LET YOU WITHDRAW YOUR GUILTY PLEA, DO YOU UNDERSTAND?

28. YOU ARE GOING TO HAVE THE RIGHT TO CHANGE YOUR MIND AND PLEAD NOT GUILTY UP UNTIL THE TIME THAT I ACCEPT YOUR GUILTY PLEA, IF I DO DECIDED TO ACCEPT IT, DO YOU UNDERSTAND?

29. I AM GOING TO TAKE A MOMENT AND REVIEW WITH YOU THE OTHER RIGHTS THAT YOU ARE WAIVING OR GIVING UP BY PLEADING GUILTY. YOU HAVE THE RIGHT TO A TRIAL BY JURY, THE RIGHT TO THE ASSISTANCE OF YOUR LAWYER AT SUCH A 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?

30. 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?
31. AT A 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.
DO YOU UNDERSTAND?
32. 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?
33. 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 INDICTMENT/INFORMATION. DO YOU UNDERSTAND?

34. 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?
35. 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?
36. 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?
37. [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.]

38. **[To Defense Attorney]** MR./MS. _____ ARE YOU SATISFIED THAT THE GOVERNMENT CAN IN FACT PRODUCE THE EVIDENCE JUST INDICATED BY THE UNITED STATES ATTORNEY?
39. 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?
40. **[To Defendant]** HAVE YOU HAD AN OPPORTUNITY TO READ THE PROSECUTION VERSION IN THIS CASE?
41. NOW YOU UNDERSTAND THAT THIS IS A VERY IMPORTANT DOCUMENT, CORRECT? IT BASICALLY SAYS WHAT THE GOVERNMENT CLAIMS YOU DID IN COMMITTING THIS CRIME, CORECT? KNOWING THAT THIS DOCUMENT IS IMPORTANT, HAVE YOU REVIEWED IT CAREFULLY? DO YOU UNDERSTAND WHAT THE GOVERNMENT SAYS HAPPENED AND WHAT YOU DID?
42. NOW AGAIN, I HAVE A VERY IMPORTANT QUESTION FOR YOU AND AGAIN REQUIRE A TRUTHFUL ANSWER. IS THERE ANY RESPECT IN WHICH YOU DISAGREE WITH WHAT HE/SHE HAS SAID?

43. 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.]

BASED ON MY REVIEW OF THE PROSECUTION VERSION IN THIS CASE, YOUR 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, HAS DEFENDANT MADE INTELLIGENT CONCLUSION THAT DEFENDANT'S INTERESTS REQUIRE GUILTY PLEA?

44. THE NEXT PART OF THIS PROCESS IS TO MAKE SURE THAT YOU ARE DOING WHAT YOU ARE DOING TODAY OF YOUR OWN FREE WILL. HAS ANYONE THREATENED YOU OR HAS ANYONE ATTEMPTED TO FORCE YOU TO GET YOU IN ANY WAY TO PLEAD GUILTY?

45. 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?
45. 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.
46. 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?
47. TO THE DEFENDANT:
HAVE YOU RECEIVED EACH OF THE FORMAL PLEA OFFERS
THAT THE GOVERNMENT'S LAWYER JUST LISTED?
HAVE YOU HAD AN OPPORTUNITY TO CONSULT WITH YOUR
LAWYER ABOUT EACH OF THE OFFERS?
48. 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 HAVE AN OPPORTUNITY TO CONSULT WITH YOUR LAWYER ABOUT THE MEANING OF THE AGREEMENT BEFORE YOU SIGNED IT?
- (E) DID YOU UNDERSTAND EVERYTHING IN IT BEFORE YOU SIGNED IT?
- (F) 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?

49. **[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.]

50. THE SENTENCING COMMISSION'S ADVISORY GUIDELINES WILL BE CONSIDERED BY ME IN DETERMINING YOUR 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?
51. 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 YOUR LAWYER AND THE PROSECUTOR AN OPPORTUNITY TO CHALLENGE THE FACTS THE PROBATION OFFICE REPORTS.

AFTER I DETERMINE WHAT ADVISORY GUIDELINE DOES APPLY TO YOUR 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 UNDERSTAND?

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

52. YOU AND THE GOVERNMENT WILL HAVE THE RIGHT TO APPEAL ANY SENTENCE THAT I IMPOSE.

53. 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?

54. ASIDE FROM THE WRITTEN PLEA AGREEMENT, HAS ANYONE MADE ANY PROMISE TO YOU IN AN EFFORT TO GET YOU TO PLEAD GUILTY?

55. 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?

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

57. I ASK YOU FINALLY, THEN, DO YOU STILL WISH TO PLEAD GUILTY TO THE CHARGES CONTAINED IN COUNTS _____ AND _____ OF THE INDICTMENT/INFORMATION?

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

59. [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: 51. I WILL RESERVE DECISION ON ACCEPTANCE OF THE PLEA AGREEMENT UNTIL I HAVE REVIEWED THE PRESENTENCE INVESTIGATION REPORT.

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

61. **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.]

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

OPTION: 56. THE DEFENDANT IS RELEASED ON BAIL. (WARN OF BAIL-JUMPING OFFENSE.)