

MAINE JUDICIAL BRANCH

STATE OF MAINE

V.

"X" the court for filing:

☐ Superior Court ☐ District Court

☐ Unified Criminal Docket

County: _____

Location (Town): _____

Docket No.: _____

Defendant

MAINE TREATMENT COURT PLEA AGREEMENT AND WAIVER OF RIGHTS

I, the above-named defendant, after full consultation with my attorney, do execute this written plea agreement and waiver of rights in this matter, and state as follows:

1. I understand the elements of the crime(s) and/or probation violation(s) charged against me, the maximum possible sentence, and any mandatory minimum sentence.
2. I understand that by pleading guilty to the charges and/or admitting the probation violation(s) I am giving up the following rights:
 - a. the right to remain silent;
 - b. the presumption of innocence, which means that although these charges have been brought against me, I am not guilty until the State proves the criminal charges beyond a reasonable doubt and/or a probation violation by a preponderance of the evidence, as applicable;
 - c. the right to a speedy and public trial, the right to be present at the trial, the right to see and ask questions of witnesses who would testify against me for the State and the right but not the obligation to testify myself and to call witnesses to testify on my behalf;
 - d. the right to a jury trial for crime(s) and the right to a unanimous verdict in order for me to be found guilty, which means all twelve jurors would have to conclude that the State had proved beyond a reasonable doubt the charge(s) against me;
 - e. the right to a jury-waived trial; in order for the judge to find me guilty for crime(s), he would have to conclude that the State had proved beyond a reasonable doubt the charge(s) against me; in order to find I violated my probation, the judge would have to conclude the State had proved by a preponderance of the evidence that I violated my probation conditions;
 - f. the right to appeal any pretrial rulings and to appeal any conviction(s).
3. I am pleading guilty because I am guilty and for no other reason.
4. I am entering this plea voluntarily, based on my own free choice; no one has made any threats or promises to encourage me to plead to the charge(s) or admit the probation violation(s) other than to tell me about the sentencing agreements made in connection with the plea agreement set forth below.

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MAINE JUDICIAL BRANCH

5. I am not under the influence or impaired in any way by any drugs, alcohol, or medicine; I understand this proceeding and am able to make an informed decision.
6. I am satisfied with the services of my attorney. I have had enough time to discuss the State's evidence against me, the plea agreement, and the requirements of the Maine Treatment Court. I have had enough time to decide to enter plea(s) of guilty and/or admit to violating my probation conditions as opposed to having a trial.
7. I was born in _____ and I ☐ am not ☐ am a citizen of the United States.
8. I understand the following plea agreement applies to my case:
- a. Successful completion of the Maine Treatment Court:
- _____
- _____
- _____
- b. Unsuccessful completion of the Maine Treatment Court:
- _____
- _____
- _____
9. I understand I am waiving my right to challenge the continuation of sentencing until either completion of, or dismissal from, the Maine Treatment Court. M.R.U. Crim. P. 32(a)(1)
10. I understand that I do not have the right to appeal any sentence I receive pursuant to an agreed-upon recommendation to the court.
11. I understand that I can withdraw my plea based only on the discretion of the court, and that such discretion is exercised only in exceptional circumstances. M.R.U. Crim. P. 32(d)
12. I understand that I must comply with all of the conditions of the Maine Treatment Court bail contract, and if I do not, I will be in violation of the conditions of my post-conviction bail incorporated therein, which may result in court-imposed sanctions, including but not limited to incarceration, expulsion from the Maine Treatment Court, and/or being charged with a new crime, violation of conditions of release.
13. I understand that the MTC judge and team will discuss me and my case with others while I am not present. I understand that the judge involved in the MTC may talk to me when others are not present. I understand that this communication is different from what the judge would do if I was not participating in the MTC.
14. I understand that the MTC judge may sanction me to a period of incarceration of up to four days if I violate the conditions of release imposed by the court or the MTC contract. I understand that I have the right to have an attorney represent me at any hearing to determine whether a sanction of

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MAINE JUDICIAL BRANCH

incarceration over four days should be imposed.

15. I understand that if I am expelled from the MTC, the court may proceed with the sentencing pursuant to the plea agreement outlined in paragraph 8(b) above. I understand that I have the right to have an attorney represent me at any sentencing proceeding.
16. I have read, or have had read to me, the MTC bail contract and Client Handbook and I understand all of the provisions of these documents.
17. If requested, an interpreter has been provided to me and I have read, or have had read to me, the MTC bail contract and Client Handbook and I understand all of the provisions of these documents.

All of the terms of this plea agreement and waiver of rights have been explained to me by my attorney and by the court. I have read and I understand all of the terms in this document.

Date (mm/dd/yyyy): _____



Defendant Signature

I have explained the provisions described above and I believe my client understands this document.

Date (mm/dd/yyyy): _____



Defense Attorney Signature

The plea agreement set forth in paragraph 8 above accurately states the agreement.

Date (mm/dd/yyyy): _____



District Attorney Signature

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