

STATE OF MAINE

- UNIFIED CRIMINAL DOCKET
- SUPERIOR COURT
- DISTRICT COURT

County: _____
 Location: _____
 Docket No.: _____

STATE OF MAINE

v.

**MAINE TREATMENT COURT
 PLEA AGREEMENT AND
 WAIVER OF RIGHTS
 (PROBATION)**

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 probation violation(s) charged against me.
2. I understand that by 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 the motion to revoke probation has been filed against me, I may not be found to have violated the conditions of my probation until the State proves that I violated the conditions of my probation by a preponderance of the evidence;
 - c. the right to a hearing on the motion to revoke probation, the right to be present at the hearing, 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; and
 - d. in order to find I violated the conditions of my probation, the judge would have to conclude the State had proved by a preponderance of the evidence that I violated the conditions of my probation.
3. I am entering this admission voluntarily, based on my own free choice; no one has made any threats or promises to encourage me to admit the probation violation(s) other than to tell me about the sentencing agreements made in connection with the plea agreement set forth below.
4. 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.
5. 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 admit to violating the conditions of my probation as opposed to having a hearing.

6. I was born in _____ and I am/am not a citizen of the United States.

7. 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:

8. 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).

9. I understand that I do not have the right to appeal any sentence I receive pursuant to an agreed-upon recommendation to the court.

10. I understand that I can withdraw my admission 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).

11. 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 new crimes or a motion to revoke probation.

12. I understand that the judge and/or justice involved in the Maine Treatment Court will discuss me and my case with others while I am not present. I understand that the Maine Treatment Court team will discuss me and my case when I am not present. I understand that the judge and/or justice involved in the Maine Treatment Court may talk to me when others are not present. I understand that this communication is different from what the judge and/or justice would do if I was not participating in the Maine Treatment Court.

13. I understand that the judge and/or justice involved in the Maine Treatment Court may sanction me to a period of incarceration of up to 4 days if I intentionally or knowingly violate the conditions of release imposed by the court or the Maine Treatment Court contract. I understand that I have the right to have an attorney represent me at any hearing to determine whether a sanction of incarceration over 4 days should be imposed.

14. I understand that if I am expelled from the Maine Treatment Court, the court may proceed with the sentencing pursuant to the plea agreement outlined in paragraph 7(b) above. I understand that I have the right to have an attorney represent me at any sentencing proceeding.

15. I have read, or have had read to me, the Maine Treatment Court bail contract and Client Handbook and I understand all of the provisions of these documents.

16. If requested, an interpreter has been provided to me and I have read, or have had read to me, the Maine Treatment Court 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: _____

Defendant

I have explained the provisions of this document to my client and I believe (s)he understands this document.

Date: _____

Defense Attorney

The plea agreement set forth in paragraph 7 above accurately states the agreement.

Date: _____

District Attorney