

Plea comprehension inquiry

I _____, date of birth _____

State that I have instructed counsel that I wish to plead guilty to the following charge(s):

I have instructed counsel from the duty counsel office to represent me for this guilty plea.

I am aware of the Crown's position on sentence as follows:

(include charges accused is pleading guilty to and Crown's position)

I am aware that Counsel, on my behalf, will recommend to the judge that the appropriate sentence is:

I understand that:

The judge will not accept my guilty plea if I tell the judge that I did not commit the crime(s) I am charged with committing.

Counsel does not recommend that I plead guilty if I am pleading guilty just to get it over with (for example, pleading guilty to avoid missing school or work).

I cannot withdraw my plea because I do not like the sentence the judge imposes.

Counsel has advised me that I should not plead guilty at this time and I am choosing to do so against this advice (if applicable).

I have a right to plead not guilty and to have a trial where the Crown must prove that I am guilty of the charge(s) beyond a reasonable doubt. If, after the trial, the judge finds that the charge(s) was not proven beyond a reasonable doubt, the judge will find me not guilty. I am giving up this right.

I am pleading guilty voluntarily, of my own free will, and no one has pressured me to do so or promised me anything in return for pleading guilty.

By pleading guilty I admit that I committed the essential elements – or the required parts – of the above criminal offence(s) as explained by counsel.

At this time, I have only been able to consult with a lawyer based on a summary of the Crown's evidence against me (if applicable).

I have a right to know in advance of the trial what evidence the Crown has against me and to wait for complete disclosure (the full file of all the evidence against me) to speak with a lawyer about the complete case. This could allow me to learn whether there are any weaknesses (i.e. legal or factual) in the Crown's case against me or whether there are any defence(s) to this charge. I am giving up this right.

The Judge will listen to what the lawyers say about what sentence I should receive and anything I wish to say, BUT it is the Judge's decision to sentence me as s/he sees fit which could include jail, or a longer period of jail than what is being proposed. The Judge is not required to follow any agreement made between my Counsel and the Crown Attorney, even if my Counsel and the Crown Attorney agree to suggest to the Judge a particular sentence.

I require the assistance of an interpreter in:

That assistance has been provided to me for the purposes of translating and completing this form.

The interpreter who assisted with the translation of this form is:

Furthermore, Counsel has explained the consequences of pleading guilty to me. I understand that:

An Absolute Discharge or Conditional Discharge is a “finding of guilt” that, will result in a temporary criminal record and a permanent police and computer record of the discharge.

Any finding of guilt, including an Absolute or Conditional Discharge may affect my current or future employment including losing my current job or stop me getting another or different job.

A finding of guilt may affect travel to other countries, including the United States, in particular. It is completely up to the other country to admit me or not.

If I am not a Canadian citizen a finding of guilt can affect my immigration status (possibly leading to my deportation from Canada). I have been advised to seek advice from an immigration lawyer before pleading guilty.

I have refused to do this

I have spoken directly to an immigration lawyer

Counsel has sought advice from an immigration lawyer on my behalf

A finding of guilt may affect any child custody hearings in which I may be involved, especially with respect to any form of assault against another person.

A finding of guilt may affect my ability to be a volunteer, for example, at a school or day care.

There may be other consequences of pleading guilty that could last for years or even the rest of my life, including a DNA order, weapons prohibition, restrictions on my mobility and consequences under the *Highway Traffic Act*.

(If applicable) I will also be added to *Sex Offender Information Registration Act* (SOIRA).

(If applicable) I will be ordered by the Judge to pay a Victim Fine Surcharge (VFS).

I understand that the information on this form is to clarify the consequences of a guilty plea. My signature is not a commitment to enter a guilty plea, and I can change my mind about my plea at any time until my plea is actually entered before the court.

Other instructions of customization of guilty plea

I certify that the information included in this form is complete, true, and accurate

I certify that the information included in this form is complete, true, and accurate

Accused

Counsel

Signature:

Signature:

Date:

Date:

Please check if the form was verbally agreed to by the client.

This inquiry **MUST** be completed for **EVERY** plea represented by Counsel (staff and per diem) for both in and out of custody clients and attached to the intake.

Instructions to Counsel:

1. Counsel must not assist on any part of a plea – including sentencing – where the accused has not admitted the essential elements of the offence.
2. Counsel must ask the Judge to conduct the s. 606 inquiry on the record, notwithstanding the use of this form.
3. Counsel should not admit the facts on the record for the accused person. The accused person should be asked to admit the facts personally on the record.
4. Where there is the possibility of immigration consequences due to the plea, Counsel should obtain permission from the accused to indicate on the record that Counsel has advised the accused to seek immigration advice before entering the plea and the client has chosen to proceed today without this advice. If the client does not want this indicated on the record, Counsel should advise that the court may, of its own accord, ask the client about his/her immigration status and that Counsel will refer the question to the accused directly for response.

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Questions about this collection should be directed to the Privacy and Access to Information Officer at fippa@lao.on.ca or 1-800-668-8258.



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