

District Court, Larimer County, State of Colorado 201 LaPorte Avenue, Suite 100 Fort Collins, CO 80521-2761 (970) 494-3500	▲ COURT USE ONLY ▲ Case No.: _____ Courtroom: 3B
THE PEOPLE OF THE STATE OF COLORADO v. _____, Defendant	
COURT'S QUESTIONNAIRE REGARDING GUILTY PLEA	

1. What is your true full name? _____
2. How old are you? _____ What is your date of birth? _____
3. How far have you gone in school? _____
4. Do you have any physical, mental, or emotional issues that affect your ability to understand? _____ . If so, what? _____
5. Do you take or have you been prescribed any medications? _____. If so, what? _____
6. Are you under the influence of drugs, alcohol, or anything else? _____
7. Do you have difficulty reading, speaking, or understanding English? _____
8. Are you satisfied with your attorney's representation of you? _____
9. Have you reviewed the charge(s) against you with your attorney? _____
10. Have you reviewed the possible penalties for the charge(s) with your attorney? _____
11. Do you understand that the Court is not bound by any representations made to you by anyone regarding the penalties to be imposed, unless those representations are included in a plea agreement approved by the Court and supported by the findings of a presentence report, if any? _____
12. Do you understand the elements of each charge(s) to which you are pleading guilty? _____
13. Have you reviewed possible defenses to the charge(s) with your attorney? _____
14. Have you reviewed with your attorney the legal definitions of each element of each charge(s) to which you are pleading guilty? _____

15. You have the following constitutional rights:
- a. The right to plead not guilty, or having already so pleaded, to persist in that plea.
 - b. The right to be presumed innocent of the crime(s) for which you've been charged.
 - c. The right to a public and speedy trial to a jury of 12 whose verdict must be unanimous.
 - d. The right to see, hear and cross-examine any witnesses called against you.
 - e. The right to subpoena and call witnesses on your own behalf.
 - f. The right to either testify or remain silent as you choose.
 - g. The right to be represented by counsel—and if necessary have the court appoint counsel—at trial and at every other stage of the proceeding.
 - h. The right to appeal a conviction to a higher court.

Do you understand that by pleading guilty you are giving up the above trial rights?

16. A criminal conviction can negatively affect any immigration status if you are **not** a U.S. citizen. Have you discussed any potential immigration consequences with your attorney? _____. (If you **ARE** a U.S. citizen, you may answer "N/A" for not applicable)
17. A criminal conviction carries other negative consequences that will impact your life. Some of these negative consequences **include but are not limited to:**
- a. Negative employment consequences
 - b. Loss of voting rights while incarcerated for a felony conviction
 - c. The inability to practice certain professions
 - d. The inability to obtain certain student loans
 - e. Increased penalties for future convictions
 - f. Loss of the right to own or possess firearms or other weapons
 - g. Other negative consequences
18. Have you discussed the possible negative consequences of a criminal conviction with your attorney? _____
19. Are you serving in the United States Armed Forces or are you a veteran of such forces? _____. If so, you may be entitled to receive mental health treatment, substance use disorder treatment, or other services as a veteran.
20. Have you read and do you understand the written plea agreement that accompanies this Court Questionnaire? _____
21. Do you want to ask any questions about the plea agreement? _____
22. Has anyone forced or pressured you to plead guilty? _____
23. Do you understand that you cannot withdraw your plea or change your mind after the Court accepts your plea? _____

Signature of Defendant

Date

CULPABLE MENTAL STATES

A crime is committed when the defendant committed a voluntary act prohibited by law accomplished by a culpable mental state. Voluntary act means an act performed consciously as a result of effort or determination. Culpable mental state means **intentionally, knowingly, recklessly, or with criminal negligence**. Proof of the commission of the act alone is not sufficient to prove that the defendant has the required culpable mental state. The culpable mental state is as much an element of the crime as the act itself and must be proven beyond a reasonable doubt, either by direct or circumstance evidence.

Please circle any and all that apply:

Intentionally or With Intent

A person acts "intentionally" or "with intent" when his conscious objective is to cause the specific result prescribed by the statute defining the offense. It is immaterial whether or not the result actually occurred.

Knowingly or Willfully

A person acts "knowingly" or "willfully" with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists. A person acts "knowingly" or "willfully" with respect to a result of his conduct when he is aware that his conduct is practically certain to cause the result.

Recklessly

A person acts "recklessly" when he consciously disregards a substantial and unjustified risk that a result will occur or that a circumstance exists.

With Criminal Negligence

A person acts "with criminal negligence" when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustified risk that a result will occur or that a circumstance exists.

*I certify that I have read and fully understand the definition of the mental state that applies to the crime to which I am pleading **GUILTY**.*

Signature of Defendant

Date

Printed Name of Defendant

CERTIFICATE OF COUNSEL

I have thoroughly reviewed all paperwork submitted to the Court with the Defendant prior to his/her signature. To the best of my knowledge: the defendant understands the nature of the charge(s), the elements of the offense(s), the legal definitions related to each count, and the culpable mental state of each count he/she is pleading guilty to; the plea is voluntary and not the result of undue influence or coercion; the defendant understands that he/she waives the right to trial by jury; and he/she understands the possible penalties. To the best of my knowledge, the defendant is competent and understands the plea agreement fully and is not under the influence of any drugs or intoxicants or anything else that would impair his/her understanding of what he/she is doing and the consequences.

I have thoroughly reviewed and discussed with the defendant all provided discovery, discussed possible defenses and explained the defendant's legal rights to him/her. The plea of guilty as offered by the defendant is consistent with my understanding of the facts in this case and is consistent with my advisement of the defendant.

I, _____, attorney for the defendant, hereby certify to the Court that to the best of my knowledge, the plea of guilty offered by the defendant is voluntarily and knowingly made.

Attorney Signature

Date