STATE OF INDIANA	)	IN THE HAMILTON COUNTY SUPERIOR COURT 6
v.	)	
	)	
	)	
_____	)	CAUSE NO. 29D06-_____

MISDEMEANOR AND LEVEL 6 FELONY ADVISEMENT FORM

(**For offenses committed on or after January 1, 2015**)

Before the Court may accept a guilty plea, you must be informed of certain facts and certain rights that you have. You must read this document carefully and initial each paragraph.

_____ **For a Level 6 Felony,** the maximum penalty is 2.5 years imprisonment at the Department of Correction and a $10,000 fine; the minimum penalty is 6 months imprisonment at the Department of Correction and no fine; but the Court must assess court costs. The Court may suspend all or part of the imprisonment and place you on probation. If you plead guilty to a Level 6 Felony, the Court may sentence you as a **Class A Misdemeanor** unless you have received such treatment on a prior, unrelated Class D Felony or Level 6 Felony and that prior felony was committed within three years of the commission of this offense.

_____ **For a Class A Misdemeanor,** the maximum penalty is 365 days in jail and a fine of $5,000. **For a Class B Misdemeanor,** the maximum penalty is 180 days in jail and a fine of $1,000. **For a Class C Misdemeanor,** the maximum penalty is 60 days in jail and a fine of $500. **For any misdemeanor**, the minimum penalty is no jail and no fine, but the Court may place you on probation for up to 1 year. The Court must assess court costs.

_____ If you plead guilty to more than one offense, the Court may impose the penalties concurrently (together), or consecutively (one after the other). Also, any sentence that you may receive for this offense must be consecutive to a sentence you were serving at the time of this offense, or consecutive to any sentence you may be serving or will be serving for a probation or parole violation, or other pending charge. Also, your guilty plea may adversely affect any sentence, probation, or parole that you are currently serving, or may affect your bond on any other pending charge.

_____ If you have a prior history of juvenile or criminal offenses, the Court may impose a harsher penalty than you would otherwise receive.

_____ You have the right to be represented by an attorney. If you cannot afford an attorney, the Court will appoint one for you. An attorney can help you prepare your case for trial and subpoena witnesses for you. If you are pleading guilty without an attorney, you should know that an attorney is usually more experienced in plea negotiations and better able to identify and evaluate any potential defenses and evidentiary or procedural problems in the State's case. An attorney may be able to obtain a more favorable sentence through a plea agreement. If you choose to proceed without an attorney, you will be giving up this assistance.

_____ You have the right to a public and speedy trial by a jury or by the Court; the right to confront and cross-examine witnesses against you; the right to subpoena witnesses at no cost; the right to remain silent (you cannot be forced to testify against yourself at any hearing or trial); the right to require the State to prove you guilty beyond a reasonable doubt at a trial before you can be convicted of any criminal offense; and the right to appeal your conviction or any decision of the judge. **By pleading guilty, you will give up each one of these rights.**

_____ If you plead guilty to an offense involving the operation of a motor vehicle, your conviction will be sent to the Bureau of Motor Vehicles. The conviction may count toward you being an Habitual Traffic Violator. If the Court determines by clear and convincing evidence at your sentencing hearing that your conviction makes you an Habitual Traffic Violator, the Court must order that your driving privileges be suspended for a period to be determined by the Bureau of Motor Vehicles (either 5 or 10 years). The Court may grant specialized driving privileges.

_____ If you plead guilty to an offense involving the operation of a motor vehicle while intoxicated, or in excess of the statutory limit for alcohol, or with a controlled substance or its metabolite in your body, this conviction may count toward you being considered an Habitual Vehicle Substance Offender and that status could be used to enhance future convictions for these offenses.

(**OVER)**

_____ If you admit/plead guilty to an **Habitual Vehicle Substance Offender** enhancement, the Court must sentence you to an additional fixed term of at least 1 year, but no more than 8 years.

_____ If you plead guilty to **Dealing in Marijuana (**Ind. Code 35-48-4-10 or **Dealing in a Schedule V Controlled Substance** (Ind. Code 35-48-4-4(a)), and if you used a vehicle to commit the offense, then the Court may suspend your license to operate a motor vehicle, your existing motor vehicle registrations, and your ability to register motor vehicles, for up to 2 years.

_____ If you plead guilty to **Operating While Intoxicated as a Misdemeanor** [Ind. Code 9-30-5-1(a) or 9-30-5-1(b) or 9-30-5-2] **or as a Level 6 Felony** (Ind. Code 9-30-5-3), the Court may suspend your driving privileges for up to 2 years. If you did not refuse the chemical test and do not have a commercial driver's license, the Court may grant specialized driving privileges for no less than 180 days of any suspension imposed.

_____ If you plead guilty to **Operating While Intoxicated as a Misdemeanor** [Ind. Code 9-30-5-1(a) or 9-30-5-1(b) or 9-30-5-2], and if you have one previous conviction of operating while intoxicated, the Court must sentence you to at least 5 actual days imprisonment or 180 hours of community service. If you have two or more previous convictions of operating while intoxicated, the Court must sentence you to at least 10 actual days imprisonment or 360 hours of community service.

_____ If you plead guilty to **Operating While Intoxicated as a Level 6 Felony** (Ind. Code 9-30-5-3), and if you have one previous conviction of operating while intoxicated, the Court must sentence you to at least 5 actual days imprisonment or 180 hours of community service. . If you have two or more previous convictions of operating while intoxicated, the Court must sentence you to at least 10 actual days imprisonment or 360 hours of community service.

_____ If you plead guilty to **Operating With a Controlled Substance or Metabolite in Your Body** [Ind. Code 9-30-5-1(c)], the Court must suspend your driving privileges for at least 180 days but not more than 2 years.

_____ If you plead guilty to **Operating While an Habitual Traffic Violator** (Ind. Code 9-30-10-16) and receive a felony conviction, the Court must order your privilege of operating a motor vehicle **forfeited for life**.

_____ If you plead guilty to **Driving While Suspended** as a Class A Misdemeanor or a Level 6 Felony, the Court may suspend your driving privileges for up to 1 year. If you do not have a commercial driver's license, the Court may grant specialized driving privileges.

_____ If you plead guilty to **Illegal Consumption or Transportation of Alcohol by a Minor** (Ind. Code 7.1-5-7-7) and if you were operating a motor vehicle at the time of the offense, the Court may suspend your driver's license for up to 1 year.

_____ If you are not a U.S. citizen, a criminal conviction may have immigration consequences, including deportation. You should discuss this possibility with your attorney because if you do plead guilty, it will result in a criminal conviction.

_____ If you and the State have entered into a plea agreement, and if the Court accepts the plea agreement, then the Court is bound by the terms of the plea agreement.

_____ If the Court places you on probation, you must sign an Order of Probation and agree to all standard conditions of probation and any special conditions required by the Court or by your plea agreement. If you violate a condition of probation, a petition to revoke your probation may be filed within one year after the termination of your probation or 45 days after the State receives notice of the violation, whichever is earlier.

_____ **I hereby certify that I am pleading guilty knowingly and voluntarily, that no promises, threats or force have been used to make me plead guilty, that I have read the above statements or that they were translated or read to me, that I understand each paragraph that applies to my case, and that I do waive and give up each and every right listed.**

_____ _____

Attorney **Defendant**

Date: _____ Date: _____