

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 30th day of October, 2015.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective immediately.

RULES OF SUPREME COURT OF VIRGINIA
PART THREE A
CRIMINAL PRACTICE AND PROCEDURE
APPENDIX

Amend Form 6 to read as follows:

Form 6. Suggested Questions to Be Put by the Court to an Accused Who Has Pleaded Guilty (Rule 3A:8).

Before accepting your plea of guilty, I will ask you certain questions. If you do not understand any question, please ask me to explain it to you.

* * *

17. Do you understand that the maximum punishment for this crime is ____ years imprisonment and \$ ____ fine plus all court costs? (If a guilty plea involves more than one offense, substitute the following: Do you understand that if you are sentenced consecutively, the maximum punishment for these crimes is ____ years imprisonment and \$ ____ fine plus all court costs? [If the crime has a mandatory punishment, also question accused on his understanding of the mandatory punishment.]

18. (a) Do you understand that if you are not a citizen of the United States and if you plead guilty or are found to be guilty, there may be consequences of deportation, exclusion from admission into the United States, or denial of naturalization pursuant to the laws of the United States?

(b) Are you entirely satisfied with the service (of the lawyer who was appointed to represent you) (of the lawyer representing you) in this matter?

19. Do you understand that, by pleading guilty, you may waive any right to appeal the decision of this court? [The judge may, but need not, inform the defendant that a guilty plea does not waive the right to appeal lack of jurisdiction or imposition of an impermissible sentence.]

* * *

Amend Form 11 to read as follows:

Form 11. Misdemeanor Proceedings in District and Circuit Courts (Rule 3A:8(b)(2); Rule 7C:6; and Rule 8:18).

Suggested Questions to Be Asked When Taking Pleas of Guilty
or Nolo Contendere

- A. Pleas of Guilty or Nolo Contendere with Plea Agreements Requiring Imposition of an Active or Suspended Sentence of Confinement in Jail
1. Do you understand the charge(s) against you?
 2. When Defendant appears without counsel:
 - a) Do you understand you have the right to be represented by a lawyer?
 - b) Do you understand that if you do not have the financial ability to hire your own lawyer, and you want me to, I will have you interviewed to see if you qualify for court-appointed counsel and I will appoint an attorney to represent you if you qualify?
 - c) Do you want to hire an attorney to represent you, or be interviewed for court-appointed counsel or do you want to proceed today without a lawyer?
 3. In Circuit Court:
 - a) Do you understand that you have the right to have your case heard by a jury?
 - b) Do you want your case to be heard by a judge without a jury or do you want a jury trial?
 4. a) I understand that you have agreed to plead guilty (no contest) with the understanding that you will be sentenced to _____ . Is that correct?

or

b) I understand that you have agreed to plead guilty (no contest) with the understanding that the prosecutor will recommend a sentence of _____ . Do you understand that I do not have to accept the recommendation and that I can sentence you from _____ to _____ ? (provide full sentence range allowed by law)

5. Have you been promised anything else to get you to plead guilty (no contest)?
6. Are you being forced or threatened into pleading guilty (no contest)?
7. Do you understand that by pleading guilty (no contest) you are giving up your right to a trial including the right to hear from and question the witnesses against you and the right to avoid being required to give evidence against yourself?
8. Do you understand that if you are not a citizen of the United States and if you plead guilty or are found to be guilty, there may be consequences of deportation, exclusion from admission into the United States, or denial of naturalization pursuant to the laws of the United States?
9. Do you have any questions before I accept your plea(s) of guilty (no contest)?

B. Pleas of Guilty or Nolo Contendere Without a Plea Agreement

1. Do you understand the charge(s) against you?
2. When Defendant appears without counsel:
 - a) Do you understand you have the right to be represented by a lawyer?
 - b) Do you understand that if you do not have the financial ability to hire your own lawyer, and you want me to, I will have you interviewed to see if you qualify for court-appointed counsel and I will appoint an attorney to represent you if you qualify?
 - c) Do you want to hire an attorney to represent you, or be interviewed for court-appointed counsel or do you want to proceed today without a lawyer?
3. In Circuit Court:
 - a) Do you understand that you have the right to have your case heard by a

jury?

b) Do you want your case to be heard by a judge without a jury or do you want a jury trial?

4. Do you understand that based upon your plea of guilty (no contest) the possible range of punishment is _____ to _____?
5. Have you been promised anything else to get you to plead guilty (no contest)?
6. Are you being forced or threatened into pleading guilty (no contest)?
7. Do you understand that by pleading guilty (no contest) you are giving up your right to a trial including the right to hear from and question the witnesses against you and the right to avoid being required to give evidence against yourself?
8. Do you understand that if you are not a citizen of the United States and if you plead guilty or are found to be guilty, there may be consequences of deportation, exclusion from admission into the United States, or denial of naturalization pursuant to the laws of the United States?
9. Do you have any questions before I accept your plea(s) of guilty (no contest)?

Suggested Plea of Guilty to Misdemeanor Plea Form with Plea Agreement
Requiring Imposition of an Active or Suspended Sentence of
Confinement in Jail

1. I understand the charge(s) against me.
2. a) I understand that I have the right to be represented by an attorney.

b) I understand that if I do not have the financial ability to hire my own attorney, I could be interviewed to see if I qualify for court appointed counsel and if I did qualify the court would appoint an attorney to represent me.

c) I do not want to be represented by an attorney and I do not want to be interviewed to see if I qualify for court appointed counsel. It is my desire to give up my right to counsel and to proceed today without an attorney.

3. In Circuit Court:

a) I understand that I have the right to have my case heard by a jury.

b) I do not want my case to be heard by a jury and wish to proceed to have my case heard today by a judge without a jury.

4. a) I am pleading guilty (no contest) today based upon my understanding that I will be sentenced to _____.

b) I am pleading guilty (no contest) today based upon my understanding that the prosecutor will recommend a sentence of _____. I understand that the judge does not have to accept the recommendation and can sentence me from _____ to _____.

5. I have not been promised anything to get me to plead guilty (no contest).

6. I am not being forced or threatened to get me to plead guilty (no contest).

7. I understand that by pleading guilty (no contest) I am giving up my right to a trial including the right to hear from and question the witnesses against me and the right to avoid being required to give evidence against myself.

8. I understand that if I am not a citizen of the United States and I plead guilty or am found to be guilty, there may be consequences of deportation, exclusion from admission into the United States, or denial of naturalization pursuant to the laws of the United States.

9. I do not have any questions to ask the court before the court decides whether to accept my plea of guilty (no contest).

Counsel for Defendant

Defendant

Suggested Plea of Guilty to Misdemeanor Plea Form without
Plea Agreement

1. I understand the charge(s) against me.

2. a) I understand that I have the right to be represented by an attorney.

b) I understand that if I do not have the financial ability to hire my own attorney, I could be interviewed to see if I qualify for court appointed

counsel and if I did qualify the court would appoint an attorney to represent me.

c) I do not want to be represented by an attorney and I do not want to be interviewed to see if I qualify for court appointed counsel. It is my desire to give up my right to counsel and to proceed today without an attorney.

3. In Circuit Court:

a) I understand that I have the right to have my case heard by a jury.

b) I do not want my case to be heard by a jury and wish to proceed to have my case heard today by a judge without a jury.

4. I am pleading guilty (no contest) today based upon my understanding that I could be sentenced from _____ to _____.

5. I have not been promised anything to get me to plead guilty (no contest).

6. I am not being forced or threatened to get me to plead guilty (no contest).

7. I understand that by pleading guilty (no contest) I am giving up my right to a trial including the right to hear from and question the witnesses against me and the right to avoid being required to give evidence against myself.

8. I understand that if I am not a citizen of the United States and I plead guilty or am found to be guilty, there may be consequences of deportation, exclusion from admission into the United States, or denial of naturalization pursuant to the laws of the United States.

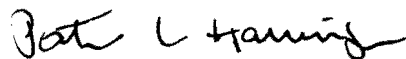
9. I do not have any questions to ask the court before the court decides to accept my plea of guilty (no contest).

Counsel for Defendant

Defendant

A Copy,

Teste:



Clerk