

APPENDIX D TO RULE 15

PLEA AGREEMENT

STATE OF MINNESOTA
 COUNTY OF _____

DISTRICT COURT
 _____ JUDICIAL DISTRICT

State of Minnesota,
 Plaintiff,

PLEA AGREEMENT

vs.

District Court File No. _____

_____,
 Defendant

1. Negotiation Status

_____ The terms and conditions outlined in this agreement are a joint recommendation to the Court, but the Court is not bound to those terms and may impose different terms than those outlined in this agreement.

_____ The terms and conditions outlined in this negotiation are required by the agreement. If the Court will not sentence the defendant to the terms outlined in this agreement, either party may withdraw from the agreement.

2. Charges/Dismissals/Deferrals

_____ The defendant will enter a plea of guilty to the following counts from the following files: _____

_____ This case will be deferred pursuant to a pretrial diversion program. If the defendant successfully completes this program, the case will be dismissed.

_____ This case will be deferred pursuant to Minn. Stat. section 152.18 with conditions outlined in Section 4. If the defendant successfully completes those conditions, the case will be dismissed.

_____ This matter will be continued for dismissal for a period of _____ on condition that the defendant abide by the following conditions: _____

_____ Successful completion of probation will result in vacation of plea and dismissal of charge.

_____ The following counts in this case or other criminal complaints will be dismissed:

_____ This complaint will be amended to the lesser included offense(s) (or amended to the separate offense) of: _____

_____ The State will not seek criminal charges arising out of the following conduct:

3. Level of Conviction

_____ The parties agree to a misdemeanor or gross misdemeanor sentence of _____

_____ The parties agree to a stay of imposition of sentence for ____ years.

_____ The parties agree to a stay of execution of sentence with a stayed sentence of ____ months and a stay for ____ years.

_____ The parties agree to an executed sentence of ____ months.

_____ The parties agree to a waiver of the mandatory minimums found in Minn. Stat. section 609.11.

_____ **(If sentenced on multiple counts/files)** The prison term in this case is arrived at by the following sentences from the following counts/files to be served consecutively/concurrently (circle one): _____

_____ The parties agree to whatever sentence is presumed by the Minnesota Sentencing Guidelines.

_____ The parties agree this is a departure from the Minnesota Sentencing Guidelines (or other sentencing enhancement) based on the following factors:

_____ The parties agree to a sentencing range of ____ months to ____ months.

_____ **(DWI and Criminal Sexual Conduct cases)** If this is an executed sentence or if this sentence is ever executed, the parties understand that the defendant is subject to an extended term of conditional release for five or ten years after any term of imprisonment.

_____ The parties also understand the defendant will be required to provide a biological sample for the state DNA database.

4. If this is a probationary sentence the parties agree to the following terms and conditions:

_____ All terms of probation left to discretion of the Court.

_____ A probationary term of _____

_____ A workhouse or jail term of _____

_____ A workhouse or jail term not to exceed ("a cap" of) _____

_____ This term may be served intermittently on the following dates: _____

_____ The defendant will be eligible for Huber release for the following purposes: _____

_____ Community service for ____ hours.

_____ Sentence to Serve for ____ days.

_____ Electronic home monitoring for ____ days.

_____ Undergo any treatment-related evaluation recommended by Probation or the Department of Court Services.

_____ Enter and successfully complete the following programs: _____

_____ Enter and successfully complete any program recommended by Probation or the Department of Court Services.

_____ No contact in person, by mail, by phone, by third party, or electronically with:

_____ A fine of _____ and applicable surcharges.

_____ Other: _____

5. Restitution

_____ Defendant agrees to make restitution in the amount of _____.

_____ Restitution to be determined by the Court.

6. Miscellaneous Provisions

Dated: _____

 Defendant

Prosecuting Attorney

Defense Attorney

(Added effective November 5, 2003; amended effective for criminal actions commenced or arrests made after 12 o'clock midnight March 1, 2006.)