

## APPENDIX E TO MINN. R. CRIM. P. 15

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

State of Minnesota,

PETITION REGARDING

Plaintiff,

AGGRAVATED SENTENCE

vs.

\_\_\_\_\_,  
Defendant.

TO: THE ABOVE NAMED COURT

I, \_\_\_\_\_, defendant in the above entitled action do respectfully represent and state as follows:

1. I have pled guilty to or have otherwise been found guilty of the crime of \_\_\_\_\_.
2. I understand the presumptive guideline sentence for this offense is \_\_\_\_\_, and I could not be given an aggravated sentence greater than the presumptive sentence unless the prosecution proves facts in support of such an aggravated sentence.
3. I understand the prosecution is seeking a sentence greater than that called for in the sentencing guidelines. Specifically, I understand the sentence in this case will be \_\_\_\_\_ or will be left to the judge to decide.
4. I am represented by attorney \_\_\_\_\_ and:
  - a. I feel I have had sufficient time to discuss the issue of an aggravated sentence with my attorney.
  - b. I am satisfied my attorney is fully informed as to the facts related to an aggravated sentence and that my attorney has discussed possible defenses I have to an aggravated sentence.
  - c. I am satisfied that my attorney has represented my interests and has fully advised me about an aggravated sentence.
5. My attorney has told me and I understand that even though I have pled guilty to or been otherwise found guilty of the crime of \_\_\_\_\_, I have the right to deny the facts alleged by the prosecution in support of an aggravated sentence.
6. My attorney has told me and I understand that I am entitled to a trial by either a jury or a judge to determine whether an aggravated sentence may be imposed upon me.
7. My attorney has told me and I understand that at such trial I have the following rights:
  - a. I am presumed not to be subject to an aggravated sentence.
  - b. The prosecution must prove facts supporting an aggravated sentence to either a jury or a judge beyond a reasonable doubt.

# MINNESOTA COURT RULES

## CRIMINAL PROCEDURE

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c. That before a jury could find facts supporting an aggravated sentence, all jurors would have to agree. That means the jury's decision must be unanimous.

d. That at a trial before either a jury or a judge, the prosecution will be required to call witnesses in open court and in my presence, and I, through my attorney, will have the right to question the witnesses.

e. That I may require any witnesses I think are favorable to me to appear and testify on my behalf.

f. That I may testify at such a trial if I wish to, but that if I choose not to testify, neither the prosecution nor the judge could comment to the jury about the failure to testify.

g. That if I admit the facts in support of an aggravated sentence, I will not have a trial by either a jury or a judge.

8. That with knowledge of my right to a trial on the facts in support of an aggravated sentence, I now waive my right to a trial.

9. I now waive my right not to testify and I will tell the judge about the facts which support an aggravated sentence.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

(Added effective for criminal actions commenced or arrests made after 12 o'clock midnight January 1, 1999; amended effective for all criminal actions commenced or arrests made after 12 o'clock midnight October 1, 2006; amended effective for all criminal actions commenced or arrests made after 12 o'clock midnight October 1, 2006.)