

APPENDIX F 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.

BY PRO SE DEFENDANT

_____,
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 understand that although I have pled guilty to or have otherwise been found guilty of the crime of _____, I have the right to deny the facts alleged by the prosecution in support of an aggravated sentence.
5. 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.
6. I understand that I have an absolute right to have an attorney represent me at such trial and knowing the consequences of giving up my right to counsel, I waive my right to be represented by an attorney.
7. I understand that at a trial by a jury or a judge to determine if an aggravated sentence may be imposed upon me, 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.
 - c. That before a jury could find facts supporting an aggravated sentence, all jurors would have to agree. That means the jury's decision would have to 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 that I would have the right to question the witnesses.

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