

APPENDIX H TO MINN. R. CRIM. P. 15

State of Minnesota

District Court

County

Judicial District: _____

Court File Number: _____

Case Type:

Criminal

State of Minnesota,

Plaintiff

Norgaard* Addendum to*Petition to Enter Plea of**

vs.

Guilty Pursuant to Rule 15

_____,

Defendant

TO THE ABOVE-NAMED COURT:

When a defendant tenders a guilty plea despite claiming a loss of memory regarding the circumstances of the offense, the following language replaces paragraph 26c of the Petition to Enter Plea of Guilty in Felony Case Pursuant to Rule 15. The district court and parties must ensure that an adequate factual basis is established on the record. See State v. Ecker, 524 N.W.2d 712, 716-17 (Minn. 1994); State ex rel. Norgaard v. Tahash, 261 Minn. 106, 110 N.W.2d 867(1961).

I, _____, Defendant in the above-entitled action, do respectfully represent and state as follows:

My attorney has told me and I understand that a defendant normally must tell the judge about the facts of the crime when pleading guilty. However, I understand that the judge may accept my *Norgaard* guilty plea even though I do not remember the circumstances of the offense, so long as I agree the state's evidence is sufficient for a jury to find me guilty, beyond a reasonable doubt, if I have a trial. With this principle in mind, I acknowledge that:

- a. I have reviewed the evidence that the state will offer against me if I have a trial.
- b. I do not recall the circumstances of the offense.
- c. I believe that there is a substantial likelihood that I will be found guilty, beyond a reasonable doubt, of the offense to which I am pleading if the state's evidence is presented against me at trial.
- d. I do not claim that I am innocent.
- e. If the judge accepts my *Norgaard* guilty plea, I will be convicted of the offense to which I am pleading, and I will be considered just as guilty as I would be if I remembered the circumstances of the offense and told the court about the facts of the crime. My lack of memory will not have any impact on the terms and conditions of my sentence, my probation (if any), or any collateral consequences stemming from my conviction, including civil commitment for treatment.

MINNESOTA COURT RULES

CRIMINAL PROCEDURE

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f. I may be required to successfully complete treatment for my conduct underlying the offense to which I am pleading. Failure to complete such treatment may result in my incarceration, civil commitment for treatment, or both.

Dated: _____

Signature of Defendant

Name: _____

Street Address: _____

City/State/Zip: _____

E-mail address: _____

(Added effective October 1, 2017.)