



IN RE APPROVAL OF UNIFORM YOUTHFUL OFFENDER PLEA OF GUILTY ORDER/ADDENDUMS

2024 OK 5

Decided: 02/12/2024

THE SUPREME COURT OF THE STATE OF OKLAHOMA

Cite as: 2024 OK 5, __ P.3d __

In re: Approval of Uniform Youthful Offender Plea of Guilty Order/ Addendums

ORDER

¶1 The Court has reviewed the recommendation of the Oklahoma Supreme Court Juvenile Justice Oversight and Advisory Committee and hereby adopts the attached order and addendums for youthful offender plea of guilty, effective May 1, 2024.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE the 12th day of February, 2024.

/S/CHIEF JUSTICE

ALL JUSTICES CONCUR.

IN THE DISTRICT COURT OF _____ COUNTY

THE STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
 Plaintiff,)
 vs.)
 _____,)
 Defendant.)
 Last four digits of SS# _____)
 Month/Year of Birth _____)
 Place of Birth _____)
 City State)
 (Home Address) _____)
 _____)
)
)
)
)

Case No. _____

(A separate Summary of Facts must be completed for each case.)

(NOTE: The trial judge shall ensure the defendant is sworn either prior to completing the Summary of Facts or prior to inquiry by the Court on the Plea. If the defendant is entering a nolo contendere, or other type guilty plea, correct by pen change where term "guilty" used)

YOUTHFUL OFFENDER PLEA OF GUILTY - SUMMARY OF FACTS

ings of Fact, Acceptance of Plea:

Circle Answers

1. Is the name just read to you your true name? Yes No

If no, what is your correct name: _____

I have also been known by the name(s): _____

2. My lawyer's name is: _____

3. (a) Do you wish to have a record made of these proceedings by a Court Reporter? Yes No

(b) Do you wish to waive this right? Yes No

4. Age: _____ Highest grade completed in school: _____

5. Can you read and understand this form?
(If the answer is NO counsel must complete Addendum "A" Youthful Offender Plea of Guilty – Summary of Facts Certificate of Defense Counsel.) Yes No

6. Are you currently taking any medication or substances which affect your ability to understand these proceedings? Yes No

If yes, what medications or substances? _____

7. Have you been prescribed any medications that you should be currently taking but are not? Yes No

If yes, what kind and for what purpose? _____

8. Have you ever been treated by a doctor, counselor or a health professional for a mental illness, or have you ever spent time in a hospital for a mental illness or other mental health issues? Yes No

If yes, list the doctor or health professional, place, and when occurred: _____

9. **Counselor**, do you have any reason to believe your client is not mentally competent to appreciate and understand the nature, purpose and consequences of these proceedings and to assist you in presenting any defense the client may have to the charge(s)? Yes No

10. **Counselor**, do you have any reason to believe that your client was not mentally competent to appreciate and understand the nature, purpose and consequences of their actions *at the time they were committed*, and out of which the charges(s) contained in the Information arose? Yes No

11. Do you understand the nature and consequences of this proceeding? Yes No

12. Have you received a copy of the Information and read the allegations? Yes No

13. Does the State move to dismiss or amend any count(s) in the information? If so, set forth the counts dismissed or amended: _____ Yes No

14. Do you understand you are charged with the following counts?
(List any additional count(s) in Addendum "B" Youthful Offender Plea of Guilty – Summary of Facts)

Crime(s):	Statutory Reference:		
1. _____	O.S. _____	Yes	No
2. _____	O.S. _____	Yes	No
3. _____	O.S. _____	Yes	No
4. _____	O.S. _____	Yes	No
5. _____	O.S. _____	Yes	No

15. **CHECK ALL APPLICABLE SECTIONS LISTED BELOW.**

*(Note: the applicable sections will **ONLY APPLY** if the youthful offender is sentenced to or transferred (bridged) into the custody or supervision of the department of corrections):*

____ (Check if applicable) Do you understand that you are subject to the Delayed Sentencing Program for Young Adults and what that sentencing program involved? Yes No

____ (Check if applicable) Do you understand that upon a conviction on a plea of guilty to the offense(s) of _____ you will be required to serve a minimum sentence of: _____? Yes No

_____ 85% of the sentence of imprisonment imposed before being eligible for parole consideration and are not eligible for earned or other type of credits which will have the effect of reducing the length of sentence to less than 85% of the sentence imposed? Yes No

____% of the sentence of imprisonment imposed or received prior to becoming eligible for state correctional earned credits toward completion of your sentence or eligibility for parole? Yes No

_____ (Check if applicable) Do you understand that a conviction on a plea of guilty to the offense(s) of _____ will subject you to mandatory compliance with the Oklahoma Sex Offender Registration Act? Yes No

_____ (Check if applicable) Do you understand that any person sentenced to imprisonment for two (2) years or more for the offense(s) of _____, involving sexual abuse, sexual exploitation, or illegal sexual conduct, shall be required to serve a term of post-imprisonment supervision for at least three (3) years under conditions determined by the Department of Corrections in addition to the actual term of imprisonment? There will be no post-imprisonment supervision for a sentence of life or life without the possibility of parole for offenses involving sexual abuse, sexual exploitation, or illegal sexual conduct. Yes No

_____ (Check if applicable) Do you understand that a conviction on a plea of guilty to the offense(s) of _____ will subject you to mandatory compliance with the Oklahoma Methamphetamine Offender Registry Act? Yes No

_____ (Check if applicable) Do you understand that a conviction on a plea of guilty to the offense(s) of _____ will subject you to mandatory compliance with the Mary Rippe Violent Crime Offenders Registration Act? Yes No

16. Do you understand that if you are sentenced or transferred (bridged) into the custody or supervision of the Department of Corrections and become a convicted felon that this could enhance punishment in any future crime committed by you? Yes No

17. Do you understand that being sentenced or transferred (bridged) into the custody or supervision or the Department of Corrections could affect other of your personal rights including: your right to vote, your ability to obtain a driver's license, your ability to obtain certain professional licenses required by the State, your ability to secure student loans to attend college, and your ability to obtain U.S. citizenship if you are not already a citizen? Yes No

18. Do you understand it is unlawful for you to have in your possession or under your immediate control, or have in any vehicle you are driving, or at your residence, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm within ten (10) years after your adjudication? Okla. Stat. tit. 21 § 1283(D). Yes No

19. Do you understand that upon your release from any facility where you were placed by the Office of Juvenile Affairs, you will subject to supervised community placement rules? Yes No

20. What is/are the charge(s) the defendant is/are entering a plea to today?
(List any additional charge(s) in Addendum "B" Youthful Offender Plea of Guilty – Summary of Facts)

Yes No

1. _____

Yes No

2. _____

Yes No

3. _____

Yes No

4. _____

Yes No

5. _____

21. Do you understand the range of punishment for the crime(s) is/are? (List in same order as in No. 20 above and list the additional ranges of punishment in Addendum "B" YO Plea of Guilty–Summary of Facts)

1. Minimum of _____ to a maximum of _____ and/or a fine of \$ _____

Yes No

2. Minimum of _____ to a maximum of _____ and/or a fine of \$ _____

Yes No

3. Minimum of _____ to a maximum of _____ and/or a fine of \$ _____

Yes No

4. Minimum of _____ to a maximum of _____ and/or a fine of \$ _____

Yes No

5. Minimum of _____ to a maximum of _____ and/or a fine of \$ _____

Yes No

22. Read the following statements: You have the right to a speedy trial before a jury for the determination of whether you are guilty or not guilty and if you request, to determine sentence. At the trial:

(1) You have the right to have a lawyer represent you, either one you hire yourself or if you are indigent a court appointed attorney.

(2) You are presumed to be innocent of the charges.

(3) You may remain silent or, if you choose, you may testify on your own behalf.

(4) You have the right to see and hear all witnesses called to testify against you and the right to cross-examine them.

(5) You have the right to have your witnesses ordered to appear in court to testify and present evidence of any defense you have to these charges.

(6) The state is required to prove your guilt beyond a reasonable doubt.

(7) The verdict of guilty or not guilty decided by a jury must be unanimous. However, you can waive a jury trial and, if all parties agree, the case could be tried by a judge alone who would decide if you were guilty or not guilty and if guilty, the appropriate punishment.

Yes No

23 Do you understand each of these rights?

- 24 Do you understand by entering a plea of guilty you give up these rights? Yes No
- 25 Do you understand that if you are sentenced or transferred (bridged) to Department of Corrections that the range of punishment in any future case committed by you could be increased? Yes No
- 26 Have you talked over the charge(s) with your lawyer, advised him/her regarding any defense you may have to the charges and had his/her advice? Yes No
- 27 Do you believe your lawyer has effectively assisted you in this case and are you satisfied with his/her advice? Yes No
- 28 Do you wish to change your plea of not guilty to guilty and give up your right to a jury trial and all other previously explained constitutional rights? Yes No
- 29 Is there a plea agreement? Yes No

If yes, what is the plea agreement?
 (for additional space continue in Addendum "B" Youthful Offender Plea of Guilty-Summary of Facts)

- 30 Do you understand the Court is not bound by any agreement or recommendation, and if the Court does not accept the plea agreement, you have the right to withdraw your plea of guilty? Yes No
- 31 Do you understand that if there is no plea agreement the Court can sentence you within the range of punishment stated in question 21?

32. What (is)(are) your plea(s) to the charge(s) (and to each one of them)?

33. Did you commit the acts as charged in the Information? Yes No

State the factual basis for your plea(s)
 (for additional space continue in Addendum "C" Youthful Offender Plea of Guilty-Summary of Facts)

34.

_____ (Check if applicable) The above statement is written in my attorney's handwriting, but it is a true and correct description of my actions, and I adopt it as my own.

DEFENDANT

35. Have you been forced, abused, threatened, mistreated, or promised anything by anyone to enter your plea(s)? Yes No
36. Do you plead guilty of your own free will and without any coercion or compulsion of any kind? Yes No
37. Do you have any additional statements to make to the Court? Yes No
38. Is there any legal reason you should not be adjudicated as a Youthful Offender now? Yes No

I acknowledge, by my signature below, that my attorney and I have specifically reviewed the terms and conditions contained in Question No. 29, and that I understand the terms of the plea agreement into which the Court, the State and I are entering into today. In addition, I understand the possible consequences if I am transferred (bridged) into the custody or supervision of the Department of Corrections (D.O.C.) based upon a finding being made by the Court by clear and convincing evidence that I committed one of more of the acts defined in Okla. Stat. tit. 10A § 2-5-210A(A)(2)(a-g).

DEFENDANT

HAVING BEEN SWORN, I, the Defendant whose signature appears below, make the following statements under oath:

1. CHECK ONE:

- _____(a) I have read, understood, and completed this form.
- _____(b) My attorney completed this form, and we have gone over the form, and understand its contents and agree with the answers. *See Addendum "A"*
- _____(c) The Court completed this form for me and inserted my answers to the questions.

2. The answers are true and correct.

3. I understand that I may be prosecuted for perjury if I have made false statements to this Court.

DEFENDANT

I, the undersigned attorney for the Defendant, believe the Defendant understands the nature, purpose, and consequence of this proceeding. The Defendant is able to assist me in formulating any defense to the charge(s). I am satisfied that the Defendant's waivers and plea(s) of guilty are knowingly and voluntarily given and he/she has been informed of all legal and constitutional rights.

ATTORNEY FOR DEFENDANT

The plea agreement recommendation in question 29 is correctly stated. I believe the plea agreement is fair to the State of Oklahoma.

Offer of Proof (Nolo contendere plea) _____

ASSISTANT DISTRICT ATTORNEY

THE COURT FINDS AS FOLLOWS:

1. The Defendant was sworn and responded to the questions under oath.
2. The Defendant understands the nature, purpose and consequences of this proceeding.
3. The Defendant's plea(s) of _____ is/are knowingly and voluntarily entered and accepted by the Court.
4. The Defendant is competent for the purpose of this hearing.
5. A factual basis exists for the plea(s).
6. The Defendant is committed as a youthful offender to the:
_____ Custody _____ Supervision
of the Office of Juvenile Affairs (O.J.A.) for _____ Years/Months.
7. O.J.A.'s written rehabilitation plan shall be prepared and filed with the Court and provided to the attorneys for the Defendant and the State, within thirty (30) days of O.J.A. receiving notification of this placement.
8. The Defendant is ordered to pay instanter:
 1. Court Costs in the amount of \$ _____.
 2. VCA in the amount of \$ _____.

THIS CASE IS SET FOR HEARING BEFORE THE JUDGE _____ ON THE _____

DAY OF _____, 20____ at _____ .M. FOR A

**REVIEW OF THE PLACEMENT OF THE YOUTHFUL OFFENDER AND THE ADOPTION OF
THE WRITTEN REHABILITATION PLAN.**

BY OUR SIGNATURES BELOW, WE STATE THAT WE HAVE READ THE YOUTHFUL OFFENDER PLEA OF GUILTY - SUMMARY OF
FACTS AND UNDERSTAND THE CONTENT AND ACKNOWLEDGE THAT IT IS TRUE AND CORRECT.

DEFENDANT (PRINTED)

DEFENDANT (SIGNATURE)

ATTORNEY FOR THE DEFENDANT (PRINTED)

ATTORNEY FOR THE DEFENDANT (SIGNATURE)

ATTORNEY FOR THE STATE (PRINTED)

ATTORNEY FOR THE STATE (SIGNATURE)

DONE IN OPEN COURT this _____ day of _____, 20_____.

COURT REPORTER PRESENT

JUDGE OF THE DISTRICT COURT

DEPUTY COURT CLERK

NAME OF THE JUDGE

**BASED ON THE ABOVE PLEA AGREEMENT ADJUDICATING THE DEFENDANT AS A YOUTHFUL OFFENDER THE
YOUTHFUL OFFENDER IS NOTIFIED AS FOLLOWS:**

- A. The defendant has been adjudicated as a youthful offender and upon his or her successful completion of the rehabilitation plan this case shall be dismissed, and the defendant may apply for expungement pursuant to the provisions of Okla. Stat. tit. 10A § 2-5-210A(D)(1-6);

B. In addition, the youthful offender understands that he/she may be transferred (bridged) to the Department of Corrections (D.O.C.) if the Court finds by clear and convincing evidence that the youthful offender has committed one of more of the following acts defined in Okla. Stat. tit. 10A §2-5-210A(A) (2)(a-g):

- a. failed to make substantial progress towards completing the treatment plan which the youthful offender is expected to have achieved,
- b. established a pattern of disruptive behavior which is not conducive to the established policies and procedures of the program or facility or engaged in other types of behavior which has endangered the life or health of other residents or staff of the facility,
- c. caused disruption in the facility, smuggled contraband into the facility, or participated or assisted others in smuggling contraband into the facility,
- d. committed battery or assault and battery on an OJA employee or contractor of a juvenile facility,
- e. committed battery, assault and battery, or endangered the life or health of another person,
- f. committed a felony while in the custody or supervision of OJA as demonstrated by:
 - (1) the entry of a plea of guilty or nolo contendere,
 - (2) an adjudication, or a judgment and sentence following a verdict of guilty, or
 - (3) clear and convincing evidence, or
- g. left a facility in which the youthful offender was being held without permission.

NOTICE OF RIGHT TO APPEAL

To appeal from this plea of guilty and adjudication as a youthful offender you must file in the District Court Clerk's Office a written Application to Withdraw your Plea of Guilty as a Youthful Offender within ten (10) days from today's date. You must set forth in detail why you are requesting to withdraw your plea. The trial court must hold a hearing and rule upon your Application within thirty (30) days from the date it is filed. If the trial court denies your Application, you have the right to ask the Oklahoma Court of Criminal Appeals to review the District Court's denial by filing a Petition for Writ of Certiorari within ninety (90) days from the date of the denial. Within ten (10) days from the date the application to withdraw plea of guilty is denied, notice of intent to appeal and designation of record must be filed pursuant to Oklahoma Court of Criminal Appeals Rule 4.2(D). If you are indigent, you have the right to be represented on appeal by a court appointed attorney.

Do you understand each of these rights to appeal?	Yes	No
Have you fully understood the questions that have been asked?	Yes	No
Have your answers been freely and voluntarily given?	Yes	No

I ACKNOWLEDGE UNDERSTANDING OF MY RIGHTS AND THE YOUTHFUL OFFENDER ADJUDICATION AND SENTENCE IMPOSED.

DEFENDANT

I, the undersigned attorney, have advised the Defendant regarding his/her appellate rights as a youthful offender.

ATTORNEY FOR THE DEFENDANT

DONE IN OPEN COURT ON THIS _____ DAY OF _____ 20 ____.

JUDGE OF THE DISTRICT COURT

**YOUTHFUL OFFENDER PLEA OF GUILTY – SUMMARY OF FACTS
CERTIFICATE OF DEFENSE COUNSEL
ADDENDUM “A”**

As the attorney for the defendant, _____, I certify that:

1. The defendant has stated to me that he/she is (able/unable) to read and understand the attached form and I have: (check the appropriate box)

_____ Determined the defendant is able to understand the English Language.

_____ Determined the defendant is unable to understand the English language and

obtained _____ to interpret.

2. I have read and fully explained to the defendant the allegations contained in the Information in this case.

3. I have read and fully explained to the defendant all of the questions in the Youthful Offender Plea of Guilty – Summary of Facts and the answers to the questions set out in the Summary of Facts are the defendant’s answers to the questions.

4. To the best of my knowledge and belief the statements and declarations made by the defendant in the Youthful Offender Plea of Guilty – Summary of Facts are true and accurate and have been made freely and voluntarily made.

Dated this _____ day of _____, 20 ____.

ATTORNEY FOR THE DEFENDANT

**YOUTHFUL OFFENDER PLEA OF GUILTY – SUMMARY OF FACTS
ADDENDUM “B”**

Question #14 Continued

14. Do you understand you are charged with the following counts?

Crime(s):

Statutory Reference:

- | | | | |
|----------|------------|-----|----|
| 6. _____ | O.S. _____ | Yes | No |
| 2. _____ | O.S. _____ | Yes | No |
| 3. _____ | O.S. _____ | Yes | No |
| 4. _____ | O.S. _____ | Yes | No |
| 5. _____ | O.S. _____ | Yes | No |

Question #20 Continued

20. What is/are the charge(s) the defendant is/are entering a plea to today?

- | | | |
|-----------|-----|----|
| 6. _____ | Yes | No |
| 7. _____ | Yes | No |
| 8. _____ | Yes | No |
| 9. _____ | Yes | No |
| 10. _____ | Yes | No |

Question #21 Continued

21. Do you understand the range of punishment for the crime(s) is/are?

- | | | |
|--|-----|----|
| 6. Minimum of _____ to a maximum of _____ and/or a fine of \$ _____ | Yes | No |
| 7. Minimum of _____ to a maximum of _____ and/or a fine of \$ _____ | Yes | No |
| 8. Minimum of _____ to a maximum of _____ and/or a fine of \$ _____ | Yes | No |
| 9. Minimum of _____ to a Maximum of _____ and/or a fine of \$ _____ | Yes | No |
| 10. Minimum of _____ to a Maximum of _____ and/or a fine of \$ _____ | Yes | No |

Question #29 Continued

29. Is there a plea agreement continued?

- | | | |
|-------|-----|----|
| _____ | Yes | No |
| _____ | | |
| _____ | | |
| _____ | | |

