ORDER ON RULE 15 PLEA PETITIONS

<u>ORDER</u>

1.   When parties wish to submit a joint agreement that binds the court to the particulars of the negotiated plea, the parties must approach the judge in advance of the hearing and inquire as to whether the judge is willing to be bound to the terms and conditions of the plea. Parties are not to assume that a judge is willing to be bound to the plea.

2.   Parties shall include the attached appendix on all plea petitions, regardless of whether the plea is a joint recommendation, joint agreement, or no recommendation.

3.   Parties shall revise the plea petition to ensure that it accurately details the specifics of the plea before filing with the court. When the plea is a joint recommendation or no recommendation, the language in the plea petition that references a defendant's right to withdraw from the plea and have a trial if the judge does not approve the agreement must be crossed off and initialed or deleted from the petition. A defendant does not have a right to withdraw from a plea on a joint recommendation or no recommendation.

Joseph F. Chase	Christina K. Stevens
Kathy M. Wallace	Pamela A.W. King
Christa M. Daily	Lisa R. Hayne
Jacob C. Allen	

DISTRICT COURT
CRIMINAL DIVISION
THIRD JUDICIAL DISTRICT

State of Minnesota,

              Plaintiff,

vs.

   ,

              Defendant.

Court File No.

**RULE 15 APPENDIX
JOINT RECOMMENDATION,
JOINT AGREEMENT, OR
NO RECOMMENDATION**

NEGOTIATION STATUS:

_____ The terms and conditions outlined in this plea petition are a **joint recommendation** to the court. The court is **not bound** to those terms and may impose different terms than those outlined in the plea petition and will sentence at their discretion.

_____ The terms and conditions outlined in this plea petition are a **joint agreement**, which binds the court. The court is **required** to sentence the defendant to the terms outlined in this plea petition. If the court does not sentence the defendant consistent with the terms of the joint agreement, the defendant can withdraw their guilty plea and have a trial.

_____ There are no joint recommendation terms in this plea petition. The court will sentence at their discretion.

DATED:_____

_____
Prosecuting Attorney

_____
Defendant

_____
Defense Attorney