

**APPENDIX D TO RULE 15
PLEA AGREEMENT**

STATE OF MINNESOTA
COUNTY OF _____

DISTRICT COURT
_____ JUDICIAL DISTRICT

State of Minnesota,
Plaintiff,

PLEA AGREEMENT

vs.

District Court File No. _____

_____,
Defendant.

1. Negotiation Status

___ The terms and conditions outlined in this agreement are a joint recommendation to the Court, but the Court is not bound to those terms and may impose different terms than those outlined in this agreement.

___ The terms and conditions outlined in this negotiation are required by the agreement. If the Court will not sentence the defendant to the terms outlined in this agreement, either party may withdraw from the agreement.

2. Charges/Dismissals/Deferrals

___ The defendant will enter a plea of guilty to the following counts from the following files: _____

___ This case will be deferred pursuant to a pretrial diversion program. If the defendant successfully completes this program, the case will be dismissed.

___ This case will be deferred pursuant to Minn. Stat. § 152.18 with conditions outlined in Section 4. If the defendant successfully completes those conditions, the case will be dismissed.

___ This matter will be continued for dismissal for a period of _____ on condition that the defendant abide by the following conditions: _____

___ Successful completion of probation will result in vacation of plea and dismissal of

charge.

___ The following counts in this case or other criminal complaints will be dismissed:

___ This complaint will be amended to the lesser included offense(s) (or amended to the separate offense) of: _____

___ The State will not seek criminal charges arising out of the following conduct: _____

3. Level of Conviction

___ The parties agree to a misdemeanor or gross misdemeanor sentence of _____

___ The parties agree to a stay of imposition of sentence for _____ years.

___ The parties agree to a stay of execution of sentence with a stayed sentence of _____ months and a stay for _____ years.

___ The parties agree to an executed sentence of _____ months.

___ The parties agree to a waiver of the mandatory minimums found in Minn. Stat. § 609.11.

___ **(If sentenced on multiple counts/files)** The prison term in this case is arrived at by the following sentences from the following counts/files to be served consecutively/concurrently (circle one): _____

___ The parties agree to whatever sentence is presumed by the Minnesota Sentencing Guidelines.

___ The parties agree this is a departure from the Minnesota Sentencing Guidelines (or other sentencing enhancement) based on the following factors: _____

___ The parties agree to a sentencing range of _____ months to _____ months.

___ **(DWI and Criminal Sexual Conduct cases)** If this is an executed sentence or if this sentence is ever executed, the parties understand that the defendant is subject to an extended term of conditional release for five or ten years after any term of imprisonment.

___ The parties also understand the defendant will be required to provide a biological sample for the state DNA database.

4. If this is a probationary sentence the parties agree to the following terms and conditions:

___ All terms of probation left to discretion of the Court.

___ A probationary term of _____

___ A workhouse or jail term of _____

___ A workhouse or jail term not to exceed ('a cap' of) _____

___ This term may be served intermittently on the following dates: _____

___ The defendant will be eligible for Huber release for the following purposes: _____

___ Community service for ___ hours.

___ Sentence to Serve for ___ days.

___ Electronic home monitoring for ___ days.

___ Undergo any treatment-related evaluation recommended by Probation or the Department of Court Services.

___ Enter and successfully complete the following programs: _____

___ Enter and successfully complete any program recommended by Probation or the Department of Court Services.

___ No contact in person, by mail, by phone, by third party, or electronically with: _____

___ A fine of _____ and applicable surcharges.

___ Other: _____

5. Restitution

___ Defendant agrees to make restitution in the amount of _____.

___ Restitution to be determined by the Court.

6. Miscellaneous Provisions

I.

II. Dated: _____

Defendant

Prosecuting Attorney

Defense Attorney