

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

STATE OF ALABAMA

VS.

CASE NO. 2023-209ETHAN EDWARD RICHARDSON

PLEA AGREEMENT

Comes now the State of Alabama, the Defendant, and the Defendant's attorney of record and submits this as their plea agreement, and moves the Court to accept the Defendant's plea of guilty in this case pursuant to the following agreement:

The Defendant will offer a plea of GUILTY in open court as follows:

Count(s):	Charge(s):	Action:	(Lesser and Included)
1	Possession of Obscene Matter	(PG) Dismiss	L/I
4	Possession of Obscene Matter	(PG) Dismiss	L/I
7	Possession of Obscene Matter	(PG) Dismiss	L/I
10	Possession of Obscene Matter	(PG) Dismiss	L/I
14	Possession of Obscene Matter	(PG) Dismiss	L/I
17	Possession of Obscene Matter	(PG) Dismiss	L/I
20	Possession of Obscene Matter	(PG) Dismiss	L/I
23	Possession of Obscene Matter	(PG) Dismiss	L/I
26	Possession of Obscene Matter	(PG) Dismiss	L/I
29	Possession of Obscene Matter	(PG) Dismiss	L/I

FILED IN OFFICE

APR 03 2025

LISA McSWAIN
CIRCUIT COURT
CULLMAN COUNTYTo be dismissed: All other counts charged in the indictment are dismissed.Sentence to be: Concurrent ☒ Consecutive (counts)

With case #(s):

☐ Waivers filed in open court: (Notice and Waiver of Right to Appeal, Explanations of Rights and Plea of Guilty, Notice of Indigence)

Habitual Offender Sentence: Defendant confesses ___ prior felony convictions and the he/she had legal representation for each conviction.

Sentencing:Do sentencing guidelines apply? YES ☒ NOIf yes, are Guidelines attached? YES ☐ NOGuideline Recommendations: IN ☐ OUT

Sentence Range: Straight: ___ to ___ / Split: ___ to ___

Sentence Length: 4 Years per count Months DaysSentence served in: ☒ DOC ☐ CCDC ☐ COCO ☐ OtherThis is a: ☒ Straight Sentence ☐ Split Sentence ☐ Suspended Sentence **see pg.2**Imposed Costs/Fees (select as applicable):**☒ Court Costs

\$ To be calculated by Clerk

☒ Bail Bond Fee\$ 750.00 (inc. all counts)☒ Fine\$ 1,000.00 each count

- ☒ Crime Victim Compensation Fee \$ 10,000.00 (inc. all costs)
☐ Appointed Attorney Costs \$ Amount to be submitted by attorney within 30 days
☐ Restitution owed to Victim(s) \$ _____
☐ DA Restitution Fee (§20-2-190(j)(1)) \$ _____
☐ Drug Demand Reduction Fee (§13A-12-284) \$ _____
☐ Other: _____ \$ _____

Split Sentence:

Portion to be Served as split: _____
 Split served in: _____ DOC _____ CCDC _____ COCO _____ Other _____
 Apply Time Served to Split: _____ YES _____ NO _____
 Balance: _____ months probation.
 Supervised by: _____ State Probation _____ COCO _____ Other: _____

Suspended Sentence:

Probationary Period: _____ Years _____ Months _____ Days
 Supervised by: _____ State Probation _____ COCO _____
 _____ Unsupervised _____ Other: _____

***If supervised, Defendant shall report to Probation within 72 hours after plea or release from custody.

Payment of Court-Ordered Monies (select as applicable):

- ☐ Payment plan to be arranged by supervising officer.
☐ Other: _____

Comments and Additional Agreements:

- 1 – Defendant shall be considered a Sexually Violent Predator pursuant to § 15-20A-19, Code of Alabama.
- 2 – Defendant shall, upon release from DOC, comply with SORNA registration pursuant to § 15-20A-4.
- 3 – Defendant shall be required to complete any classes specific to sex offenders per DOC.
- 4 – Defendant shall not have any contact and/or communication direct and/or indirect through third parties or social media, with minor victims (see indictment) or victims' families.
- 5 – Payments to commence within 60 days from release from DOC at a rate of \$100.00 per month.

The Defendant acknowledges that he/she understands the charges against him/her, the material elements of each offense, and range of punishment for those offenses. By the signatures below, the State, the Defendant, and the Defendant's attorney hereby acknowledge that they each understand and voluntarily enter into this agreement. All standard rules of probation apply in any probationary sentence.

Done and entered into this the 3rd day of April, 2025.

Ethan Richardson
Defendant's Signature

Ethan Richardson
Printed Name

John C. Little
Defendant's Attorney Signature

Brandon C. Little
Printed Name

Tina A. Burgett
Prosecutor's Signature

Tina A. Burgett
Printed Name

ORDERED, having reviewed the above Agreement entered into by the Defendant and the State, the Court hereby:

☒ Accepts the Plea Agreement. The Defendant is sentenced in accordance with the terms herein.

☐ Rejects the Plea Agreement.

Date: 4-3-21


JUDGE

IN THE CIRCUIT COURT OF GULLMAN COUNTY, ALABAMA

STATE OF ALABAMA,

PLAINTIFF,

VS.

Ethan Edward Richardson

DEFENDANT.

CASE NO. CG 23-209NOTICE AND WAIVER OF RIGHT TO APPEAL
AND RIGHT TO SEEK POST-CONVICTION RELIEF

NOTICE

Comes now the State of Alabama and serves notice upon the Defendant that under Alabama law and the applicable Rules of Court, the Defendant has a right to appeal any judgment of conviction or the imposition of any sentence ordered by this Court. The right to appeal is, simply, the Defendant's right to have the proceedings in the trial court reviewed by an appellate court for the purpose of correcting any reversible error that may have been made. The right to appeal is available to the Defendant whether he is convicted after trial, as a result of a blind plea or as a result of a plea entered in accord with a valid plea agreement.

In addition to the right to appeal, a criminal Defendant has the right to be represented by an attorney during the appellate process. Should the Defendant be unable to afford an attorney, the Court will appoint an attorney to represent him free of charge.

The Defendant is also entitled to obtain a copy of the official transcript of the proceedings in the trial court if he elects to exercise his right to appeal. Should the Defendant be unable to afford a copy of the transcript, one will be provided for him free of charge.

In most cases where the Defendant receives a sentence of 20 years or less, he is entitled to make an appeal bond, which would permit him to be released while his case is being reviewed by the appellate court. The amount and terms of such a bond would be left to the discretion of the trial court.

A criminal Defendant may also attack the validity of his conviction or sentence by the filing of certain post-judgment motions (i.e., Motion for New Trial, Motion in Arrest of Judgment, Motion to Withdraw Guilty Plea, etc.) or by filing with the trial court a Petition for Post-Conviction Relief under Rule 32, ARCrP, or seeking post-conviction relief in Federal Court (i.e., Habeas Corpus).

WAIVER

After discussion and negotiation between the parties, after a full explanation of rights has been given to the Defendant as evidenced by the attached Explanation of Rights form, and after such disclosure of information between parties as each deems sufficient, it is agreed in this case, subject to acceptance by the Court that the Defendant knowingly and voluntarily agrees to waive his right to appeal or contest, directly or collaterally, his conviction or sentence on any ground, unless the Court should impose a sentence in excess of the statutory maximum or was without jurisdiction to enter the judgment or impose the sentence. This waiver is made a part of and is given in consideration of the plea agreement reached in this cause by the Defendant and the State of Alabama. It is intended to be a comprehensive and complete waiver of all appellate rights in this case. Defendant agrees not to seek an appeal bond, not to give notice of appeal, not to request a transcript of the proceedings, and not to request the appointment of appellate counsel. In addition to agreeing that he will never attack this conviction or sentence, Defendant agrees to seek to have dismissed with prejudice all pending post-judgment motions and/or petitions (including, but not limited to, petitions filed pursuant to Rule 32, ARCrP) and will not appeal any denial or dismissal of any such motions or petitions. Defendant acknowledges that the initiation, reinstatement, commencement or continued pursuit of any post-judgment attack upon his conviction or sentence, whether in the form of a direct appeal or collateral attack (i.e., Rule 32, Habeas Corpus, Coram Nobis, etc.), except upon the grounds stated above, would be barred by this waiver and would act to make the plea agreement reached in the above-styled case voidable by the District Attorney. The only exception to this waiver is that parties agree the Defendant has not waived his right to appeal on the sole issue of ineffective assistance of counsel.

IN MAKING THIS WAIVER, THE DEFENDANT UNDERSTANDS THAT HE IS GIVING UP HIS RIGHT TO HAVE HIS CONVICTION AND SENTENCE REVIEWED BY AN APPELLATE COURT. HE ENTERS INTO THIS

WAIVER FOR THE PURPOSE OF RECEIVING THE BENEFITS OF A NEGOTIATED PLEA, AND, AFTER CONSULTATION WITH HIS ATTORNEY, OR IF HE IS ACTING *PRO SE*, AFTER HAVING HAD THE OPPORTUNITY TO CONSULT WITH THE COURT REGARDING ANY QUESTIONS ABOUT THIS WAIVER, HE BELIEVES THAT IT IS IN HIS BEST INTEREST TO EXECUTE THIS DOCUMENT. The Defendant states to the Court that he has read, or has had read to him, the matters and rights hereinabove set forth as well as those set forth in the attached Explanation of Rights form; that his attorney has discussed said matters and rights with him in detail, or, if he is acting *pro se*, the Court has afforded him an opportunity to ask any questions about this waiver, and the Defendant fully understands its content and meaning; that he is not under the influence of any drugs, medicines or alcoholic beverages and has not been threatened or abused or offered any inducement or reward to get him to execute this document.

Having read and understood the foregoing, I agree to:

- ER 1) waive all my rights to appeal this case directly to an appellate court
Initials except to allege ineffective assistance of counsel;
- ER 2) waive all my rights to challenge the conviction or sentence indirectly or
Initials collaterally by filing a separate action with the exception of any claim
For ineffective assistance of counsel;
- ER 3) dismiss, with prejudice, any pending proceedings attacking this conviction
Initials or sentence except in regard to any claim of ineffective assistance of
Counsel.

SHOULD YOU HAVE ANY QUESTIONS WHATSOEVER CONCERNING THIS DOCUMENT, DO NOT SIGN IT UNTIL YOU HAVE ADDRESSED THOSE QUESTIONS WITH THE COURT.

4.3.25
Date

Elton Richardson
Defendant

I am the attorney for the above-referenced Defendant, and I certify that the preceding notice and waiver were read by the Defendant in my presence, or were read to him by me, that I discussed such rights with the Defendant in detail and that a written copy of the above rights were given to the Defendant or me. Having gone over his rights and the consequences of this waiver, I am of the opinion that the Defendant understands his right to appeal and knowingly, intelligently and voluntarily waives said rights.

4.3.25
Date

B. L. [Signature]
Attorney for the Defendant

IN THE CIRCUIT COURT OF CULLMAN COUNTY, ALABAMA

STATE OF ALABAMA,

PLAINTIFF,

VS.

CASE NO. CC 23-207Ethan Edward Richards

DEFENDANT.

NOTICE AND WAIVER OF INDIGENCY STATUS

NOTICE

Comes now the State of Alabama and serves notice upon the Defendant that under Alabama law and the applicable Rules of Court, the Defendant is entitled to have a due process hearing for the purpose of determining whether he will be ordered to pay restitution and, if so, in what amount.

At such hearing, the Defendant would be entitled to be represented by an attorney. The hearing would be before a judge and without a jury. The Defendant would be entitled to be heard and would be allowed to present evidence and call witnesses. The Defendant or his counsel would be permitted to confront and cross-examine any witnesses called by the State of Alabama to testify against him. The Court would then be required to enter a written order and findings of fact to support its decision.

Before the Court could order any restitution to be paid, the financial resources and obligations of the Defendant and the burden that payment of court-ordered restitution would impose on him would be taken into consideration in determining how much, if any, restitution should be ordered. Where the Court is considering the imposition of a fine, the trial judge is similarly required to take into consideration, among other things, the financial status of the Defendant before it imposes such a penalty. Docket fees and other costs of must also be assessed upon conviction.

If the Court orders restitution, fines or costs to be paid, and the Defendant fails to pay as directed, the Court may cause an investigation to be made into the Defendant's financial, employment and family standing and the reasons for non-payment, including whether non-payment was willful and intentional or due to "indigency" – the inability to pay as a result of poverty.

Before the Court could take any remedial action, a due process hearing, similar to the one described above, would be held. The Court could, as a result of such a hearing, reduce the amount of the obligation to a sum that the Defendant is able to pay, continue or modify the schedule of payments, direct that the Defendant be incarcerated until the unpaid balance is paid (subject to Rule 26.14, Alabama Rules of Criminal Procedure), or order the Defendant's wages withheld. In the case of fines and costs, the Defendant could be released from the obligation altogether. If restitution, fines or costs were ordered as a result of a traffic infraction, the Defendant's privilege to drive could be suspended until the obligation has been satisfied.

In addition, willful failure to pay could be punished by contempt of court. Also, if payment of restitution, fines or costs has been made a condition of probation or parole, the willful non-payment of these obligations could result in the revocation of those privileges, the modification of those privileges or the extension of those privileges.

Indigency, or the financial inability to provide for one's own support, is both a factor in determining the amount of restitution, fines and costs to be ordered and the conditions of payment. In addition, indigency or a plea of poverty is a defense to the non-payment. In Alabama, an indigent Defendant cannot be incarcerated for the inability to pay a fine, court costs, or restitution.

WAIVER

After discussion and negotiation between the parties, after a full explanation of rights has been given to the Defendant as evidenced by the attached Explanation of Rights form, and after such disclosure of information between the parties as each deems sufficient, it is agreed in this case, subject to acceptance by the Court, that the Defendant knowingly and voluntarily agrees to confess the restitution claims made by the State in this cause and that the Defendant knowingly and voluntarily agrees to waive his right to plead poverty or to assert a claim of indigency, should he subsequently fail to honor the payment provisions of the agreement. This waiver is made a part of and is given in consideration of the plea agreement reached in this cause by the Defendant and the State of Alabama. In addition, the Defendant agrees to fully and timely pay any fines and court costs imposed in this case. The Defendant understands and

agrees that payments will be deducted from any money or earnings that he receives, from any source whatsoever, during any term of incarceration imposed as a result of the plea agreement reached between the Defendant and the State of Alabama (this includes, but is not limited to, any earnings from work release or prisoner deposits, etc.). The Defendant agrees to pay over, deliver, convey, transfer, or assign any income or assets to which he is entitled while incarcerated to the Clerk of the Court or to cause the same to be done in order to satisfy the terms and provisions of his plea agreement. It is further agreed that any restitution, fines or costs ordered pursuant to the Defendant's plea agreement with the State of Alabama will be made a condition of any probation ordered by the Court, regardless of the position taken by the State of Alabama with reference to the granting of probation. Should probation be ordered and subsequently revoked, it is agreed by the parties that any restitution, fines or costs ordered shall be made a condition of any future parole.

The Defendant understands that by signing this waiver, he is giving up his right to assert an indigency defense in any future contempt proceedings, probation revocation proceedings, or parole revocation proceedings, the basis of which is non-payment of restitution, fines or costs in the instant case. The Defendant acknowledges that he would not only be barred from pleading poverty or indigency as a defense in such actions, but that attempts to raise such a defense by him would act to make the plea agreement reached in the above-styled case voidable by the District Attorney.

IN MAKING THIS WAIVER, THE DEFENDANT UNDERSTANDS THAT HE IS GIVING UP HIS RIGHT TO CLAIM THAT HE IS UNABLE OR INCAPABLE OF COMPLYING WITH THE PAYMENT PROVISIONS OF HIS PLEA AGREEMENT. THE DEFENDANT UNDERSTANDS AND ANTICIPATES THAT ANY FAILURE ON HIS BEHALF TO HONOR THOSE PROVISIONS OF HIS PLEA AGREEMENT WILL RESULT IN HIM BEING HELD IN CONTEMPT OF COURT, HAVING HIS PROBATION REVOKED, OR HAVING HIS PAROLE REVOKED. HE ENTERS INTO THIS WAIVER FOR THE PURPOSE OF RECEIVING THE BENEFITS OF THE NEGOTIATED PLEA, AND, AFTER CONSULTATION WITH HIS ATTORNEY, OR, IF HE IS ACTING *PRO SE*, AFTER HAVING HAD THE OPPORTUNITY TO CONSULT WITH THE COURT REGARDING ANY QUESTIONS ABOUT THIS WAIVER, HE BELIEVES THAT IT IS IN HIS BEST INTEREST TO EXECUTE THIS DOCUMENT. THE DEFENDANT MAKES THIS WAIVER BASED UPON A REASONABLE EXPECTATION THAT HE WILL HAVE SUFFICIENT FUNDS AVAILABLE TO HIM TO MEET THE TERMS OF THE PAYMENT PROVISIONS OF HIS PLEA AGREEMENT WHEN THEY BECOME DUE AND PAYABLE. The Defendant states to the Court that he has read, or has had read to him, the matters and rights hereinabove set forth, as well as those explained by the Court; that his attorney has discussed said matters and rights with him in detail, or, if he is acting *pro se*, the Court has afforded him an opportunity to ask any questions about this waiver, and the Defendant fully understands its content and meaning; that he is not under the influence of any drugs, medicines, or alcoholic beverages and has not been threatened or abused or offered any inducement or reward to get him to execute this document.

Having read and understood the foregoing, I agree to:

- ER 1) waive my right to claim indigency or enter a plea of poverty in any
Initials subsequent proceedings resulting from the non-payment of court costs in this case.
- ER 2) waive my right to claim indigency or enter a plea of poverty in any
Initials subsequent proceedings resulting from the non-payment of fines in this case.
- ER 3) waive my right to claim indigency or enter a plea of poverty in any
Initials subsequent proceedings resulting from the non-payment of restitution in this case.

SHOULD YOU HAVE ANY QUESTIONS WHATSOEVER CONCERNING THIS DOCUMENT, DO NOT SIGN IT UNTIL YOU HAVE ADDRESSED THOSE QUESTIONS TO THE COURT.

4.3.25
Date

CLARA RICHARDS
Defendant

I am the attorney for the above-referenced Defendant, and I certify that the preceding notice and waiver were read by the Defendant in my presence, or were read to him by me, that I discussed such rights with the Defendant in detail and that a written copy of the above rights were given to the Defendant or me. Having gone over his rights and the consequences of this waiver, I am of the opinion that the Defendant understands his right to plead poverty or to claim indigency and knowingly, intelligently and voluntarily waives said rights.

4.3.25
Date

B. J. [Signature]
Attorney for the Defendant

State Of Alabama
Unified Judicial System
Form CR-51 (front)
Rev. 1/2019

**EXPLANATION OF RIGHTS AND
PLEA OF GUILTY**
(Non-Habitual Offender – Felony and Misdemeanor – Circuit or District Court)
(FOR OFFENSES COMMITTED ON OR AFTER January 30, 2016)

Case Number CC 2023-209
Counts: 1, 4, 7, 10, 14
17, 20, 23, 26 + 29

IN THE Circuit COURT OF Cullman, ALABAMA
(Circuit or District) (Name of County)
STATE OF ALABAMA v. Ethan Edward Richardson
Defendant

TO THE ABOVE-NAMED DEFENDANT: The Court, having been informed that you wish to enter a plea of guilty in this case, hereby informs you of your rights as a defendant charged with a criminal offense.

PENALTIES APPLICABLE TO YOUR CASE

You are charged with the crime of Possession of obscene matter, which is a Class C ☐ Felony ☐ Misdemeanor. The Court has been informed that you desire to enter a plea of guilty to ☒ this offense or ☐ to the crime of _____ which is a ☐ felony ☐ misdemeanor offense. The sentencing range for the above crime(s) is set out below:

MISDEMEANOR		FELONY	
Class A	Up to one (1) year imprisonment in the county jail, or a fine up to \$6,000, or both.	Class A	Not less than ten (10) years and not more than life or ninety-nine (99) years imprisonment in the state penitentiary, and may include a fine not to exceed \$60,000
Class B	Up to six (6) months imprisonment in the county jail, or a fine up to \$3,000, or both.	Class B	Not less than two (2) years and not more than twenty (20) years imprisonment in the state penitentiary, and may include a fine not to exceed \$30,000.
Class C	Up to three (3) months imprisonment in the county jail, or a fine not to exceed \$500, or both.	Class C	Not less than one (1) year and one (1) day and not more than ten (10) years imprisonment in the state penitentiary, and may include a fine not to exceed \$15,000*.
		Class D	Not More than 5 years or less than 1 year and 1 day in the state penitentiary and may include a fine not to exceed \$7,500*.

Multiple Sentences. If you face multiple sentences for multiple crimes, the court may order your sentence for the above crime to run consecutively to or concurrently with the other sentence or sentences.

Costs & Crime Victim's Assessment: You will also be ordered to pay the costs of court, which may include the fees of any appointed attorney, fines, fees, assessments, and restitution if there is any. You will also be ordered to pay an additional monetary penalty for the use and benefit of the Alabama Crime Victims Compensation Commission of not less than \$50 and not more than \$10,000 for each felony and not less than \$25 and not more than \$1,000 for each misdemeanor for which you are convicted.

This crime is also subject to the following enhancements or additional penalties as provided by law: (Provisions Checked Apply To Your Case)

- ☐ **Enhanced Punishment For Use Of Firearm Or Deadly Weapon:** Sections 13A-5-6(a)(5) and (a)(6), Ala. Code 1975, provide for the enhancement of a punishment for a Class A, B, or C, felony in which a "firearm or deadly weapon was used or attempted to be used in the commission of the felony." This section provides for the following punishments in such events: For the commission of a Class A Felony, a term of imprisonment of not less than 20 years; For the commission of a Class B or C Felony, a term of imprisonment of not less than 10 years.
- ☐ **Enhanced Punishment for a Felony Criminal Sex Offense Involving a Child:** Sections 13A-5-6(a)(5) and (a)(6), Ala. Code 1975, provide for the enhancement of a punishment for a Class A or B felony criminal sex offense involving a child under the age of 12 or involving child pornography. These Sections provide for the following punishment in such events: For a Class A felony criminal sex offense, not less than 20 years; For a Class B felony sex offense, not less than 10 years.
- ☐ **Enhanced Punishment for Drug Sale Near School:** Section 13A-12-250, Ala. Code 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public or private school, college, university or other educational institution, must be punished by an additional penalty of five years' imprisonment for each violation.
- ☐ **Enhanced Punishment for Drug Sale Near Housing Project:** Section 13A-12-270, Ala. Code 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public housing project owned by a housing authority must be punished by an additional penalty of five years' imprisonment in a state correctional facility for each violation.
- ☐ **Enhanced Punishment For Sales Of Controlled Substance To One Under the age of 18:** Section 13A-12-215, Ala. Code 1975, provides that anyone convicted of selling, furnishing or giving away a controlled substance to one who has not yet attained the age of 18 years, shall be guilty of a Class A Felony and the punishment imposed shall not be suspended or probation granted.

*** Class C and D felonies Split Sentencing** Section 15-18-8(b) and (c), Ala. Code 1975, provides that when a defendant is convicted of an offense that constitutes a Class C or D felony and receives a sentence of not more than 15 years, and has not been sentenced to probation, drug court, or a pretrial diversion program, he or she shall be confined in a prison, jail-type institution, treatment institution, or community corrections program for a Class C felony offense or in a consenting community corrections program for a Class D felony offense for a period not exceeding two years. The execution of the remainder of the sentence shall be suspended and he or she shall be placed on probation for a period not exceeding three years and upon such terms as the court deems best. If no community corrections program exists within a county or jurisdiction and no alternative program options are available, a person convicted of an offense that constitutes a Class D felony may be sentenced to high-intensity probation under the supervision of the Board of Pardons and Paroles in lieu of community corrections.

EXPLANATION OF RIGHTS AND PLEA OF GUILTY
(Non-Habitual Offender - Felony and Misdemeanor - Circuit or District Court)
(FOR OFFENSES COMMITTED ON OR AFTER January 30, 2016)***Enhanced Punishment for Class D felonies**

Note that Section 15-18-8 also provides that in all cases when it is shown that a defendant has been previously convicted of any three or more felonies or has been previously convicted of any two or more felonies that are Class A or Class B felonies, and after such convictions has committed a Class D felony, upon conviction, he or she must be punished for a Class C felony.

- ☐ **Drug Demand Reduction Assessment Act and Loss of Driving Privileges:** Section 13A-12-281 provides that any person convicted of a violation of Sections 13A-12-202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-215 or 13A-12-231, Ala. Code 1975, shall be assessed an additional penalty of \$1,000 if he or she is a first-time offender or \$2,000 if he or she is a repeat offender under one of these sections. Collection of all or part of the penalty will be suspended if, with court approval, the defendant enters a drug rehabilitation program and if the defendant agrees to pay for a part or all of the program costs. Upon successful completion of the program, the defendant may apply to the court to reduce the penalty by the amount actually paid by him or her for participation in the program. Any suspension of the penalty can be withdrawn by the court if the defendant fails to enroll in or successfully pursue or otherwise fail to complete an approved program. Loss of Driving Privileges: Pursuant to Section 13A-12-291, Ala. Code 1975, a driver's license shall be suspended for six months for a conviction for any of the following: attempting to commit, criminally conspiring to commit, criminal solicitation to commit, or committing the crime of trafficking in specified substances under Section 13A-12-231; attempting to commit, criminal solicitation to commit, or committing the crime of unlawful possession with intent to distribute a controlled substance under subsections (c) and (d) of Section 13A-12-211. Suspension of a driver's license for a conviction of driving under the influence of a controlled substance or under the combined influence of a controlled substance and alcohol shall be governed by Section 32-5A-191, the DUI law.
- ☐ **Alcohol/Drug Related Offenses:** A person convicted of an alcohol or drug-related offense will be required to undergo an evaluation for substance abuse. Based upon the results of any such evaluation, he or she will be required to complete the recommended course of education and/or treatment and to pay for the evaluation and any program to which the defendant is referred. Failure to submit to an evaluation or failure to complete any program to which the defendant may be referred will be considered a violation of any probation or parole he or she may be granted. The defendant may also be required to attend monitoring sessions, including random drug and alcohol testing or blood, urine and/or breath tests and to pay a fee for this service. The defendant may request a waiver of part or all of the fees assessed if he or she is indigent or for any portion of time he or she is financially unable to pay. Community service may be ordered by the court in lieu of the monetary payment of fees by an indigent.
- ☒ **Enhanced Punishment for a Criminal Sex Offense:** A person convicted of a sex offense is required to comply with the requirements of the Alabama Sex Offender Registration and Notification Act (Section 15-20A-1, et seq., Ala. Code, 1975).
- ☐ **Drug Trafficking Offenses:** Convictions for an offense under §13A-12-231, Code of Alabama 1975, include mandatory minimum terms of incarceration and a mandatory fine. Convictions for drug trafficking while in possession of a firearm includes an additional mandatory period of incarceration of 5 years and a mandatory fine of \$25,000.
- ☐ **DUI Offenses:** Pursuant to 32-5A-191.4, Code of Alabama 1975, persons convicted of driving under the influence are subject to installation of an ignition interlock devices on motor vehicles. Pursuant to Section 32-5A-191, Ala. Code 1975, a conviction for driving under the influence carries a mandatory driver's license suspension.
- ☐ **Drug Possession:** If any person is convicted in any court of this state for drug possession, drug sale, drug trafficking, or drug paraphernalia offenses as defined in Section 13A-12-211 to 13A-12-260, inclusive, Ala. Code 1975, an additional fee of \$100.00 will be assessed pursuant to Section 36-18-7, Ala. Code 1975.
- ☐ **Other:** _____

RIGHTS YOU HAVE AND THE WAIVER OF YOUR RIGHTS

Under the Constitution of the United States and the Constitution and laws of the State of Alabama, you have a right to remain silent and you may not be compelled to give evidence against yourself. Your attorney cannot disclose any confidential talks he/she has had with you. You do not have to answer any questions. If you do answer questions knowing that you have a right to remain silent, you will have waived this right.

You have the right to enter, or stand on if previously entered, a plea of "Not Guilty" or "Not Guilty by Reason of Mental Disease or Defect," or "Not Guilty and Not Guilty by Reason of Mental Disease or Defect" and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed to trial, you would have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront and cross examine your accuser(s) and all the State's witnesses, you would have the right to subpoena witnesses to testify on your behalf and to have their attendance in court and their testimony required by the court, and you would have the right to take the witness stand and to testify, but only if you chose to do so, as no one can require you to do this. If you elect to testify, you can be cross examined by the State just as any other witness is subject to cross examination. If you elect not to testify, no one but your attorney will be allowed to comment about that fact to the jury. Your attorney is bound to do everything he/she can honorably and reasonably do to see that you obtain a fair and impartial trial.

If you elect to proceed to trial, you come to court presumed to be innocent. This presumption of innocence will follow you throughout the trial until the State produces sufficient evidence to convince the jury (or the court if the trial is non-jury) of your guilt beyond a reasonable doubt. You have no burden of proof in this case. If the State fails to meet its burden, you would be found not guilty.

If you are entering a guilty plea to a charge for which you have not yet been indicted, you are waiving indictment by a grand jury and you will be pleading guilty to a charge preferred against you by a District Attorney's Information filed with the court.

If you are not a United States citizen, a guilty plea may subject you to adverse immigration consequences, including deportation (see 8 U.S.C. § 1227), exclusion from reentry to the United States and amnesty, and that the appropriate consulate may be informed of the plea and conviction.

Pursuant to Section 15-22-27.3, Ala. Code 1975, if you are pleading guilty to a sex offense involving a child as defined in Section 15-20A-4, Ala. Code 1975, which constitutes a Class A or B felony, you will not be eligible for parole.

If you are convicted of a misdemeanor crime of domestic violence, which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, against your current or former spouse; your child of whom you are a parent or guardian; a person with whom you share a child in common; a spouse, parent, or guardian with whom you are, or have been, cohabiting or to whom you are similarly situated, and you ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or if you receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, YOU ARE SUBJECT TO BEING PROSECUTED IN FEDERAL COURT FOR VIOLATING 18 U.S.C. § 922(g)(9).

If you plead guilty, there will be no trial. You will be waiving the rights outlined above, except your rights relating to representation by an attorney. The state will have nothing to prove and you will stand guilty on your guilty plea. By entering a plea of guilty, **YOU WILL ALSO WAIVE YOUR RIGHT TO APPEAL**, unless in appeals to the Court of Criminal Appeals or the Supreme Court (1) you have, before entering the plea of guilty, expressly reserved the right to appeal with respect to a particular issue or issues, in which event appellate review shall be limited to a determination of the issue or issues reserved, or (2) you have timely filed a motion to withdraw the plea of guilty after pronouncement of sentence on the ground that the withdrawal is necessary to correct a manifest injustice, and the court has denied your motion to withdraw your plea, or the motion has been deemed denied by operation of law.

EXPLANATION OF RIGHTS AND PLEA OF GUILTY
(Non-Habitual Offender – Felony and Misdemeanor – Circuit or District Court)
(FOR OFFENSES COMMITTED ON OR AFTER January 30, 2016)

IF YOU HAVE A RIGHT TO APPEAL UNDER ONE OF THE CONDITIONS ABOVE AND YOU ARE DETERMINED BY THE COURT TO BE INDIGENT, COUNSEL WILL BE APPOINTED TO REPRESENT YOU ON APPEAL IF YOU SO DESIRE AND IF THE APPEAL IS FROM A CIRCUIT COURT JUDGMENT OR SENTENCE. A COPY OF THE RECORD AND REPORTER'S TRANSCRIPT WILL BE PROVIDED AT NO COST TO YOU. IF THE APPEAL IS FROM A MUNICIPAL OR DISTRICT COURT JUDGMENT TO CIRCUIT COURT, YOU HAVE A RIGHT TO DEMAND A JURY TRIAL IF YOU INDICATE YOUR WISH TO ASSERT THIS RIGHT ON THE NOTICE OF APPEAL.

IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS OR THE CONSEQUENCES OF PLEADING GUILTY, PLEASE LET THE COURT KNOW NOW AND FURTHER EXPLANATION WILL BE MADE.

The court having personally addressed the defendant determines that the defendant has entered the plea voluntarily.

4-3-25

Date

[Signature]

Judge

ATTORNEY'S CERTIFICATE

I certify that the above was read and/or explained to the defendant by me; that I explained the penalty or penalties to the defendant, that I discussed in detail the defendant's rights and the consequences of pleading guilty; and that, in my judgment, the defendant understands the same and that he/she is knowingly, voluntarily, and intelligently waiving his/her rights and entering a voluntary and intelligent plea of guilty. I further certify to the court that I have in no way forced or induced the defendant to plead guilty and, to my knowledge, no one else has done so.

4.2.25

Date

[Signature]

Attorney

DEFENDANT'S STATEMENT OF WAIVER OF RIGHTS AND PLEA OF GUILTY

I certify to the court that I have read the matters set forth above or have had them read to me; that my rights have been discussed with me in detail and fully explained; that I understand the charge or charges against me; that I understand my rights, the punishment or punishments provided by law as may apply to my case, and I understand the consequence of pleading guilty; that I am not under the influence of any drugs, medicines, or alcoholic beverages; and I have not been threatened or abused or offered any inducement, reward, or hope of reward to plead guilty other than the terms of the plea agreement which will be stated on the record.

I further state to the court that I am guilty of the charge to which I am entering a plea of guilty, that I desire to plead guilty, that I made up my own mind to plead guilty, and that I knowingly, intelligently, and voluntarily waive my right to a trial in this case. I further state to the court that I am satisfied with my attorney's services and his/her handling of my case.

4.2.25

Date

[Signature]

Defendant