IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

Criminal Case No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

**1. (Name)**

Defendant.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DEFENDANT’S PLEA OF GUILTY AND STATEMENT OF FACTS**

**RELEVANT TO SENTENCING (WITHOUT PLEA AGREEMENT)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant, (Name), personally and by counsel, \_\_\_\_\_\_\_\_\_\_\_, submits this Plea of Guilty and Statement of Facts Relevant to Sentencing:

**I. PLEA OF GUILTY**

The Defendant intends to plead guilty to the Indictment which charges him with a violation of \_\_ U.S.C. §\_\_\_, **without a plea agreement**.

**II. ELEMENTS OF THE OFFENSE**

(Name) submits that the elements of \_\_ U.S.C. §\_\_\_ are as follows:

*First*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Second*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Third*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**The United States advises that it agrees ( ), disagrees ( ), or takes no position ( ). [Check or provide appropriate response].**

**III. STATUTORY PENALTIES**

The maximum statutory penalty for a violation of \_\_ U.S.C. § \_\_\_\_ is not more than \_\_ years imprisonment; not more than a \_\_\_\_\_\_\_ fine, or both; not more than \_\_ years supervised release; a $\_\_\_\_ special assessment fee; and restitution of \_\_\_\_\_\_\_\_\_ (if applicable). [Include any applicable mandatory minimums.]

A violation of the conditions of probation or supervised release may result in a separate prison sentence and additional supervision.

**The United States advises that it agrees ( ), disagrees ( ), or takes no position ( ). [Check or provide appropriate response].**

**IV. COLLATERAL CONSEQUENCES**

The conviction may cause the loss of civil rights, including but not limited to the rights to possess firearms, vote, hold elected office, and sit on a jury*.* [Insert if applicable: If the defendant is an alien, the conviction may cause the defendant to be deported or confined indefinitely if there is no country to which the defendant may be deported, to be denied admission to the United States in the future, and to be denied citizenship.]

**V. FACTUAL BASIS TO SUPPORT THE PLEA OF GUILTY**

(Name) admits to the following: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[Insert facts sufficient to support the plea of guilty.]

**The United States advises that it agrees ( ), disagrees ( ), or takes no position ( ). [Check or provide appropriate response].**

**VI. SENTENCING COMPUTATION**

Defendant understands that sentencing is determined pursuant to 18 U.S.C. § 3553(a). In determining the particular sentence to be imposed, the Court is required to consider seven factors. One of those factors is the sentencing range computed by the Court under advisory guidelines issued by the United States Sentencing Commission. In order to aid the Court in this regard, defendant sets forth below his/her estimate of the advisory guideline range called for by the United States Sentencing Guidelines.

Defendant estimates the advisory guidelines apply as follows:

1. The applicable guideline is \_\_\_, with a base offense level of \_\_\_\_\_\_\_\_.

B. [Insert specific offense characteristics.]

C. [Insert victim-related, role-in-offense, acceptance of responsibility, obstruction, multiple-count and other Chapter III adjustments.]

D.The adjusted offense level would be \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

E.Defendant’s criminal history category is estimated as Category \_\_\_.

F. Assuming the accuracy of the criminal history estimate, the Career Offender guideline and the Armed Career Criminal statute [do / do not] apply.

G. The advisory guideline range of imprisonment resulting from an offense level of **\_\_\_** and a criminal history category of **\_\_\_** is **\_\_\_\_** months. In order to be as accurate as possible, with the criminal history category undetermined at this time, the range could conceivably extend from as low as \_\_\_ months (bottom of Category I) to as high as \_\_\_months (top of Category VI).

H. Pursuant to guideline 5E1.2, the fine range for this offense would be $\_\_\_\_\_\_ to $\_\_\_\_\_\_\_, plus applicable interest and penalties.

I. Pursuant to guideline 5D1.2, if the Court imposes a term of supervised release, that term is [insert term or range provided by law].

**The United States advises that it agrees ( ), disagrees ( ), or takes no position ( ). [Check or provide appropriate response].**

(Name) understands that although the Court will consider the above estimate, the Court must make its own determination of the guideline range. In doing so, the Court is not bound by any estimate calculated herein, regardless of whether agreed to by the government.

No estimate regarding the guideline range precludes defendant or the government from asking the Court, within the overall context of the guidelines, to depart fromthe guideline range at sentencing if defendant or the government believes a departure is specifically authorized by the guidelines or that there exists an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the United States Sentencing Commission in formulating the advisory guidelines. Similarly, no estimate regarding the guideline range precludes Mr. Doe or the government from asking the Court to vary from the advisory guidelines and to impose a non-guideline sentence based on other 18 U.S.C. § 3553 factors.

(Name) understands the Court is free, upon consideration and proper application of all 18 U.S.C. § 3553 factors, to impose a sentence which it deems appropriate in the exercise of its discretion and that such sentence may be less than that called for by the advisory guidelines (in length or form), within the advisory guideline range, or above the advisory guideline range - up to and including imprisonment for the statutory maximum term, regardless of any computation or position of any party.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name)

Defendant

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Attorney Name)

Attorney for Defendant

**As to matters agreed to by the United States:**

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

XXXXXXXXXXXXX

Assistant U.S. Attorney