

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. These may be facts as determined by the defendant or as agreed to by defendant and the government. If submitted solely by defendant, an independent investigation by probation will be ordered. If agreed to by the government (without the necessity for addition facts or relevant conduct), the stipulated facts will be used to determine guideline calculations.]

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:

- A. 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 from the 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: _____

XXXXXXXXXXXXXXXX
Assistant U.S. Attorney