

Court Document Not an Official Court Document
IN THE CIRCUIT COURT OF Nodaway COUNTY, MISSOURI
DIVISION I

STATE OF MISSOURI

CASE NO. 23ND-CR00268-01

Caden Peck

Document Not an Official Court Document
FELONY PLEA OF GUILTY CHECK SHEET/DOCKET ENTRY

☒ Oath administered

☒ Name

☒ Are you able to read, write and understand the English language? Y ☒ N ☐

☒ Defendant formally arraigned/waives formal reading of: Am Tuf

the Defendant Information ☒ Amended Information

and announces his/her intention to enter plea of guilty Yes

☒ Defendant previously arraigned/waived formal arraignment

☒ Age 20

☒ Last grade of school successfully completed HS grad, 2 yr college

☒ Are you under the influence of alcohol, drugs or medication that affect your ability to make knowing and voluntary decisions? Y ☐ N ☒

☒ Do you have a mental condition/disease which prevents you from understanding what you're doing today, and in making informed and knowing decisions? Y ☐ N ☒

☒ Def Attorney—Do you believe your client to have sufficient knowledge and capacity to enter an intelligent, voluntary and knowing plea today? Y ☒ N ☐

☒ Defendant—If you do not understand/hear a question, please let me know; if you answer, it is presumed to be heard and understood.

☒ You appear with your attorney, and if you want, you can talk with your attorney, at any time, in private, if you ask the Court before this examination is concluded.

☒ Do you understand that you are giving up certain rights by pleading guilty, including:

☒ Trial by jury or the Court

☒ State has burden of proving guilt beyond a reasonable doubt

☒ Jury must be unanimous in its verdict

☒ Right to a change of venue and/or judge

☒ Right to remain silent AND right to testify, if you choose to do so at trial; if exercise right to remain silent, jury will be advised in written instruction that can't be used against you

☒ Right to subpoena witnesses to compel their appearance at trial and then have opportunity to present their testimony and produce evidence on your own behalf

☒ Right to be represented by your attorney, who would do all functions required of an attorney, on your behalf, including: advising you, cross examining witnesses and presenting evidence

☒ Right to appeal, if found guilty; could result in new trial or you could be discharged outright

☒ Understand that by pleading guilty, if Court accepts your plea of guilty, there will be no trial

☒ Defendant—Do you have questions regarding these rights that you will be giving up if I accept your plea of guilty? Y ☐ N ☒

FILED

AUG 28 2023

CIRCUIT COURT
NODAWAY COUNTY, MO

DO YOU WISH TO GIVE UP THESE RIGHTS AND PROCEED WITH MY CONSIDERATION OF YOUR PLEA OF GUILTY? Y ✓ N

Defendant—Do you understand that if anytime before I accept your plea of guilty, if you tell me you no longer want to plead guilty, that anything you have said today cannot be used against you in any civil or criminal proceeding except for possibly an action for perjury or for making a false statement while under oath? Y ✓ N

Is there a plea agreement? Y ✓ N

TERMS:

BINDING ON COURT subject to SAR/Victim Impact
NONBINDING RECOMMENDATION (open plea)

Plea to Counts 1

Dismiss Counts

SIS Counts 1

SES Counts

SENTENCE

Concurrent to

Consecutive to

Probation years; Shock time

120 Day Treatment, per §559.115

4th Circuit Drug Court 4th Circuit DWI Court

Substance evaluation/follow recommendations

Post-Conviction Treatment, per §217.785

Long-Term Treatment

Standard Probation Conditions and Special Probation Conditions:

Not possess or consume alcohol

Submit to blood, breath or urine testing

Pay restitution of \$ to victims

No contact with

Other terms of probation 19 days shock = time served

Def Attorney—Do you agree with the stated terms of the plea agreement?

Y ✓ N

Defendant—Do you agree with the terms of the plea agreement as stated/clarified?

Y ✓ N

X The plea agreement is clarified, and Pros Attorney, Defendant and Def Attorney agree that the agreement is

The Counts in the Information to which you are pleading charges you with:

Count 1 : c-fel-mfg C/S - mushrooms

Count :

Count :

Count :

Count :

☒ Pros Attorney—Are there victims involved? Y ☐ N ☒

☒ Pros Attorney—Were the victims of this crime(s) advised of their rights under MO law? Y ☐ N ☐

☒ Pros Attorney—Do the victims wish to exercise any of their rights? Y ☐ N ☐

☒ Def Attorney—Is there any question as to the legality of the arrest, or any search or seizure, or any statement that was made to police? Y ☐ N ☒

☒ If yes, the Court advises the Defendant that his/her plea of guilty, if accepted, will give up these issues/possible defenses and the right to appeal.

☒ Defendant—Is it your desire to waive these issues, whether known or unknown, and proceed with plea of guilty? Y ☒ N ☐

☒ Pros Attorney—Is there a mandatory minimum sentence? N ☒ Y ☐, of _____

[DWI requirements 577.023:

PRIOR OFFENDER—A misdemeanor

One prior

Minimum—10 days or 30 days community service

PERSISTENT OFFENDER—E felony

Two priors

Minimum—30 days or 60 days community service

AGGRIVATED OFFENDER—D felony

Three priors

Minimum—60 days imprisonment

CHRONIC OFFENDER—C felony

Four priors

Minimum—2 years]

HABITUAL OFFENDER—B felony

Five priors

Minimum—2 years

PRIOR HABITUAL OFFENDER—A felony

Maximum sentence for charges is 10 yr DOC.

1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

(1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;

(2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;

(3) For a class C felony, a term of years not less than three years and not to exceed ten years;

(4) For a class D felony, a term of years not to exceed seven years and/or \$20,000 fine;

(5) For a class E felony, a term of years not to exceed four years and/or \$20,000 fine;

(6) For a class A misdemeanor, a term not to exceed one year and/or \$2000 fine;

(7) For a class B misdemeanor, a term not to exceed six months and/or \$1000 fine;

(8) For a class C misdemeanor, a term not to exceed fifteen days and/or \$750 fine

(9) For class D misdemeanor, \$500 fine

(10) For infraction, \$400 fine

- 2. In cases of class D and E felonies, the Court shall have discretion to imprison for a special term, not to exceed one year, in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the Court. If the Court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the Department of Corrections.

Pros Attorney—Is this an offense requiring life time supervision? Y ☐ N ☒

Def Attorney—Is Defendant an alien who will be subject to deportation as a result of this plea? Y ☐ N ☒

Def Attorney—Is this a dangerous felony subjecting Defendant to serve 85% of any sentence? Y ☐ N ☒

"Dangerous felony", the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, armed criminal action, conspiracy to commit an offense when the offense is a dangerous felony, vehicle hijacking when punished as a class A felony, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under section 568.060, child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in section 577.001;

Def Attorney—Have you communicated all offers you have received from the State to your client? Y ☒ N ☐

☒ Defendant—Do you understand there is no guarantee of release from prison upon completion of §559.115, 120-day period of incarceration? Y ☒ N ☐

☒ Defendant—Has your attorney made any representations to you regarding the amount of time you would serve on any sentence you may ultimately be ordered to serve in the Department of Corrections before you will be released on parole? Y ☐ N ☒

☒ Do you understand any decision on parole would be determined by the Board of Probation and Parole? Y ☐ N ☒

☒ Do you understand that release after 120 days depends upon your conduct and report that will be given to the Court? Y ☐ N ☒

☒ Defendant—Were there any promises/threats made to you or made known to, other than this plea agreement, that made you waive your rights and enter this plea of guilty?

Y ☐ N ☒

☒ Court/Pros Attorney advised Defendant as to the elements of the offense (definitions at §556.061) by previously reading each Count contained in the Information to which Defendant is pleading guilty; the elements being the facts the State must prove beyond a reasonable doubt for Defendant to be found guilty.

☒ Defendant—Have you had ample opportunity to discuss these charges, your case, your rights, and this plea, with your attorney? Y ☒ N ☐

☒ Defendant—After consulting with your attorney, do you admit or deny that you are, in fact, guilty of the crimes to which you are pleading guilty? Admit ☒ Deny ☐

☒ If admit, you did each and every thing the State alleges in each Count to which you are pleading guilty?

☒ If admit, you are, in fact, guilty of each crime to which you are pleading guilty?
(Have Defendant make statement, as necessary, to establish factual basis.)

PRO SE DEFENDANT ONLY

Defendant—Do you know of the existence of any witness or of any fact, circumstance or evidence which was not presented to the Court that would show you not guilty of the charges? Y N

Pros Attorney—Are there any witnesses or evidence which would cast a reasonable doubt about Defendant's guilt, or defenses available to the Defendant not disclosed to the Court? Y N

Defendant—Who has represented you in this matter? R. Williams

Have you had ample opportunity to meet with your attorney and discuss your case, possible evidence, your rights and this plea? Y ✓ N

Have you told your attorney all the facts, including possible witnesses, that you believe will help him/her in providing you a full defense to these charges? Y ✓ N

Has your attorney refused to do anything regarding your case that you have asked to be done? N ✓ Y , What?

Any complaint about the way your attorney handled this case? Y N ✓

Def Attorney—Any additional questions to be asked of your client? Y N ✓

Pros Attorney—Any additional questions I need to cover with this Defendant? Y N ✓

Def Attorney—Has there been discovery received and reviewed? Y ✓ N

Defendant—Do you understand that your attorney gives you advice and makes recommendations, but the decision to plead guilty is only yours and yours alone? Y ✓ N

Has anyone pressured you, coerced you, threatened or promised you anything to make you give up your rights and enter this plea of guilty? Y N ✓

You made the decision to plead guilty of your own free will? Y ✓ N

Do you wish to proceed with your plea of guilty? Y ✓ N

Do you wish the Court to accept and approve the plea agreement? Y ✓ N

If involving probation, do you understand that there will be an Order of Probation establishing obligations and prohibitions on you? Y ✓ N

Have you discussed what probation involves with your attorney? Y ✓ N

Do you understand any violation of any term and condition of probation could result in revocation of probation and imposition and/or execution of a sentence? Y ✓ N

Do you understand you will be required to meet and report to a probation officer? Y ✓ N

Are you willing to abide by all terms and conditions of probation, if so ordered. Y ✓ N

COURT ACTION

✓ Court finds Defendant guilty beyond a reasonable doubt, and that the plea of guilty is made knowingly, intelligently and voluntarily.

Where there is no plea agreement (open plea):

There is no agreement as to sentence. The Court will consider suggestions by the State and your attorney as to what sentence should be imposed. The sentence imposed will be solely the decision of this Court within the permissible range of punishment. Your

plea of guilty cannot be withdrawn if the Court does not accept the recommendation of your attorney as to disposition. Do you want to continue with your plea of guilty?

Y N

The Court takes plea agreement under advisement, pending SAR and Victim Impact, as applicable.

Where there is a plea agreement:

 The Court accepts the plea agreement. *(when no SAR or Victim Impact)*

 The Court accepts the plea agreement, subject to review of the Sentencing Assessment Report, review of factual basis, and Victim Impact. If the Court, thereafter, determines to reject the plea agreement, Defendant may file a motion to withdraw the plea of guilty, which will then be set aside by the Court. Defendant may choose to maintain the plea of guilty as an open plea and the disposition of this case may be less favorable than contemplated in the plea agreement.

 The Court rejects the plea agreement, and advises: "You, as the Defendant, are advised that the Court is not bound by the plea agreement/recommendation, but you may continue with your plea, but if you persist in the plea of guilty, that the disposition of this case may be less favorable than contemplated in the plea agreement. Disposition will be decided solely by the Court."

 Defendant—After consulting with your attorney, do you want to persist and proceed with your plea of guilty, or withdraw your plea of guilty?

 Persist with plea Withdraw plea

 Sentencing Assessment Report is waived by the Court and parties.

 Sentencing Assessment Report is ordered by the Court.

 Sentencing to be Today

 Defendant is released on bond of , pending sentencing.

Date 8-28-23 Judge 