

Down issued

IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA. CASE NO. CF-200- 4774

vs. Kristine Marie PATRICK Plaintiff, DCT 119 2010 CASE NO. CF-200-
554-11-2235 COURT CLERK DEPUTY CASE NO. CF-200-
217169 DEFENDANT CASE NO. CF-200-
ADDRESS: In Custody CASE NO. CF-200-

Note Courtmate
PLEA OF GUILTY AND SUMMARY OF FACTS
PART A: FINDINGS OF FACT; ACCEPTANCE OF PLEA

- 1 IS THE NAME JUST READ TO YOU YOUR TRUE NAME? YES NO
- IF NO, WHAT IS YOUR CORRECT NAME? _____
- I HAVE ALSO BEEN KNOWN BY THE NAME(S): _____
- 2 MY LAWYER'S NAME: Michael Bush YES NO
- 3 a DO YOU WISH TO HAVE A RECORD MADE OF THESE PROCEEDINGS BY A COURT REPORTER? YES NO
- b DO YOU WAIVE THAT RIGHT? _____
- 4 AGE: 41 HIGHEST GRADE COMPLETED IN SCHOOL: DGED YES NO
- 5 CAN YOU READ AND UNDERSTAND THIS FORM? (If the answer is "no", completed addendum "A" must be attached) YES NO
- 6 ARE YOU CURRENTLY TAKING ANY MEDICATION OR SUBSTANCES WHICH AFFECT YOUR ABILITY TO UNDERSTAND THESE PROCEEDINGS? YES NO
- 7 HAVE YOU BEEN PRESCRIBED ANY MEDICATIONS THAT YOU SHOULD BE TAKING, BUT YOU ARE NOT TAKING THEM AT THIS TIME? YES NO

IF SO, WHAT KIND AND FOR WHAT PURPOSE? to be on Trazadone for Bi-Polar

8 HAVE YOU EVER BEEN TREATED BY A DOCTOR OR HEALTH PROFESSIONAL FOR MENTAL ILLNESS OR CONFINED IN A HOSPITAL FOR MENTAL ILLNESS? YES NO

IF YES, LIST THE DOCTOR OR HEALTH PROFESSIONAL, PLACE, AND WHEN THIS OCCURRED:
She is Diagnosed with Bi-Polar Disorder

9 DO YOU UNDERSTAND THE NATURE AND CONSEQUENCES OF THIS PROCEEDING? YES NO
10 HAVE YOU RECEIVED A COPY OF THE INFORMATION AND READ ITS ALLEGATIONS? YES NO
11 DOES THE STATE MOVE TO DISMISS OR AMEND ANY CASES OR COUNTS IN THE INFORMATION OR ON PAGE 2 OF THE INFORMATION? YES NO

IF SO, SET FORTH THE CASES / COUNTS DISMISSED OR AMENDED:

12 A) DO YOU UNDERSTAND YOU ARE NOW CHARGED WITH:
(if amended, list the amended charge. Do not list counts that have been dismissed)

CASE NO.	COUNT	CRIME	STATUTORY REFERENCE	YES	NO
CF-10-4774	1	Aggravated Assault & Battery	21 O.S. § 16	YES	NO
_____	_____	_____	O.S. _____	YES	NO
_____	_____	_____	O.S. _____	YES	NO
_____	_____	_____	O.S. _____	YES	NO
_____	_____	_____	O.S. _____	YES	NO
_____	_____	_____	O.S. _____	YES	NO
_____	_____	_____	O.S. _____	YES	NO
_____	_____	_____	O.S. _____	YES	NO

(List any additional charges on a separate sheet and label as PLEA OF GUILTY ADDENDUM B)

Sentence may be enhanced in accordance with the provisions of: _____

B) ARE YOU CHARGED AFTER FORMER CONVICTION OF A FELONY?
IF YES, LIST THE FELONY(IES) CHARGED: _____ YES NO

13 HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES NO

IF SO, WHEN, WHERE AND FOR WHAT FELONY/FELONIES? _____

14 (check if applicable) _____

DO YOU UNDERSTAND THAT YOU ARE SUBJECT TO THE DELAYED SENTENCING PROGRAM FOR YOUNG ADULTS AND WHAT THAT SENTENCING PROGRAM INVOLVES? YES NO

DO YOU UNDERSTAND THAT UPON A CONVICTION ON A PLEA OF GUILTY TO THE OFFENSE(S) OF _____ YOU WILL BE REQUIRED TO SERVE A MINIMUM SENTENCE OF: _____

85% OF THE SENTENCE OF IMPRISONMENT BEFORE BEING ELIGIBLE FOR PAROLE CONSIDERATION, AND ARE NOT ELIGIBLE FOR EARNED OR OTHER TYPE OF CREDITS WHICH WILL HAVE THE EFFECT OF REDUCING THE LENGTH OF SENTENCE TO LESS THAN 85% OF THE SENTENCE IMPOSED? YES NO

_____% OF THE SENTENCE IMPOSED OR RECEIVED PRIOR TO BECOMING ELIGIBLE FOR STATE CORRECTIONAL EARNED CREDITS TOWARD COMPLETION OF YOUR SENTENCE OR ELIGIBILITY FOR PAROLE? YES NO

DO YOU UNDERSTAND THAT A CONVICTION ON A PLEA OF GUILTY TO THE OFFENSE(S) OF _____ WILL SUBJECT YOU TO MANDATORY COMPLIANCE WITH THE OKLAHOMA SEX OFFENDER REGISTRATION ACT? YES NO

15. WHAT IS THE CHARGE(S) TO WHICH THE DEFENDANT IS ENTERING A PLEA TODAY?
Aggravated Assault & Battery

16. DO YOU UNDERSTAND THE RANGE OF PUNISHMENT FOR THE CRIME(S) CHARGED IS/ARE: (List in the same order as No. 12 above.)

CASE NO.	COUNT	MINIMUM OF	YEARS TO A MAXIMUM OF	YEARS AND/OR FINE OF \$	YES	NO
<u>CF-10-4774</u>	<u>1</u>		<u>0</u>		<input checked="" type="checkbox"/>	
		MINIMUM OF	YEARS TO A MAXIMUM OF	YEARS AND/OR FINE OF \$	YES	NO
		MINIMUM OF	YEARS TO A MAXIMUM OF	YEARS AND/OR FINE OF \$	YES	NO
		MINIMUM OF	YEARS TO A MAXIMUM OF	YEARS AND/OR FINE OF \$	YES	NO
		MINIMUM OF	YEARS TO A MAXIMUM OF	YEARS AND/OR FINE OF \$	YES	NO
		MINIMUM OF	YEARS TO A MAXIMUM OF	YEARS AND/OR FINE OF \$	YES	NO
		MINIMUM OF	YEARS TO A MAXIMUM OF	YEARS AND/OR FINE OF \$	YES	NO
		MINIMUM OF	YEARS TO A MAXIMUM OF	YEARS AND/OR FINE OF \$	YES	NO
		MINIMUM OF	YEARS TO A MAXIMUM OF	YEARS AND/OR FINE OF \$	YES	NO

(List any additional punishments on a separate sheet, with additional crimes and labeled as PLEA OF GUILTY ADDENDUM B.)

17. READ THE FOLLOWING STATEMENTS:

YOU HAVE THE RIGHT TO A SPEEDY TRIAL BEFORE A JURY FOR THE DETERMINATION OF WHETHER YOU ARE GUILTY OR NOT GUILTY AND IF YOU REQUEST, TO DETERMINE SENTENCE. [If pleading to capital murder, advise of procedure in 21 Okla. Stat. §701.10(B)]

AT THE TRIAL:

- (1) YOU HAVE THE RIGHT TO HAVE A LAWYER REPRESENT YOU, EITHER ONE YOU HIRE FOR YOURSELF OR IF YOU ARE INDIGENT, THE COURT WILL APPOINT ONE FOR YOU.
- (2) YOU ARE PRESUMED TO BE INNOCENT OF THE CHARGES.

- (3) YOU MAY REMAIN SILENT OR IF YOU CHOOSE, YOU MAY TESTIFY ON YOUR OWN BEHALF.
- (4) YOU HAVE THE RIGHT TO SEE AND HEAR ALL WITNESSES CALLED TO TESTIFY AGAINST YOU AND THE RIGHT TO CROSS-EXAMINE THEM.
- (5) YOU MAY HAVE YOUR WITNESSES ORDERED TO APPEAR IN COURT TO TESTIFY AND PRESENT EVIDENCE OF ANY DEFENSE YOU HAVE TO THESE CHARGES.
- (6) THE STATE IS REQUIRED TO PROVE YOUR GUILT BEYOND A REASONABLE DOUBT.
- (7) THE VERDICT OF GUILTY OR NOT GUILTY DECIDED BY A JURY MUST BE UNANIMOUS. HOWEVER, YOU CAN WAIVE A JURY TRIAL AND, IF ALL PARTIES AGREE, THE CASE CAN BE TRIED BY A JUDGE ALONE WHO WOULD DECIDE IF YOU WERE GUILTY OR NOT GUILTY, AND SET THE APPROPRIATE PUNISHMENT.

DO YOU UNDERSTAND EACH OF THESE RIGHTS?

- 18. DO YOU UNDERSTAND THAT BY ENTERING A PLEA OF GUILTY YOU GIVE UP THESE RIGHTS? YES NO
- 19. DO YOU UNDERSTAND THAT A CONVICTION ON A PLEA OF GUILTY COULD INCREASE THE PUNISHMENT FOR ANY FUTURE CRIME COMMITTED AFTER THIS PLEA? YES NO
- 20. HAVE YOU TALKED OVER THE CHARGE(S) WITH YOUR LAWYER, ADVISED HIM / HER REGARDING ANY DEFENSE YOU MAY HAVE TO THE CHARGES(S) AND HAD HIS / HER ADVICE IN THE MATTER? YES NO
- 21. DO YOU BELIEVE YOUR LAWYER HAS EFFECTIVELY ASSISTED YOU IN THIS CASE AND ARE YOU SATISFIED WITH HIS / HER ADVICE? YES NO
- 22. DO YOU WISH TO CHANGE YOUR PLEA OF NOT GUILTY TO GUILTY AND GIVE UP YOUR RIGHT TO A JURY TRIAL AND ALL OTHER PREVIOUSLY EXPLAINED CONSTITUTIONAL RIGHTS? YES NO
- 23. IS THERE A PLEA AGREEMENT? YES NO

WHAT IS YOUR UNDERSTANDING OF THE PLEA AGREEMENT?

1) 8 yrs to do
 Balance is 5/5 upon completion of RSAT
 or equivalent.
 id to have no contact with victim

Defendant understands the Court will in each case impose a fine of \$50.00 for the first felony charge resulting in conviction or assessment in lieu of any fine authorized by law for the offense; a fine of \$25 for the first misdemeanor charge resulting in conviction unless a fine is already part of the above plea agreement.

- 24. DO YOU UNDERSTAND THE COURT IS NOT BOUND BY ANY AGREEMENT OR RECOMMENDATION AND IF THE COURT DOES NOT ACCEPT THE PLEA AGREEMENT, YOU HAVE THE RIGHT TO WITHDRAW YOUR PLEA OF GUILTY? YES NO
- 25. DO YOU UNDERSTAND THAT IF THERE IS NO PLEA AGREEMENT THE COURT CAN SENTENCE YOU WITHIN A RANGE OF PUNISHMENT STATED IN QUESTION 16? YES NO
- 26. DO YOU UNDERSTAND YOUR PLEA OF GUILTY TO THE CHARGE(S) IS AFTER:
 - NO PRIOR FELONY CONVICTIONS, OR
 - ONE (1) PRIOR FELONY CONVICTION, OR
 - TWO (2) OR MORE PRIOR FELONY CONVICTIONS.

LIST THE PRIOR FELONY CONVICTIONS TO WHICH PLEADING _____

27. WHAT IS / ARE YOUR PLEA(S) TO THE CHARGE(S) AND TO EACH ONE OF THEM?
 Guilty
 Nolo Contendere

DID YOU COMMIT THE ACTS CHARGED IN THE INFORMATION?

~~YES~~ NO

STATE THE FACTUAL BASIS FOR YOUR PLEA(S): (attach additional page as needed, labeled ADDENDUM C)

I believe the state has sufficient evidence to convict me of the crime I am charged with.

Signature of Defendant Justin Smith

29. HAVE YOU BEEN FORCED, ABUSED, MISTREATED OR PROMISED ANYTHING BY ANYONE TO HAVE YOU ENTER YOUR PLEA(S)?

YES NO
YES NO

30. DO YOU PLEAD GUILTY OF YOUR OWN FREE WILL AND WITHOUT ANY COERCION OR COMPULSION OF ANY KIND?

31. IF YOU ARE ENTERING A PLEA TO A FELONY OFFENSE, YOU HAVE THE RIGHT TO HAVE A PRE-SENTENCE INVESTIGATION REPORT, WHICH WOULD CONTAIN THE CIRCUMSTANCES OF THE OFFENSE, ANY CRIMINAL RECORD, SOCIAL HISTORY AND OTHER BACKGROUND INFORMATION ABOUT YOU.

DO YOU WANT TO HAVE THIS REPORT?

YES NO
YES NO
YES NO

32. a. DO YOU HAVE ANY ADDITIONAL STATEMENTS TO MAKE TO THE COURT?

b. IS THERE ANY LEGAL REASON YOU SHOULD NOT BE SENTENCED NOW?

HAVING BEEN SWORN, I, THE DEFENDANT WHOSE SIGNATURE APPEARS BELOW, MAKE THE FOLLOWING STATEMENTS UNDER OATH:

- (1) CHECK ONE: I HAVE READ, UNDERSTOOD AND COMPLETED THIS FORM. MY ATTORNEY COMPLETED THIS FORM AND WE HAVE GONE OVER THE FORM AND I UNDERSTAND ITS CONTENTS AND AGREE WITH THE ANSWERS. See Addendum "A."
- (2) THE ANSWERS ARE TRUE AND CORRECT. THE COURT COMPLETED THIS FORM FOR ME AND I INSERTED MY ANSWERS TO THE QUESTIONS.
- (3) I UNDERSTAND THAT I MAY BE PROSECUTED FOR PERJURY IF I HAVE MADE ANY FALSE STATEMENTS TO THIS COURT.

Justin Smith
DEFENDANT'S SIGNATURE

ACKNOWLEDGED THIS 19 DAY OF Oct 2020

34. I, THE UNDERSIGNED ATTORNEY FOR THE DEFENDANT, BELIEVE THAT DEFENDANT UNDERSTANDS THE NATURE, PURPOSE AND CONSEQUENCES OF THIS PROCEEDING. HE / SHE IS ABLE TO ASSIST ME IN FORMULATING ANY DEFENSE TO THE CHARGE(S). I AM SATISFIED THAT THE DEFENDANT'S WAIVERS AND PLEA(S) OF GUILTY ARE VOLUNTARILY GIVEN AND HE / SHE HAS BEEN INFORMED OF ALL LEGAL AND CONSTITUTIONAL RIGHTS.

[Signature]
ATTORNEY FOR DEFENDANT (SIGNATURE)

35. THE SENTENCE RECOMMENDATION IN QUESTION 23 IS CORRECTLY STATED. I BELIEVE THE RECOMMENDATION IS FAIR TO THE STATE OF OKLAHOMA.

36. OFFER OF PROOF BY THE DISTRICT ATTORNEY (NOLO CONTENDERE PLEA):

On July 11, 2010 Defendant struck Genie Robb with her fist, choked her and pushed Ms. Robb to the ground. Genie Robb is an aged person of decrepit condition and Defendant was of robust health and strength.


ASSISTANT DISTRICT ATTORNEY (SIGNATURE)

37. THE COURT FINDS AS FOLLOWS:

- A. THE DEFENDANT WAS SWORN AND RESPONDED TO THE QUESTIONS UNDER OATH.
- B. THE DEFENDANT UNDERSTANDS THE NATURE, PURPOSE AND CONSEQUENCES OF THIS PROCEEDING.
- C. THE DEFENDANT'S PLEA(S) OF: Not Contested ARE KNOWINGLY AND VOLUNTARILY ENTERED AND ACCEPTED BY THE COURT.
- D. THE DEFENDANT IS COMPETENT FOR THE PURPOSE OF THIS HEARING.
- E. A FACTUAL BASIS EXISTS FOR THE PLEA(S) (AND FORMER CONVICTION(S), IF APPLICABLE).
- F. THE DEFENDANT IS GUILTY AS CHARGED.

- AFTER NO PRIOR FELONY CONVICTIONS.
- AFTER ONE (1) PRIOR FELONY CONVICTION.
- AFTER TWO (2) OR MORE PRIOR FELONY CONVICTIONS.

G. SENTENCING OR ORDER DEFERRING SENTENCING SHALL BE:

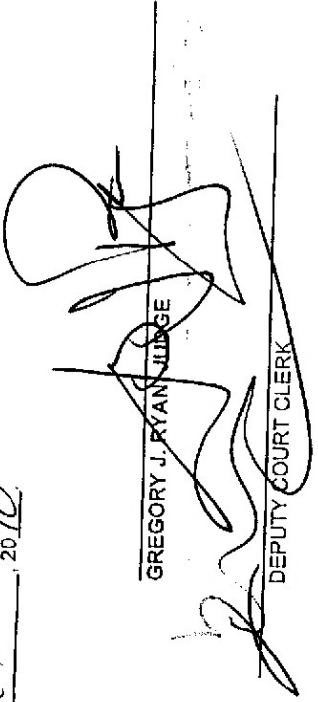
- IMPOSED /INSTANTER OF
- CONTINUED UNTIL THE ___ DAY OF ___, 20__ AT ___ AM / PM.

IF THE PRE-SENTENCE INVESTIGATION AND REPORT IS REQUESTED, IT SHALL BE PROVIDED TO THE COURT BY: the ___ DAY OF ___, 20__.

H. DEFENDANT IS COMMITTED TO:

- THE RID PROGRAM
- THE FORT PROGRAM.
- THE DELAYED SENTENCING PROGRAM FOR YOUTHFUL OFFENDERS.

DONE IN OPEN COURT THIS 19 DAY OF Oct, 2010


GREGORY J. RYAN, JUDGE
DEPUTY COURT CLERK

COURT REPORTER PRESENT _____