



6. Do you understand that if it becomes necessary to sentence you pursuant to your guilty plea, then the sentencing may NOT occur within the ninety (90) days as proscribed by Pa. Rule of Criminal Procedure 704? \_\_\_\_\_ I understand and agree to waive the ninety (90) day limitation. \_\_\_\_\_
7. Do you understand that should it become necessary to sentence you, it is the Mental Health Court Judge who will determine the sentence (in other words, this is an open plea)? \_\_\_\_\_
8. Do you know that for a misdemeanor or felony the Mental Health Court Judge may impose a sentence in accordance with the sentencing guidelines which place a suggested length of sentence for the type of crime and increase the length of that sentence if you had been previously convicted of other crimes, either as a juvenile or an adult, and that the maximum sentence or sentences of confinement and/or fines applicable to the crimes covered by this guilty plea are as follows:

Charge	Max. Term of Confinement	Max. Fine

- 
9. Do you understand that if you are being sentenced on more than one count, the sentences could be consecutive to each other? \_\_\_\_\_
  10. Do you understand that you have a right to a trial by jury and that by pleading guilty you are giving up that right? \_\_\_\_\_
  11. Do you understand that a jury would consist of twelve (12) citizens from Lancaster County, and that you and your attorney would participate in the selection of the jury and that, in order to convict you, all twelve members of the jury must agree that you are guilty? \_\_\_\_\_
  12. Do you understand that you are presumed innocent until proven guilty by the Commonwealth beyond a reasonable doubt? \_\_\_\_\_
  13. Do you understand that the Commonwealth must prove each element of each crime beyond a reasonable doubt? \_\_\_\_\_

14. Do you understand that if the Judge declines to accept your guilty plea, you will be permitted to withdraw it and you will be in the same position as if this plea had not taken place? \_\_\_\_\_
15. Do you understand the terms and conditions of Mental Health Court? \_\_\_\_\_
16. Do you understand that the Mental Health Court Program consists of four (4) phases, which will require a minimum of twelve (12) months to complete before you are eligible for Graduate Status? \_\_\_\_\_
17. Do you understand that the Mental Health Court Program ALSO includes a period of aftercare once you have reached Graduate Status? For participants charged with misdemeanor offenses, aftercare will be between twelve (12) months and twenty-four (24) months. To complete aftercare in twelve (12) months, participants may not have any violations during aftercare, must be current on fines and costs payments, and restitution must be paid in full. For participants charged with felony offenses, aftercare will be between twenty-four (24) months and thirty-six (36) months. To complete aftercare in twenty-four (24) months, participants may not have any violations during aftercare, must be current on fines and costs payments, and restitution must be paid in full. \_\_\_\_\_
18. Do you understand that as a participant of Mental Health Court, you will be required to comply with the conditions of the Participant Contract, the Mental Health Court Rules and Regulations, and the Rules and Regulations of Adult Probation and Parole Services?  
\_\_\_\_\_
19. Do you understand that any violations of the Participant Contract, Mental Health Court Rules and Regulations, Rules and Regulations of Adult Probation & Parole Services, or of the law, will result in the imposition of sanctions, up to and including termination from the program? \_\_\_\_\_
20. Is it your decision to plead guilty? \_\_\_\_\_
21. Have you been threatened or forced to plead guilty? \_\_\_\_\_
22. Have any promises been made to you to enter a plea of guilty, other than the terms of the Mental Health Court Program as agreed to by you in the Participant Contract? \_\_\_\_\_
23. Do you understand that a guilty plea has the same effect as a conviction by a jury or a judge hearing the case without a jury? \_\_\_\_\_
24. I understand that after my admission into the Mental Health Court Program, the Mental Health Court Team Member designated as Defense Counsel shall be my attorney and represent my legal interests for the duration of my participation in the program.  
\_\_\_\_\_

25. **If you are entering the DIVERSION track of Mental Health Court:**

- a. Do you understand that upon the successful completion of Mental Health Court and the required period of aftercare, the charges to which you have plead guilty upon admission will be dismissed? \_\_\_\_\_
- b. Do you understand that to participate in this program and have your charges dismissed, you will plead guilty to all of the charges? \_\_\_\_\_
- c. Do you understand that failure to successfully complete Mental Health Court and the period of aftercare will result in you being sentenced on all of the charges? \_\_\_\_\_
- d. Do you understand participation in the Mental Health Court diversion track requires you to waive your right to be sentenced within 90 days of your guilty plea as prescribed in Pennsylvania Rule of Criminal Procedure 704 and/or any specific or general time prescribed for sentencing under Pennsylvania or Federal Law in general? \_\_\_\_\_
- e. Do you understand participation in the Mental Health Court diversion track requires you to waive your right to be sentenced within the reasonable time prescribed by Pennsylvania law and requires that you agree that any delay in sentencing does not prejudice you in anyway? *See Commonwealth v. Anders, 725 A.2d170 (Pa 1999).* \_\_\_\_\_

26. **If you are entering the MODIFIED track of Mental Health Court:**

- a. Do you understand that upon successful completion of Mental Health Court and the required period of aftercare, the more serious charges to which you have plead guilty as outlined in the information at the time of the plea will be reduced or dismissed? \_\_\_\_\_
- b. Do you understand that to participate in this program and have your charges reduced, you will plead guilty to all of the charges? \_\_\_\_\_
- c. Do you understand that upon successful completion of Mental Health Court and the required period aftercare, you will be sentenced on the agreed upon charge(s) and the other charge(s) will be dismissed by the Commonwealth? \_\_\_\_\_
- d. Do you understand that failure to successfully complete Mental Health Court and the required period of aftercare will result in you being sentenced on all of the charges? \_\_\_\_\_
- e. Do you understand participation in the Mental Health Court modified track requires you to waive your right to be sentenced within 90 days of your guilty plea as prescribed in Pennsylvania Rule of Criminal Procedure 704 and/or any specific or general time prescribed for sentencing under Pennsylvania or Federal Law in general? \_\_\_\_\_
- f. Do you understand participation in the Mental Health Court modified track requires you to waive your right to be sentenced within the reasonable time prescribed by Pennsylvania law and requires that you agree that any delay in sentencing does not prejudice you in anyway? *See Commonwealth v. Anders, 725 A.2d170 (Pa 1999).* \_\_\_\_\_

27. **If you are entering the NON-DIVERSION track of Mental Health Court:**

- a. Do you understand that to participate in this program you will plead guilty to all of the charges? \_\_\_\_\_
- b. Do you understand that when entering Mental Health Court on the Non-Diversion track, you will be sentenced on all charges for which you've entered a plea of guilty upon admission, and that these records cannot be expunged? \_\_\_\_\_
- c. Do you understand that failure to successfully complete Mental Health Court and the required period of aftercare will result in a probation/parole violation and that you will be subject to sentencing/resentencing by the Mental Health Court Judge?  
\_\_\_\_\_
- d. Any required hearings regarding the potential early termination of probation as required by Act 44 of 2023, which amended Sections 9754(b), 9763(b)(1), (2), (11), 9771(a), (b), (c) and enacted Section 9774.1 of Title 42 of the Pennsylvania Consolidated Statutes, (hereinafter, "Act 44"), shall be conducted at the appropriate time during the defendant's appearance at a regularly scheduled session of Treatment Court.

I understand that, if I am on probation for the offense(s) for which I have been admitted to Treatment Court, that any violation of the Requirements, Rules, and/or Regulations of Treatment Court will constitute a violation of the terms of my probation. In exchange for my participation in Treatment Court, I agree, that in such situations, I will waive my right to any required preliminary violation (Gagnon I) hearing. I understand that an expedited formal violation (Gagnon II) hearing will be conducted during the first available regularly scheduled session of Treatment Court. At such hearing, I will be afforded all applicable rights, including the right to be represented by legal counsel. \_\_\_\_\_

**I acknowledge and agree that I will be entering Mental Health Court on the \_\_\_\_\_ track. I certify that I have reviewed and understand the legal ramifications, including the rights I would be waiving, resulting from my admission to Mental Health Court on said track.**

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

**I am voluntarily pleading guilty and signing the Mental Health Court Guilty Plea Colloquy.**

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

**I have reviewed this Mental Health Court Guilty Plea Colloquy with my client.**

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Date