

FILED

4:30pm

APR 25 1996

IN THE DISTRICT COURT OF Lincoln  
THE STATE OF OKLAHOMA

Lincoln COUNTY  
By K.H. Lincoln Co. Okla. Deputy

THE STATE OF OKLAHOMA,  
Plaintiff,

Case No. CF - 95 - 104

v.  
Joshua Daniel Stump,  
Defendant.

[NOTE: The trial judge shall ensure the defendant is sworn either prior to completing the Summary of Facts or prior to inquiry by the Court on the Plea. If the defendant is entering a nolo contendere, or other type guilty plea, correct by pen change where term "guilty" used.]

SS# 523 21 3044 D.O.B. 1/29/1978

(Home Address)

PLEA OF GUILTY  
SUMMARY OF FACTS

Part A: Findings of Fact, Acceptance of Plea

CIRCLE  
Yes No

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. (a) Do you wish to have a record made of these proceedings by a Court Reporter?  
(b) Do you wish to waive this right?

Yes  No  
 Yes  No

3. Age: 18 Grade completed in school: 8th grade

Yes  No

4. Can you read and understand this form?  
(If the answer above is no, Addendum A is to be completed and attached.)

Yes  No

5. Are you currently taking any medications or substances which affect your ability to understand these proceedings?

Yes  No

6. Have you been prescribed any medication that you should be taking, but you are not taking?

Yes  No

If so, what kind and for what purpose? \_\_\_\_\_

7. 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 occurred: \_\_\_\_\_

8. Do you understand the nature and consequences of this proceeding?

Yes  No

9. Have you received a copy of the Information and read its allegations?

Yes  No

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10. A. Do you understand you are charged with:

	Crime	Statutory Reference	Yes	No
(1)	<u>Second Degree Murder</u>	<u>21 O.S. 701.8</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____ O.S. _____	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____ O.S. _____	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____ O.S. _____	<input type="checkbox"/>	<input type="checkbox"/>

For additional charges: List any additional charges on a separate sheet and label as PLEA OF GUILTY ADDENDUM B.

B. Are you charged after former conviction of a felony?  Yes  No

If yes, list the felony(ies) charged: \_\_\_\_\_

11. Do you understand the range of punishment for the crime(s) is/are: (List in same order as in No. 9 above.)

(1)	Minimum of <u>10</u>	to a maximum of <u>life</u>	and/or a fine of \$ _____	Yes	No
(2)	Minimum of _____	to a maximum of _____	and/or a fine of \$ _____	Yes	No
(3)	Minimum of _____	to a maximum of _____	and/or a fine of \$ _____	Yes	No
(4)	Minimum of _____	to a maximum of _____	and/or a fine of \$ _____	Yes	No

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

12. 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 O.S. § 701.10(B)). At the trial:

- (1) You have the right to have a lawyer represent you, either one you hire yourself or if you are indigent a court appointed attorney.
- (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 could be tried by a Judge alone who would decide if you were guilty or not guilty and if guilty, the appropriate punishment.

Do you understand each of these rights?  Yes  No

13. Do you understand by entering a plea of guilty you give up these rights?  Yes  No

14. Do you understand that a conviction on a plea of guilty could increase punishment in any future case committed after this plea?  Yes  No

15. <sup>are</sup> Mr. Ravan and Mr. Eddy your lawyers?  Yes  No

16. Have you talked over the charge(s) with your lawyer, advised him/her regarding any defense you may have to the charges and had his/her advice?  Yes  No

17. Do you believe your lawyer has effectively assisted you in this case and are you satisfied with his/her advice?  Yes  No
18. 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
19. Is there a plea agreement?  Yes  No  
 What is your understanding of the plea agreement? *The State agrees to amend charge to 2nd Degree Murder. The defendant agrees to plead guilty and receive a sentence of 15 years (seventy five)*
20. 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
21. Do you understand that if there is no plea agreement the Court can sentence you within the range of punishment stated in question 11?  Yes  No
22. Do you understand your plea of guilty to the charge(s) is after: (check one)  Yes  No  
 no prior felony convictions  
 one (1) prior felony conviction  
 two (2) or more prior felony convictions  
 List prior felony convictions to which pleading: \_\_\_\_\_

23. What  (is)  (are) your plea(s) to the charge(s) (and to each one of them)? *guilty*
24. Did you commit the acts as charged in the Information?  Yes  No
- State the factual basis for your plea(s) (attach additional page as needed, labeled as ADDENDUM C): *Robert Anderson and I attempted to steal a truck. During the attempt Robert Anderson shot Nathan Knight and she died.*
25. Have you been forced, abused, mistreated, or promised anything by anyone to have you enter your plea(s)? Yes  No
26. Do you plead guilty of your own free will and without any coercion or compulsion of any kind?  Yes  No
27. If you are entering a plea to a felony offense, you have a right to a Pre-Sentence Investigation and 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 the Report? Yes  No
28. (a) Do you have any additional statements to make to the Court? Yes  No   
 (b) Is there any legal reason you should not be sentenced now? Yes  No

HAVING BEEN SWORN, I, the Defendant whose signature appears below, make the following statements under oath:

- (1) CHECK ONE:  
 (a) I have read, understood and completed this form.  
 (b) 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".  
 (c) The Court completed this form for me and inserted my answers to the questions.
- (2) The answers are true and correct.

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(3) I understand that I may be prosecuted for perjury if I have made false statements to this Court.

John S. [Signature]  
DEFENDANT

Acknowledged this 26 day of April, 1996.

[Signature]  
Notary Public/Deputy Court Clerk/Judge

29. I, the undersigned attorney for the Defendant, believe the Defendant understands the nature, purpose and consequence of this proceeding. (S)He 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.

James T. Rowan  
ATTORNEY FOR DEFENDANT

30. The sentence recommendation in question 18 is correctly stated. I believe the recommendation is fair to the State of Oklahoma.

31. Offer of Proof (Nolo contendere plea) \_\_\_\_\_

[Signature]  
ASSISTANT DISTRICT ATTORNEY

THE COURT FINDS AS FOLLOWS:

- 32. A. The Defendant was sworn and responded to questions under oath.
- B. The Defendant understands the nature, purpose and consequences of this proceeding.
- C. The Defendant's plea(s) of guilty is/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: (check as appropriate)
  - (  ) after no prior felony convictions.
  - ( ) after one (1) prior felony conviction.
  - ( ) after two (2) or more prior felony convictions.
- G. Sentencing or order deferring sentence shall be: imposed instantaner (  ); or continued until the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ .m. If the Pre-Sentence Investigation and Report is requested, it shall be provided to the Court by the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

DONE IN OPEN COURT this 25 day of April, 1996.

Patricia J. White  
Court Reporter Present  
Karen Gough  
Deputy Court Clerk

[Signature]  
JUDGE OF THE DISTRICT COURT  
Paul M. Vassar  
NAME OF JUDGE TYPED OR PRINTED

Part B: Sentence on Plea

Case No. \_\_\_\_\_  
State v. \_\_\_\_\_  
Date: \_\_\_\_\_

[NOTE ON USE: Part B to be used with the Summary of Facts if contemporaneous with the entry of plea or may be formatted as a separate sentencing form if sentencing continued to future date.]

THE COURT SENTENCES THE DEFENDANT AS FOLLOWS:

TIME TO SERVE

1. You are sentenced to confinement under the supervision of the Department of Corrections for a term of years as follows: (list in same order as in question No. 10 in Part A)  
7 1/2 years  
\_\_\_\_\_  
\_\_\_\_\_
2. The sentence(s) to run (concurrently/consecutively) \_\_\_\_\_ or NOT APPLICABLE \_\_\_\_\_

DEFERRED SENTENCE

1. The sentencing date is deferred until \_\_\_\_\_, 19\_\_ at \_\_\_\_\_ .m.
2. You (will/will not) be supervised. The terms set forth in the Rules and Conditions of Probation found in Addendum D shall be the rules you must follow during the period of deferment.

SUSPENDED SENTENCE or SUSPENDED AS TO PART

1. You are sentenced to confinement under the supervision of the Department of Corrections for a term of years as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- to be suspended as follows:  
 (a) ALL SUSPENDED YES \_\_\_\_\_ NO \_\_\_\_\_  
 (b) suspended except as to the first \_\_\_\_\_ (months)(years) of the term(s) during which time you are to be held in the custody of the Department of Corrections, the remainder of the sentence(s) to be suspended under the terms set forth in the Rules and Conditions of Probation found in Addendum D.
2. The sentence(s) to run (concurrently/consecutively) \_\_\_\_\_ or NOT APPLICABLE \_\_\_\_\_

FINES AND COSTS

You are to pay a fine(s), costs, fees and/or restitution to the Litchfield County District Court Clerk as set out in Addendum E which is attached and made a part of this Order. [NOTE ON USE: District Courts may develop and utilize schedules for payment of fines and costs as appropriate for each district and attach as Addendum E.]

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"NOTICE OF RIGHT TO APPEAL"

Sentence to Incarceration, Suspended or Deferred:

To appeal from this conviction, or order deferring sentence, on your plea of guilty, you must file in the District Court Clerk's Office a written Application to Withdraw your Plea of Guilty within ten (10) days from today's date. You must set forth in detail why you are requesting to withdraw your plea. The trial court must hold a hearing and rule upon your Application within thirty (30) days from the date it is filed. If the trial court denies your Application, you have the right to ask the Court of Criminal Appeals to review the District Court's denial by filing a Petition for Writ of Certiorari within ninety (90) days from the date of the denial. Within ten (10) days from the date the application to withdraw plea of guilty is denied, notice of intent to appeal and designation of record must be filed pursuant to Oklahoma Court of Criminal Appeals Rule 4.2(D). If you are indigent, you have the right to be represented on appeal by a court appointed attorney.

Do you understand each of these rights to appeal?

Yes No

Do you want to remain in the county jail ten (10) days before being taken to the place of confinement?

Yes No

Have you fully understood the questions that have been asked?

Yes No

Have your answers been freely and voluntarily given?

Yes No

I ACKNOWLEDGE UNDERSTANDING OF RIGHTS AND SENTENCE IMPOSED.

[Signature]  
Defendant

I, the undersigned attorney, have advised the Defendant of his appellate rights.

James T. Rowan  
Attorney for Defendant

Done in open court, with all parties present, this 25 day of April 1946.

Patricia L. White  
Court Reporter Present  
Sharon Gough  
Deputy Court Clerk

[Signature]  
Judge of the District Court

ADDENDUM "A"  
CERTIFICATE OF DEFENSE COUNSEL

As the attorney for the defendant, Joshua Stump, I certify that:

1. The Defendant has stated to me that he/she is (able/unable) to read and understand the attached form, and I have: (check appropriate option)

determined the Defendant is able to understand the English language.

determined the Defendant is unable to understand the English language and obtained \_\_\_\_\_ to interpret.

2. I have read and fully explained to the Defendant the allegations contained in the Information in this case.

3. I have read and fully explained to the Defendant all of the questions in the Plea of Guilty/Summary of Facts and the answers to the questions set out in the Summary of Facts are the Defendant's answers.

4. To the best of my knowledge and belief the statements and declaration made by the Defendant are accurate and true and have been freely and voluntarily made.

Dated this 6th day of May, 1996.

James T. Rowan  
Attorney for the Defendant

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IN THE DISTRICT COURT OF Lincoln COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA

VS:  
Stump, Joshua D.  
DEFENDANT CF-75-104

FILED  
MAY 7 1996  
100 PM  
Linda Siler, Cr. Clk., Lincoln Co., Okla.  
Deputy

STATEMENT OF JAIL TIME

Prisoner was arrested in above case on 7-15 1995  
Prisoner was out on bond from 19 to 19  
Prisoner remained in jail 285 days before judgment and sentence.  
Prisoner remained in jail 21 days after judgment and sentence.  
A total of 306 days jail time.

I, Jessette Breiden L.C.S.O.  
~~Court Clerk~~ of the above named County and  
State do hereby certify the above to be a true and correct statement of the  
time spent in jail by the above named defendant prior to his commitment to  
the Oklahoma Department of Corrections.

(SEAL)

(SIGNED) Jessette Breiden  
~~Court Clerk~~  
Lincoln Co S.O.

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