

**Form 25(b). Checklist for No Colorable Claims (Rule 33)**

**Defendant:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

To demonstrate that the trial court and the parties met each of these requirements, provide in the right-hand column the location in the record, the reporter’s transcript, the plea agreement, the presentence report (PSR), or elsewhere that shows compliance.

**Part A. Guilty or No Contest Plea – Ariz. R. Crim. Proc. – Rules 17.**

- 1. The Plea Agreement.** The plea agreement contains the correct classification of offenses and the correct sentencing range of each offense. \_\_\_\_\_
- 2. Advising and Questioning the Defendant during the plea colloquy.** Rules 17.1; 17.2  
  - (a)** Defendant was personally present. Rules 17.1(a)(2) \_\_\_\_\_
  - (b)** The court explained the nature of the charge for the plea. Rules 17.2(a)(1) \_\_\_\_\_
  - (c)** The court explained the range of possible sentences; minimum, maximum, fines, special conditions. Rule 17.2(a)(2) \_\_\_\_\_
  - (d)** The court explained the constitutional rights waived by entering a plea. Rules 17.2(a)(3); 17.3(a)(1) \_\_\_\_\_
  - (e)** The court informed the Defendant of the right to plead not guilty. Rule 17.2(a)(4) \_\_\_\_\_
  - (f)** The court explained that the entry of a guilty or no contest plea would result in the waiver of the Defendant’s right to appeal and that post-conviction relief would be the only available form of review. Rules 17.1(e); 17.2(a)(5) \_\_\_\_\_
  - (g)** The court advised the Defendant of the immigration consequences of a guilty or no contest plea. Rule 17.2(b) \_\_\_\_\_
- 3. Voluntariness of Plea.** The court determined the plea was voluntary, not the result of threats, not the result of force, and not the result of promises. Rules 17.1(b); 17.3(a); 17.4(c) \_\_\_\_\_
- 4. Factual Basis.** The court found a factual basis for the plea. Rule 17.3(b) \_\_\_\_\_
- 5. Acceptance of Plea.** The court accepted the plea either at the time of the change of plea, or at sentencing, if acceptance was deferred. Rules 17.4(d); 17.3(b) \_\_\_\_\_
- 6. Written and Signed.** The plea agreement was in writing and signed by the Defendant. Rule 17.4(b) \_\_\_\_\_

**Part B. Sentencing – Ariz. R. Crim. Proc. – Rules 26.**

1. **Disclosure of Reports.** The PSR and any other reports were disclosed to the Defendant before sentencing. *Rule 26.6(a)* \_\_\_\_\_
2. **Opportunity for Objections.** The Defendant had the opportunity to raise objections to the PSR. *Rule 26.8(b)* \_\_\_\_\_
3. **Rulings and Remedies on Objections.** The court ruled on the Defendant’s objections and provided remedies where appropriate (e.g. new PSR, excision, sealing). *Rule 26.8(c)* \_\_\_\_\_
4. **Prosecutorial Compliance.** The prosecutor complied with any promises or guarantees made in the plea agreement. *Santobello v. New York, 404 U.S. 257 (1971).* \_\_\_\_\_
5. **Pronouncement of Judgment.** *Rule 26.10(a)* \_\_\_\_\_
6. **Pronouncement of Sentence.** *Rule 26.10(b)*
  - (a) The court gave the Defendant an opportunity to address the court. *Rule 26.10(b)(1)* \_\_\_\_\_
  - (b) The court considered Defendant’s time in custody. *Rule 26.10(b)(2)* \_\_\_\_\_
  - (c) The court explained the terms of sentence/probation. *Rule 26.10(b)(3)* \_\_\_\_\_
  - (d) The court specified the commencement date. *Rule 26.10(b)(4)* \_\_\_\_\_
7. **Reasons for Sentence.** The court set forth its reasons for the sentence. *A.R.S. §13-701(C)*
  - (a) The court considered any mitigation evidence that was offered. \_\_\_\_\_
  - (b) Any aggravating factors are supported by the record. \_\_\_\_\_
  - (c) If a sentence above the presumptive term was imposed, the court relied on at least one proven statutory aggravating factor. \_\_\_\_\_
8. **Enforcement of Plea.** The court sentenced the Defendant pursuant to the plea agreement. *17.4(d), (e), (g)* \_\_\_\_\_