

FILED

APP DOCKET NO. _____

[Handwritten Signature]

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CRIMINAL DEPARTMENT

CLERK OF DISTRICT COURT
18TH JUDICIAL DISTRICT
SEDGWICK COUNTY, KANSAS

BY _____

2012 JUL 11 A 9:01

THE STATE OF KANSAS,)
)
 Plaintiff,)
)
 vs.)
)
 TERRY BLUM,)
)
 Defendant.)
 _____)

Case No. 10 CR 3795

DEFENDANT'S ACKNOWLEDGMENT OF RIGHTS AND ENTRY OF PLEA

1. My true name is Terry Blum. I am 30 years of age and have completed 11 years of schooling.

2. I know of no reason why my mental competence should be questioned. I have not taken any drugs or medication during the past 48 hours, except N/A. Any such drugs or medications do not affect my ability to understand my rights or the consequences of this plea.

3. I received a copy of the Complaint/Information before being called upon to plead. I read the Complaint/Information and discussed it with my lawyer. My lawyer has counseled and advised me on the nature of each charge, and we discussed possible defenses. I understand what my lawyer has told me, and I fully understand each charge made against me.

4. I told my lawyer about the facts and circumstances known to me about the charges made against me. In addition, I told my lawyer about all of my prior criminal convictions, juvenile adjudications and expunged convictions. I understand that if I failed to do so and additional criminal history is discovered before my sentencing, it can be used to increase my sentence.

5. Plea negotiations have been conducted, with my consent through my attorney, John B. Sullivan, and I understand the plea agreement with the District Attorney to be as follows:

See Attached "Plea Agreement"



6. I understand from discussion with my attorney that I am pleading to the following crimes which have the following range of penalties:

Crime	SL-P/NP	Sentencing Range	Max Fine	Post-release
1. Aggravated Battery	Level 7 Person Felony	11-34 months	\$100,000	12 months
2. Aggravated Child Endangerment	Level 9 Person Felony	5-17 months	\$100,000	12 months

7. I understand from discussions with my attorney that by entering a plea of guilty or nolo contendere (no contest), I am giving up the following rights that I would have if I had a trial:

- a. The right to be presumed innocent.
- b. The right to a speedy trial before a judge or jury.
- c. The right to be represented by an attorney during the trial.
- d. The right to require the State of Kansas to prove, beyond a reasonable doubt, all of the charges against me before I could be found guilty.
- e. The right to confront witnesses against me and have them cross-examined by my attorney.
- f. The right to compel the attendance of witnesses and to call these witnesses to testify on my behalf.
- g. The right to compel production of documentary and physical evidence.
- h. The right to testify on my own behalf.
- i. The right to not testify.
- j. The right, if I were convicted of any offenses, to ask the court for a new trial.
- k. The right to appeal my conviction to the Kansas Appellate courts. I know I have a limited right to appeal the sentence that is imposed.
- l. The right to an attorney to help me with my appeal, unless I appeal the sentence.

8. I understand that if I enter pleas of guilty or nolo contendere (no contest) to more than one offense, the court may order that the sentence imposed for each offense be served concurrently (served at the same time) or consecutively (served one after the other). I understand the total length of my sentence could not be more than twice the base sentence without an upward departure.

9. If I am not a United States citizen, I understand that a conviction of a felony offense most likely will result in my deportation from the United States.

10. I understand that the sentencing judge is not bound to follow the plea agreement.

The judge may impose any lawful sentence.

11. I know the sentence I will receive is solely a matter within the control of the Judge, and I know that regardless of the plea agreement between myself, through my attorney, and the District Attorney, the Court is not bound to follow the agreement. If the Court rejects the agreement, I understand the Court will not give me the opportunity to withdraw my plea for that reason. I understand that if I enter a plea of guilty or nolo contendere (no contest), the Court may impose against me any and all of the maximum penalties and the maximum fines.

12. A presumptive sentence will be determined by the court at sentencing by combining the severity level of the current crime(s) of conviction and my criminal history. Under some circumstances, the court may depart from the presumptive sentence. The court may sentence me to a longer or shorter sentence than the presumptive sentence. The court may give me probation when prison is presumed, or impose a prison sentence when probation is presumed.

13. After discussing potential defenses to the charges in this case, the legal options available to me, and my rights with my attorney, I advise this court that I understand it is my decision, alone, whether to accept or reject the plea agreement and whether to enter a plea of guilty or nolo contendere (no contest) to the charge(s).

14. I understand that despite my plea of guilty or nolo contendere (no contest), I retain a limited right to appeal. I may not directly appeal my conviction, and I understand the appellate courts generally will not entertain an appeal from (a) an agreed-upon sentence approved by the court on the record, (b) a presumptive sentence, or (c) the denial of a departure motion. In any appeal, however, I may challenge my criminal history score and any crime severity level determinations that affect my sentence. I may appeal from a sentence that departs from the presumptive sentence. I understand that any appeal must be filed within ten days of the date sentence is imposed and that I must timely tell my attorney about my desire to appeal. If I cannot afford an attorney or the costs of an appeal, the court will appoint an attorney to represent me and will order that any relevant transcripts be provided to my attorney.

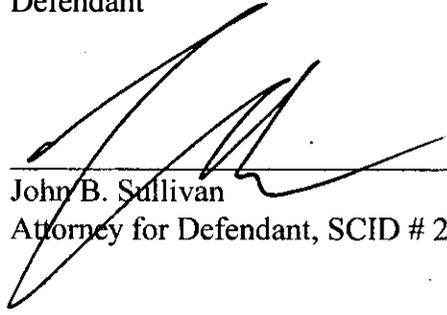
15. I believe that my lawyer has done a good job counseling and assisting me, and I am satisfied with the advice and help my lawyer has given me.

16. I know that if I plead "GUILTY," the Court may ask me questions about the offense(s) to which I am pleading; and if I answer these questions under oath, on the record and in the presence of my lawyer, that my answers may later be used against me in a prosecution for perjury or false statement or at a new trial.

17. I have read this "Defendant's Acknowledgment of Rights and Entry of Plea" or have had it read to me, and I fully understand its contents. I fully and completely understand the consequences of my plea(s), and I am entering my plea(s) in consideration of what I believe is my best welfare and in my own best interest.

Signed this 3rd day of July, 2012.

Terry Blum
Defendant



John B. Sullivan
Attorney for Defendant, SCID # 21672

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CRIMINAL DEPARTMENT

THE STATE OF KANSAS,)
Plaintiff,)
vs.) Case No. 10 CR 3795
TERRY E. BLUM,)
Defendant.)

PLEA AGREEMENT

The State of Kansas, by and through Marc Bennett, Deputy District Attorney, and Defendant personally and by and through his attorney John Sullivan hereby enter into the following plea agreement:

1. Defendant agrees to enter a plea of guilty as charged to the following counts:
Count 1: Aggravated Battery, K.S.A. 21-3414(a)(1)(C), SL7 Person felony
Count 2: Aggravated Endangering a Child, K.S.A. 21-3608a(a)(1), SL9 Person felony
2. In return for Defendant's successful plea of guilty as set forth in paragraph 1 the following recommendations will be made:
 - a. Both parties agree to recommend the following sentence: high number in the appropriate sentencing guidelines grid box for both counts, counts consecutive, and to follow the presumption believed to be probation.
 - b. Both parties agree to recommend that the defendant be placed on Community Correction Field Services for a period of 36 months. If the Defendant has successfully completed all terms and conditions without violation, the State will not oppose early termination of probation after 24 months.
 - c. The Defendant agrees to obtain a psychological evaluation and follow all recommended treatment.
 - d. The State agrees to recommend that the sentence imposed in this case will run consecutive to any other cases.
 - e. The Defendant agrees to have absolutely no contact with the victim.

f. The Defendant agrees to waive his right to directly appeal or collaterally attack his conviction and sentence in this case.

Absent any specific agreement set out above the State will not be bound by this recommendation and may make any other sentencing recommendation it deems appropriate, including incarceration, in the event the defendant was on felony bond, probation, assignment to community corrections, felony parole, or post release supervision at the time of the commission of this offense.

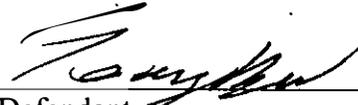
The State will not be bound by this recommendation and may make any other sentencing recommendation it deems appropriate, including incarceration, in the event the defendant is arrested, commits a new offense, violates bond conditions or fails to appear for a court appearance at any time prior to sentencing.

The sentence recommendation applies only at the time of the original sentencing hearing in this matter.

In the event of any probation violations, the State reserves the right to make an independent recommendation regarding disposition.

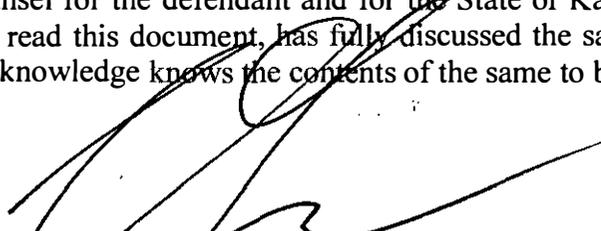
The State anticipates Defendant's criminal history is "H".

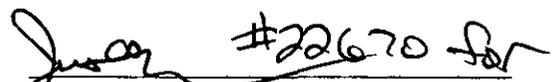
I understand and voluntarily accept the plea agreement set out in this document.
Signed this 3 day of July, 2012


Defendant

CERTIFICATE OF COUNSEL

We affirm that the above statement of the plea agreement is correct and approved both by counsel for the defendant and for the State of Kansas. Defense counsel further affirms that he has read this document, has fully discussed the same with the defendant, and that to the best of his knowledge knows the contents of the same to be true.


John Sullivan, Attorney for Defendant
Sup. Ct. ID #21672


Marc Bennett, Deputy DA
Sup. CT. ID # 17237