

## 23.2 Basic Steps

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As a practical matter, entering a guilty plea involves a four-step process. The *first step* is to negotiate and prepare the plea agreement and memorialize the agreement in a written transcript of plea. The N.C. Administrative Office of the Courts has created a “[Transcript of Plea](#)” form, AOC-CR-300, which is typically used as the written transcript of plea. The attorney should read the questions on this form to the client and record the client’s answers before going to court.

The *second step* is the plea colloquy that occurs in open court. The trial judge must address the defendant directly to ensure that he or she is pleading guilty knowingly and voluntarily. The judge must be informed of the conditions of any plea agreement, and he or she has the responsibility to ensure that there is a sufficient factual basis for the plea. At the conclusion of the plea colloquy, the judge, if satisfied, accepts the plea.

The *third step* of the process is sentencing. A specific sentence may or may not be included in a plea agreement. If there is no sentencing agreement, or if the plea agreement permits a range of possible sentences, counsel will need to prepare for a sentencing hearing. Sentencing is not covered in this manual, but a few selected topics are included below.

Finally, the *fourth step* is to consider whether to file an appeal. The scope of a possible appeal is limited after entry of a guilty plea in superior court. Likewise, when a defendant pleads guilty to a felony in district court, the right to appeal is limited, and the appeal is to the court of appeals. In contrast, when a defendant pleads guilty to a misdemeanor in district court, the defendant has the right to appeal de novo to superior court.

Each of these four steps is discussed in more detail below. Also discussed are some related issues, including the admissibility of plea negotiations at trial, challenges to prior guilty pleas, and conceding guilt to a lesser offense during trial.