

WARREN CIRCUIT COURT

NO. 03-CR-652

DIVISION NO. II

COMMONWEALTH OF KENTUCKY

ENTERED

V.

ORDER ON PLEA OF GUILTY

JAN 7 2004

PAT HOWELL GOAD, CLERK
WARREN CIRCUIT COURT
DEFENDANT

George Alan Birdwell

IT APPEARING TO THE COURT that the Defendant has appeared this day in open Court
with Counsel, Currie Milliken, and desires to

enter a plea of guilty to the following charge(s):

Theft by Unlawful Taking of Property
Valued o/\$300. (69 Counts)

and Defendant having stated to the Court that:

1. My full name is George Alan Birdwell. I am the same
person named in the Indictment.

2. My judgment is not now impaired by drugs, alcohol, or medication.

3. I have reviewed a copy of the Indictment and told my attorney all the facts known to me concerning my charges. I believe he/she is fully informed about my case. We have fully discussed, and I understand, my charges and any possible defenses to them. I am satisfied with the advice my attorney has given me, and I have had all the time I wish to confer with my attorney.

4. I understand that I may plead "NOT GUILTY" to any charge against me, in which event the Constitution would guarantee me the following rights:

(a) The right not to testify against myself;

(b) The right to a speedy and public trial by jury at which I would be represented by counsel and the Commonwealth would have to prove my guilt beyond a reasonable doubt;

- (c) The right to confront and cross-examine all witnesses called to testify against me;
- (d) The right to produce any evidence, including attendance of witnesses, in my favor;
- (e) The right to appeal my case to a higher court.

I understand that if I plead "GUILTY", I waive these rights.

5. I understand that if I plead "GUILTY", the Court may impose any punishment within the range provided by law and that although it may consider the Commonwealth's recommendation, the Court may reject it.

6. I understand that if the Court rejects the plea agreement, it must so inform me and allow me to either persist in my guilty plea in which case I may receive a less favorable disposition of my case than is contemplated in the plea agreement or withdraw my guilty plea and proceed to trial. I further understand that the Court may wait until it reviews a presentence report regarding the history of the case and my background before it must inform me if it will accept the plea agreement.

7. In return for my guilty plea, the Commonwealth has agreed to recommend to the Court the sentence(s) set forth below. Other than that recommendation, no one, including my attorney, has promised me any other benefit in return for my guilty plea nor has anyone forced or threatened me to plead "GUILTY".

On a plea of guilty, the Commonwealth recommends: On Counts 1-35-

3 years on each count running concurrently, on counts

36-69 - 3 years on each count running concurrent.

~~The above~~ Counts 36-69 are to run
consecutive to counts 1-35 for a total of 6 years.

Commonwealth opposes probation

I understand that under the original charge(s) against me I could be sentenced for as long as
20 years.

8. Because I am guilty and make no claim of innocence, I wish to plead "GUILTY".

9. I declare my plea of "GUILTY" is freely, knowingly, intelligently and voluntarily made, that I have been represented by competent counsel, and that I understand the nature of this proceeding and all matters contained in this document.

10. I understand that because of my conviction here today, I may be subject to greater/enhanced penalties if found guilty and/or convicted of any future criminal offenses. I understand that if I am not a United States citizen, I may be subject to deportation pursuant to the laws and regulations governing the United States Immigration and Naturalization Service. I understand the complete terms of this plea and all the obligations imposed upon me by its terms.

Signed in open Court in the presence of my attorney this 7 day of

January, 2004.

[Signature]
ATTORNEY FOR DEFENDANT

George Alan Birdwell
DEFENDANT

NOW, THEREFORE, IT IS ORDERED that the Court accepts the plea of guilty and the Defendant is guilty as charged.

HOWEVER, the entry of Judgment imposing sentence is postponed and suspended pending a Presentence Investigation. The Final Sentencing hearing shall be held on Feb 9, 2004 at 1 PM m. for the purpose of determining whether the Defendant should receive a sentence of probation, a sentence of imprisonment, or a sentence of conditional discharge.

IT IS HEREBY ORDERED that the Division of Probation and Parole prepare a written report of its Presentence Investigation to be available on the above date and time.

This 26 day of January, 2004.

[Signature]
JUDGE, WARREN CIRCUIT COURT
DIVISION NO. 11

CLERK SEND COPIES TO: 1/7/04 SL

COMMONWEALTH'S ATTORNEY - [Signature]
DEFENSE ATTORNEY - Corrie Miller
PROBATION AND PAROLE