

IN THE CIRCUIT COURT OF _____ COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

NO. _____

SS# _____ DOB _____
PLACE OF BIRTH _____
U.S. CITIZEN _____

PETITION TO ENTER PLEA OF GUILTY

The Defendant, after having been first duly sworn, on an oath represents and states unto the Court the following:

1. My full name is _____,

and I am also known as : _____,

and I request that all proceedings against me be made in my true name. This petition has been read and explained to me by my lawyer and I understand the contents herein.

2. I am represented by a lawyer; whose name is _____

3. I wish to plead GUILTY to the charge(s) of _____

4. I told my lawyer all of the facts and circumstances known to me about the charge(s) against me. I believe my lawyer is fully informed on all such matters. My lawyer has counseled and advised me of the nature of each charge; on any and all lesser included charges; and on all possible defenses that I might have in this case

5. My lawyer has advised me as to the probabilities of my conviction on the charges with which I am charged and thoroughly discussed all aspects of my case with me. My lawyer has made no threats or promises of any type or kind to induce me to enter this plea of guilty, however; and the decision to seek the entry of this plea was my own and mine alone, based on my own reasons and free from any outside coercive influences.

6. I understand that I may plead "Not Guilty" to any offense charged against me. If I choose to plead "Not Guilty" the Constitution guarantees me:

(a) the right to a speedy and public trial by jury,
(b) the right to see, hear and face in open court all witnesses called to testify against me; and the right to cross-examine those witnesses,

(c) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor,

(d) the right to have the assistance of a lawyer at all stages of the proceedings,

(e) the presumption of innocence, i.e., the State must prove beyond a reasonable doubt that I am guilty, and

(f) also the right to take the witness stand at my sole option; and if I do not take the witness stand, I understand, at my option, the jury may be told that this shall not be held against me,

(g) I would have a right to appeal my conviction and sentence to the Supreme Court of Mississippi.

Knowing and understand the Constitutional guaranties set forth in this paragraph, I hereby waive them and renew my desire to enter a plea of Guilty.

7. I also understand that if I plead "Guilty", the Court may impose the same punishment

as if I had plead "Not Guilty", stood trial and been convicted.

8. I know that if I plead "Guilty" to this charge (these charges), the possible sentence is _____ (minimum) to _____ (maximum) years imprisonment and/or a fine of \$_____ (minimum) to \$_____ (maximum). I know also that the sentence is up to the Court; that the Court is not required to carry out any understanding made by me and my attorney with the District Attorney; and further, that the Court is not required to follow the recommendation of the District Attorney, if any. The District Attorney will take no part other than providing to the Court, Police Reports and other factual information as requested by the Court; and the District Attorney shall make no recommendations to the Courts concerning my sentence except as follows: _____

9. (a) I have been convicted of no felonies in this or any other state or of the United States, except as follows: _____

(b) I have been convicted of no misdemeanors in any court of any state except as follows: _____

10. I am _____ am not _____ presently on probation or parole. I understand that by pleading guilty in this case this may cause revocation of my probation or parole, and that this could result in a sentence of _____ years in that case. I further understand that if my parole or probation is revoked, any sentence in that case shall be consecutive to or in addition to any sentence in this case.

11. I am _____ years of age. I have gone to school up to _____ and including _____; my physical and mental health is presently satisfactory. At this time I am not under the influence of any drugs or intoxicants (nor was I at the time the crime was committed), except: _____

12. I declare that no officer or agent of any branch of government (Federal, State or local) has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I will receive a lighter sentence, or probation, or any other form of leniency if I plead "GUILTY", except: _____

13. I believe that my lawyer has done all that anyone could do to counsel and assist me. I AM SATISFIED WITH THE ADVICE AND HELP HE HAS GIVEN ME. I recognize that if I have been told by my lawyer that I might receive probation or a light sentence, this is merely his prediction and is not binding on the Court.

14. I plead "GUILTY" and request the court to accept my plea of "GUILTY" and to have entered my plead of "GUILTY" on the basis of (state involvement in crime) _____

15. I OFFER MY PLEA OF "GUILTY" FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE INDICTMENT AND IN THIS PETITION AND IN THE CERTIFICATE OF MY LAWYER WHICH FOLLOWS.

16. I further state that I wish to waive the reading of the indictment or information in open Court. I request the Court to enter my plea of "GUILTY" as set forth in Paragraph 14. If not applicable, _____

17. Habitual Criminal Paragraph. If not applicable, _____
(Set forth the language of the appropriate Statute including punishment.)

Signed and sworn to be me on this _____ day of _____
20_____, with the full knowledge that every person who shall wilfully and corruptly swear, testify, or affirm falsely to any material matter under any oath, affirmation, or declaration legally administered in any matter, cause, or proceeding pending in any court of law or equity shall upon conviction be punished by imprisonment in the penitentiary not exceeding ten (10) years.

DEFENDANT

WITNESS:

DEFENDANT'S ATTORNEY

STATE OF MISSISSIPPI

COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____,
20_____.

CIRCUIT CLERK

CERTIFICATE OF COUNSEL

The undersigned, as lawyer and counselor for the above Defendant hereby certifies:

1. I have read and fully explained to the Defendant the allegations contained in the indictment in this case.

2. To the best of my knowledge and belief the statements, representations and declarations made by the Defendant in the foregoing petition are in all respects accurate and true.

3. I have explained the maximum and minimum penalties for each count to the Defendant, and consider him/her competent to understand the charges against him/her and the effect of his/her petition to enter a plea of guilty.

4. The plea of "GUILTY" offered by the Defendant in this Petition accords with my understanding of the facts he/she related to me and is consistent with my advice to the Defendant.

5. In my opinion the plea of "GUILTY" as offered by the Defendant in this Petition is voluntarily and understandingly made. I recommend that the Court accept the plea of "GUILTY".

6. Having discussed this matter carefully with the Defendant, I am satisfied, and I hereby certify, in my opinion, that he/she is mentally and physically competent; there is no mental or physical condition which would affect his/her understanding of these proceedings; further, I state that I have no reason to believe that he/she is presently operating under the influence of drugs or intoxicants. (Any exceptions to this should be stated by counsel on the record.)

Signed by me in the presence of the Defendant above named and after full discussion of the contents of this certificate with the Defendant, this _____ day of _____ 20____.

ATTORNEY FOR DEFENDANT