

IN THE CIRCUIT COURT OF STONE COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NO. \_\_\_\_\_

SSN: \_\_\_\_\_

DOB: \_\_\_\_\_

RACE/SEX: \_\_\_\_\_

**PETITION TO ENTER PLEA OF GUILTY**

Amount of time spent in jail to date: \_\_\_\_\_

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

1 My full true name is: \_\_\_\_\_

2 I am represented by a lawyer whose name is: \_\_\_\_\_

3 I wish to plead GUILTY to the charge(s): \_\_\_\_\_

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

5 I understand that I may plead "NOT GUILTY" to any offense charged against me. If I 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 witness 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,
- (f) 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, and

- (g) the right to appeal my case to the State Supreme Court if I am convicted by a jury trial, at no costs to me if I cannot afford a lawyer

Knowing and understanding the Constitutional guarantees set forth in this paragraph, I hereby waive them and renew my desire to enter a plea of GUILTY.

6 I also understand that if I plead "GUILTY", the Court may impose the same punishment as if I had pled "NOT GUILTY", stood trial and been convicted.

7 I know that if I plead "GUILTY" to this/these charge(s) the possible sentence for this/these charge(s) is:

\_\_\_\_\_ years to \_\_\_\_\_ years imprisonment and/or a fine of \$\_\_\_\_\_ to \$\_\_\_\_\_

**And** (additional counts and/or Cause Number(s) if applicable):

Count \_\_\_\_: \_\_\_\_ years to \_\_\_\_ years imprisonment and/or a fine of \$\_\_\_\_\_ to \$\_\_\_\_\_.

Count \_\_\_\_: \_\_\_\_ years to \_\_\_\_ years imprisonment and/or a fine of \$\_\_\_\_\_ to \$\_\_\_\_\_.

Count \_\_\_\_: \_\_\_\_ years to \_\_\_\_ years imprisonment and/or a fine of \$\_\_\_\_\_ to \$\_\_\_\_\_.

**For a total possible sentence of:**

\_\_\_\_\_: years to \_\_\_\_\_ years imprisonment and/or a fine of \$\_\_\_\_\_ to \$\_\_\_\_\_.

I know also that the sentence is up to the Court; that the Court is not required to carry out any understanding made between 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 the Court, Police Reports and other factual information requested by the Court; and the District Attorney shall make no recommendations to the Court concerning my sentencing except as follows.:

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8 I have \_\_\_\_\_ have not \_\_\_\_\_ been convicted of one or more felonies in the past as follows:

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9 I am \_\_\_\_\_; I am not \_\_\_\_\_ 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 \_\_\_\_\_ in that case. I further understand that if my probation or parole is revoked, any sentence in that case may be consecutive to, or in addition to, any sentence in this case.

10 I am \_\_\_\_\_ years of age. I have gone to school up to and including \_\_\_\_\_. My physical and mental health is presently satisfactory - except, \_\_\_\_\_. 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: \_\_\_\_\_.

11 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 form of leniency if I plead "GUILTY" except:

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12 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 MY LAWYER HAS GIVEN ME. I recognize that I have been told by my lawyer that I might receive probation or a light sentence, this is merely his/her prediction and is not binding on the Court.

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

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14 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.

15 I further understand my right to and 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, \_\_\_\_\_.(check)

16 I am \_\_\_\_\_ am not \_\_\_\_\_ pleading GUILTY as a habitual offender.

17 I am \_\_\_\_\_ am not \_\_\_\_\_ pleading GUILTY to an offense which will make me a sex offender. (If offense is sex offense, acknowledgment form concerning registration MUST be attached.)

18 I have been advised that if I am an illegal alien, my entry of a guilty plea to this charge(s) may result in my deportation from the United States of America. \_\_\_\_\_(initials)

Signed and sworn to by me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, with full knowledge that every person who willfully and corruptly swears, testifies, or affirms falsely to any material matter under 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.

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DEFENDANT

SWORN TO AND SUBSCRIBED BEFORE ME this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Treba Davis, Circuit Clerk

Witness: \_\_\_\_\_  
Defendant's Attorney

By: \_\_\_\_\_ D.C.

### 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 the Defendant 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 the Defendant 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 the Defendant is mentally and physically competent; there is no mental or physical condition which would affect the Defendant's understanding of these proceedings; further, I state that I have no reason to believe that the Defendant is presently operating under the influence of drugs or intoxicants.

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

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Attorney for Defendant