

IN THE CIRCUIT COURT OF _____ COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

SSN:

VS.

Address:

_____, DEFENDANT

Telephone:

CAUSE NO. _____

PETITION TO PLEAD GUILTY

I, _____, do hereby petition this Honorable Court to accept my plea of guilty to the crime of _____ in the above-styled and numbered cause of this Court, fully understanding that I am answering the below questions under oath; that false or untrue answers can result in my prosecution for the crime of perjury for which the maximum sentence to the Department of Corrections is ten (10) years; and further understanding that my answers below can and will be used against me in any court of law. I do answer the following questions in the presence of my attorney, OFFICE OF THE PUBLIC DEFENDER, in order to show and demonstrate to the Court that I am knowingly, intelligently, understandingly, freely, and voluntarily entering my plea of guilty to the aforementioned crime in the above-styled and numbered cause of this Court.

I. STATISTICS

Age: ____

Date of Birth: _____

Male: ____ Female: ____

Race: _____

Place of Birth: _____

Education: _____

Previous Schools Attended: _____

Employment, Training, Trade and/or Business Experience: _____.

II. PRESENT ABILITY TO PLEAD

Are you, at the present time, under the influence of drugs? **NO**, or intoxicants? **NO**. Do you know and understand that if your plea of guilty is accepted you may lose your freedom for a long time? **YES**.

III. KNOWLEDGE OF CRIME

Have you been served with a copy of the Indictment before this Court charging you with committing the crime _____ on the date of _____? (Judge's initial if explained in courtroom by State ____). Have you read the Indictment? **YES**. Have you discussed it fully with your attorney, OFFICE OF THE PUBLIC DEFENDER, who is present with you? **YES**. Do you understand the charges against you? **YES**. I understand the following to be the maximum/minimum sentence for this crime: _____ imprisonment and/or fine of _____.

IV. FREE AND VOLUNTARY ACT

Has anyone threatened you in order to make you plead guilty? **NO**. Has anyone promised you anything in order to get you to plead guilty? **NO**. Has anyone told you that it would be better for you to plead guilty, that the court would be lighter on you, or anything like those statements? **NO**. Has your attorney made any threats or promises to you in this case? **NO**. Are you satisfied with her services as an attorney? **YES**. Are you fully satisfied that she has acted and advised you in a manner that has been for your best interest in this case? **YES**.

V. WAIVER OF CONSTITUTIONAL RIGHTS

Do you know and understand that you have constitutional rights, and that it is the duty of this court to protect those constitutional rights for you? **YES**. One of those rights is the right to a jury trial, do you understand that? **YES**. Do you know that if you desire to have a trial, you have the right to be confronted by the witnesses against you? **YES**. Do you know that you, or you through your attorney, have the right to question and cross-examine witnesses against you? **YES**. Do you know you have the right to present witnesses; that you have the choice to testify, or not to testify, and if you choose not to testify, that fact cannot be commented upon or used against you? **YES**. Do you understand that the State has the burden of proving the case against you beyond a reasonable doubt? **YES**. Do you understand that, if you desire a trial, all twelve (12) jurors must agree on a verdict of guilty? **YES**. Do you understand that, if a jury convicted you, you would have a right to appeal to our Supreme Court, but if you plead guilty, you are waiving your right to appeal your case? **YES**. Do you understand that if you plead guilty you are waiving your constitutional right against self-incrimination, the constitutional rights I have just asked you about, and all of your constitutional rights? **YES**. Do you understand that, if your plea of guilty is accepted, the only thing remaining for this court to do is to sentence you, and that sentence could be to the maximum sentence provided by law? **YES**.

VI. PLEA BECAUSE GUILTY

State what sentence the State will recommend, if any, to your knowledge, on your Plea of Guilty:

_____. (Judge's initial if State affirms recommendation _____). Has anyone ever indicated or told you the State's recommendation would be less? **NO**. Are you pleading guilty because you are guilty, and for no other reason? **YES**. State briefly what you did, who you were with, etc., in your own

words, to indicate what makes you think you are guilty of the crimes you are pleading guilty to:

STATEMENT TO BE PROVIDED IN COURT. Do you understand that the Court is not bound by any recommendation the State may make, but the Court will determine what your sentence shall be, and that sentence could be the maximum sentence provided by law? **YES.** Knowing your personal background, the crime you are charged with committing, the maximum punishment therefor, that you are waiving all of your constitutional rights, what the State will recommend, and that the Court may not accept the recommendation of the State and may sentence you to the maximum sentences provided by laws, is it still your desire to enter a plea of guilty to the crime with which you are charged? **YES.**

STATE OF MISSISSIPPI

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the herein mentioned State and County, _____ who after being duly sworn, did depose and say under solemn oath that the answers herein above made by me are true and correct as herein above stated.

CLERK

D.C.

DEFENDANT

ATTORNEY'S CERTIFICATE

I, _____, a duly licensed and practicing attorney at law, do hereby certify that I represent, _____, Defendant in the above styled and numbered cause of this Court, that I have fully discussed this case with the said Defendant, and the consequence of his/her plea of guilt thereto; and I am satisfied the Defendant has knowingly, intelligently, freely, and voluntarily answered the foregoing questions in writing and orally in the courtroom, under oath, fully understanding the consequences of the plea of guilty, and that all of the above was done in my presence by the Defendant and of the Defendant's free and voluntary will and consent after freely consulting with me as attorney at law.

THIS the ____ day of _____, 20__.

Office of the Public Defender

JUDGE'S CERTIFICATE

I, _____, Circuit Judge, in and for the _____ Circuit Court, District of the State of Mississippi, do hereby certify that, after the Defendant was sworn in, I interrogated the Defendant, _____, in open court in the presence of his/her attorney, _____, Office of the Public Defender, again asking, *inter alia*, the foregoing questions, and the Court does find that the Defendant entered the plea of guilty herein freely, voluntarily and intelligently with full understanding of what the Defendant was doing and the consequences of the guilty plea with full and proper advice from his/her attorney, and thereof, the Court accepts the Defendant's plea of guilty.

THIS the ____ day of _____, 20__.

CIRCUIT COURT JUDGE

All done in the presence:

_____, Court Reporter

_____, Bailiff

_____, Clerk