

IN THE CIRCUIT COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

STATE OF MISSISSIPPI

vs.

CAUSE NO. _____

DEFENDANT

PETITION TO ENTER PLEA OF GUILTY

The defendant herein, being duly sworn, states in Open Court under oath that:

1. My full true name is _____, my age is _____ years and I completed _____ years in school and _____ years in college. I (can)(cannot) read and write. I am mentally competent to make this petition. I understand that should the plea of guilty herein tendered not be accepted and a trial follow that admissions made herein or during any hearing on this petition may be admissible against me at trial.

(Attorney explains MRE 401. et seq.)

2. I am represented by Honorable _____ an attorney who has been court appointed/retained by me.

3. (a) I plead guilty to the charge(s) of _____ and _____ and _____ as set forth in the indictment/criminal information in this cause.

(b) My lawyer has informed me as to the maximum and minimum punishment which the law provides for the crime(s) to which I am entering a plea of guilty.

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The maximum punishment which the Court may impose for the crime(s) of _____ is _____ years imprisonment and \$_____ fine. The minimum punishment is _____ years imprisonment and \$_____ fine. CONFIRMED BY PROSECUTION ATTORNEY _____

(c) My lawyer has informed me as to the maximum and minimum punishment which the law provides for the crime(s) to which I am entering a plea of guilty.

The maximum punishment which the Court may impose for the crime(s) of _____ is _____ years imprisonment and \$_____ fine. The minimum punishment is _____ years imprisonment and \$_____ fine. CONFIRMED BY PROSECUTION ATTORNEY _____

(STRIKE THIS PARAGRAPH IF NOT APPLICABLE)

(d) My lawyer has informed me as to the maximum and minimum punishment which the law provides for the crime(s) to which I am entering a plea of guilty.

The maximum punishment which the Court may impose for the crime(s) of _____ is _____ years imprisonment and \$_____ fine. The minimum punishment is _____ years imprisonment and \$_____ fine. CONFIRMED BY PROSECUTION ATTORNEY _____

(STRIKE THIS PARAGRAPH IF NOT APPLICABLE)

4. I have told my lawyer all the facts and circumstances known to me about the charge(s) asserted in the indictment/criminal information. I believe that my lawyer is fully

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informed on all such matters. My lawyer has advised me of the nature of the charge(s) and the possible defenses that may have to the charge(s).

5. I understand that I may plead “not guilty” and may persist in that plea and that (a) the Constitution guarantees me the right to a speedy and public trial by jury; (b) the right to see, hear and cross examine all witnesses called to testify; (c) the right to use the power and process of the Court to compel the production of evidence including the attendance of any witnesses in my favor; (d) the right to have the presence and assistance of a lawyer at all stages of the trial and any appeal; (e) the right to testify in my own defense; and (f) the right to a jury verdict of all twelve jurors before I could be found guilty. I understand that if I plead not guilty and demand a jury trial I would be by law presumed innocent of the charge(s) at the outset of a jury trial. This presumption would remain with me until removed by admissible evidence, and I am proven guilty beyond a reasonable doubt and to the satisfaction of twelve jurors.
6. I understand that I have the right to testify at my trial, but if I do testify I may be cross examined by the prosecuting attorney. I have the right against self incrimination and the right to remain silent at all time, and the fact that I did not testify could not be commented on or used against me in any way. If I should be convicted after a jury trial, I would have the absolute right to appeal to Mississippi Supreme Court with assistance of counsel, and at no cost to me should I be determined to be financially unable to pay for same. I understand that by pleading guilty I am admitting that I did commit the crime(s) to which

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I am pleading guilty and that I am waiving all the rights set forth in this paragraph and in paragraph five (5) of this Petition.

7. At this time I am not under the influence of drugs or alcohol nor suffering from any mental disease.
8. I declare that no officer or agent of any branch of government nor any other person has made any promises or inducements of any kind to me or within my knowledge to anyone else that I will receive a lighter sentence, probation, early release or any other form of leniency if I plead “guilty”. I have not been beaten, threatened, mentally or physically forced, intimidated or coerced in any manner to plead guilty. I offer my plea of “guilty” freely and voluntarily and of my own accord and with full understanding of all matters set forth in the indictment/criminal information herein and in this Petition, and this plea is with the advise and consent of my lawyer.
9. (a) As a result of plea bargaining, my attorney and I have reached an agreement with the District Attorney’s Office concerning my offer to plead guilty to the crime(s) listed in paragraph three (3). It is my understanding that the District Attorney will recommend to the Court that I receive a sentence as follows. (or see attached plea agreement):

CONFIRMED BY PROSECUTION ATTORNEY _____

I understand that there are no side agreements or other promises. I understand that this agreement is not binding on the Court and that if my guilty plea is accepted by the Court, the Court may impose the same sentence as if I had pleaded “not guilty” and had been found guilty by a jury. (STRIKE THIS PARAGRAPH IF NOT APPLICABLE).

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(b) No agreements have been reached with regard to a recommended sentence as a result of so-called “plea bargaining”. Neither my attorney nor any other person has represented to me that I will receive any particular sentence if I plead guilty. The final decision as to the sentence rests with the Court.

(STRIKE THIS PARAGRAPH IF NOT APPLICABLE).

10. I understand that pursuant to Mississippi Code of 1972, Annotated as Amended, §47-7-3(1)(g)(supp. 1995) I am not eligible for parole. I may be eligible for up to 15% earned release. I understand that if I am sentenced for a sex crime or as a habitual criminal, I will not be eligible for earned release.
11. I understand that this Court has no control over the giving of earned time. I understand that this process is governed by the rules promulgated by the Mississippi Department of Corrections consistent with Laws of the State of Mississippi.
12. I believe that my lawyer is competent and has done all that anyone could do to counsel and assist me, and I am fully satisfied with the advice and help he has given to me.
13. My lawyer has advised me of the elements of the charge to which I am pleading. I admit that all the elements are proven by the true facts. Therefore, I am guilty and ask the Court to accept my plea of guilty.
14. I understand that by entering a plea of “guilty” I am waiving, or giving up, any objection I may have to the composition, that is the make up, of the Grand Juries and of the Trial Juries of this county as to race, sex, age or any other objections.

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15. I understand that my plea of guilty may be withdrawn at any time during a hearing on this petition prior to the acceptance of the plea by the Court.

16. I have not previously been convicted of any felony, except as follows:

17. I understand that I am presenting this petition under oath and under penalty of perjury for any false statements contained herein. I have not been encouraged by any person to answer falsely any question in this petition in order to have this plea accepted.

18. (Add other agreements or statements) _____

(STRIKE THIS PARAGRAPH IF NOT APPLICABLE).

CONFIRMED BY PROSECUTION ATTORNEY _____

Social Security Number

Place of Birth

DEFENDANT

Date of Birth

Sex: _____

Defendant's Address: _____

Sworn to and Signed by me in the presence of my lawyer, this the _____ day of _____, 20____.

DEFENDANT

STATE OF MISSISSIPPI
COUNTY OF _____

Sworn to and Subscribed before me, this the _____ day of _____,
20____.

NOTARY PUBLIC

My Commission Expires on: _____

As attorney for this defendant, I certify that I have on the above date discussed all the contents of the foregoing petition with said defendant, and I am satisfied that the defendant fully understands same and that the defendant executes said petition knowingly and voluntarily.

ATTORNEY FOR THE DEFENDANT

MSB# _____
STATE BAR NUMBER

DEFENDANT