

IN THE CIRCUIT COURT OF _____ COUNTY, MISSISSIPPI

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 read and write.

I am mentally competent to make this Petition. I understand, 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 would not be admissible against me at trial, unless otherwise made admissible.

2. I am represented by _____,

an attorney who has been retained/court appointed for me.

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

_____ as set forth in indictment(s) in cause number(s) _____.

4. I have told my lawyer all of the facts and circumstances known to me about the charge(s)

asserted in the indictment(s). I believe that my lawyer is fully informed on all such matters. My lawyer has advised me of the nature of the charge(s) and the possible defenses that I may have to the charge(s).

5. I understand that I may plead "Not Guilty" and may persist in that plea and that the Constitution

guarantees me: (a) 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

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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 challenge the composition of the Grand Jury, which indicted me; and the petit jury which would hear my case; (f) the right to testify in my own defense; and (g) the right to a jury verdict of all twelve jurors before I could be found guilty.

6. I understand that if I do not have funds to employ an attorney, the Court will appoint an attorney to represent me; that I do not have to testify against myself; that if I should be convicted after a jury trial, I would have an absolute right to an appeal to the Mississippi Court of Appeals and the 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 charged in the indictment(s) and that I am waiving or giving up all of the rights set forth in paragraph number five (5) of this Petition.

I further understand that if I am not a natural-born or naturalized United States Citizen, my guilty plea and/or conviction could result in my deportation from the United States.

7. At the time of the crime referred to herein, I was not, and at this time I am not under the influence of drugs nor alcohol, nor suffering from any untreated mental illness.

8. I declare that no officer or agent of any branch of government, or any other person has made any promise or inducement 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 to the crime charged against me. 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(s) herein and in this Petition, and this plea is with the advice and consent of my lawyer.

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9. My lawyer has informed me as to the maximum and minimum punishment which the law provides for the offense charged in the indictment. The maximum punishment which the Court may impose for this crime that I am charged with is _____ years and a \$ _____ fine.

The minimum punishment is _____ years imprisonment and/or a \$ _____ fine.

10. ___(a) No agreement(s) 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 plea guilty. The final decision as to the sentence rests with the Court .

___(b) 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 charge(s) listed in paragraph number three (3). It is my understanding that the District Attorney will recommend to the Court that I receive a sentence as follows: _____

_____.

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.

11. I do understand that no one can assure me of parole, earned time, trusty time or early release. I understand that if I am sentenced for armed robbery or attempted armed robbery by displaying a deadly weapon, I will not be eligible for parole until I have served sixty percent (60%) or twenty-five (25) years, whichever is less, of my sentence.

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I understand that if I am sentenced as a habitual offender, I will not be eligible for parole. I understand that if I am sentenced for murder (capital, first-degree or second-degree), I will not be eligible for parole. I understand that if I am sentenced for a sex crime, I will not be eligible for parole.

I understand that if I am sentenced for human trafficking, I will not be eligible for parole. I understand that if I am sentenced for drug trafficking, I will not be eligible for parole.

12. I understand that if I am not eligible for parole, I will not receive "good time credits". I also understand that "earned time" or "good time" will not be applied to reduce my parole eligibility date. I understand that this Court has no control over the giving of earned time or good time. I understand that this process is governed by the Mississippi Department of Corrections.

13. 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 my lawyer has given me.

14. My lawyer advises me that the elements of the charge to which I am pleading guilty are as follows:

I submit the following facts which I state to be true, and feel that all of the above elements are proven by these facts:

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THEREFORE, I AM GUILTY AND ASK THE COURT TO ACCEPT MY PLEA OF GUILTY.

15. 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.

16. 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.

17. I have not previously been convicted of any felony, except, _____

SIGNED BY ME, in the presence of my lawyer, this the ___ day of _____,
20____.

DEFENDANT

SWORN TO AND SUBSCRIBED before me, this the _____ day of _____, 20__.

NOTARY PUBLIC

My Commission Expires:

As attorney for _____, I certify that I have, on or before 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, and that I know of no reason why the Court should not accept the said Defendant's guilty plea.

ATTORNEY FOR THE DEFENDANT

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