

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

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, _____, answer the following questions in the presence of my attorney, _____ 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 crime of _____ in the above styled and numbered cause of this court.

I. STATISTICS

Age: _____ Date of Birth _____ Sex _____

Race: _____ Education _____

Previous school attended _____

Employment, training and trade or business experience: _____

II. PRESENT ABILITY TO PLEAD

Are you, at the present time, under the influence of any drugs? _____ or intoxicants? _____ Do you know and understand that if your plea of guilty is accepted you may lose your freedom for a long time? _____

III. KNOWLEDGE OF CRIME

Have you been served with a copy of the indictment in Cause No. _____ of this court charging you with committing the crime of _____ on the _____ day of _____, 20____ when it is alleged that you _____

_____ (Judges initial if explained in courtroom by District Attorney _____)

Have you read the indictment? _____ Have you discussed it fully with your attorney, _____ who is present with you? Do you understand the charge against you? _____. Do you know and understand the maximum sentence for this crime is _____

IV. FREE AND VOLUNTARY ACT

Has anyone threatened you in order to make you plead guilty? _____ 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? _____ Has your attorney, _____ made any threats or promises to

you in this case? _____ Are you satisfied with his services as an attorney? _____ Are you fully satisfied that he has acted and advised you in a manner that has been for your best interest in this case? _____

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? _____ One of those rights is your right to a jury trial, do you understand that?_____ Do you know that if you desire to have a trial, you have the right to be confronted by the witnesses against you? Do you know that you, or you through your attorney, have the right to question and cross-examine the witnesses against you?_____ 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 cannot be commented upon or used against you?_____ Do you understand that if you desire a trial, all twelve (12) jurors must agree on a verdict of guilty?_____ 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?_____ 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?_____ Do you understand that, if your plea of guilty is accepted, the only thing remaining for the court to do is to sentence you, and that sentence could be the maximum sentence provided by law?_____

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?____ Are you pleading guilty because you are guilty, and for no other reason?_____ State briefly what you did, who was with you, etc., in your own words, that makes you think you are guilty of the crime you are pleading guilty to:

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?____ Knowing your personal background, the crime you are charged with committing, the maximum punishment therefore, 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 sentence provided by law, is it still your desire to enter a plea of guilty to the crime with which you are charged?_____

**STATE OF MISSISSIPPI
COUNTY OF GREENE**

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

DEFENDANT

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____ 20____.

By: _____ Clerk
D.C.

ATTORNEY'S CERTIFICATE

I, _____, a duly licensed and practicing attorney at law, do hereby certify that I represent _____, a 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 plea of guilty thereto; that 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 pleas 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_____.

ATTORNEY

JUDGES CERTIFICATE

I, _____, Circuit Judge in and for the Nineteenth 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 attorney, _____ again asking, inter alia, the foregoing questions, and the Court 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 attorney, and therefore, the Court accepts the defendant's plea of guilty.

This the _____ day of _____, 20_____.

CIRCUIT JUDGE

All done in the presence:

Court Reporter

Bailiff

Clerk