

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

STATE OF MISSISSIPPI

VS

CAUSE NO. _____

DEFENDANT

PETITION TO ENTER GUILTY PLEA

COMES NOW THE DEFENDANT, _____, and respectfully petitions this honorable Court to accept his/her plea of guilty to the crime(s) of: _____

_____ and in support thereof would show unto the Court the following:

1. My true name is _____, and I am also known as _____. I request that all proceedings against me be had in my true name. My social security number is _____. My date of birth is _____. I am _____ years of age. I have gone to school up to and including _____. I am able to read and write. My physical and mental health is satisfactory. I am not under the influence of any drug or intoxicants.

2. I am represented by a lawyer who is retained by me or appointed by the Court; his/her name is _____. This petition has been read and explained to me in detail by my lawyer, and I understand its contents.

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

4. My lawyer has advised me as to the possibilities of my acquittal or conviction on the charge against me, and has thoroughly discussed all aspects of my case with me. My lawyer has counseled and advised me, and has made no threats or promises of any type or kind to induce me to enter this plea of guilty. The decision to seek entry of this plea was my own and mine alone, based on my own reasons and free from any outside influences.

_____ Defendant Initials

5. I understand that I have the right to plead not guilty to any offense charged against me. If I choose to 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 witnesses in my favor;
- d. the right to have the assistance of a lawyer at all critical stages of the proceedings against me;
- e. the presumption of innocence, i.e., the State must prove beyond a reasonable doubt that I am guilty, and the right to a unanimous jury verdict of all twelve jurors before I could be found guilty;
- f. the right to take the witness stand and testify in my own behalf if I want to; if I do not wish to take the witness stand and testify, I further understand that this fact cannot be held against me, and that the jury may be instructed that my refusal to testify may not be held against me.
- g. I understand that unless I knowingly, willingly, and voluntarily agree to do so, I cannot be compelled to give testimony against myself in violation of my Fifth Amendment rights.
- h. I further understand that should I be convicted in a jury trial, I have the right to appeal my conviction to the Mississippi Supreme Court, and with the assistance of counsel at no cost to me should I be financially unable to pay for an attorney to represent and assist me.

Knowing and understanding the Constitutional and other legal rights and guarantees set forth in this paragraph, I hereby waive each and every one of them and renew my desire to enter a plea of guilty.

6. I have fully informed my lawyer of all the facts and circumstances known to me about the charge against me. My lawyer has counseled and advised me on the nature and elements of the charge, on any and all lesser-included charges, and on all possible

defenses that I might have in this case. My lawyer advises me and I understand that the elements of the charge to which I am pleading guilty are as follows: did willfully, feloniously, knowingly, intentionally:

7. I wish to plead guilty and request the court to accept my plea of guilty on the basis of the following: I did, on the date set forth in the indictment or bill of information willfully, _____ feloniously _____ and _____ intentionally

8. I know that if I plead guilty to _____, the sentence may be _____ to _____ and the fine range may be _____ to _____.

I know that if I plead guilty to _____, the sentence may be _____ to _____ and the fine range may be _____ to _____.

I also have been told by my lawyer that any sentence I may receive is up to the court, that the court is not required to carry out any understanding made by me and my attorney with the District Attorney; I understand 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 to the court police reports and other factual information which may be requested by the court; and the District

Attorney shall make no recommendation to the court concerning my sentence except as follows: (please check appropriate box)

- ☐ a. **SEE ATTACHED RECOMMENDATION LETTER**
- ☐ b. **OPEN PLEA: No agreed recommendation**

There are no other criminal prosecutions or charges currently pending against me except as follows: _____

9. I have been convicted of no felonies in this or in any other State or of the United States except as follows: _____

10. I am / am not presently on probation or parole. If I am currently on probation or parole, I understand that pleading guilty in this case may cause revocation of my probation or parole. 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.

11. I understand that no one can assure me of parole or early release from prison. If this conviction is regarded a sex offense, I will likely be required to undergo psychiatric evaluation prior to being paroled, if parole is granted. If I am sentenced as a habitual criminal, I will not be eligible for parole or other early release.

12. 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 other form of leniency if I plead guilty, and that I have not been threatened, forced, intimidated or coerced in any manner by anyone.

13. I believe that my lawyer has done all that anyone could do to counsel and assist me. I AM SATISFIED WITH THE ADVICE AND COUNSEL HE/SHE HAS GIVEN ME. I recognize that if I have been told by my lawyer that I might receive probation or a light sentence, this representation is merely his opinion and that it is not binding on the court or the District Attorney.

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

15. I OFFER MY PLEA OF GUILTY FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SETFORTH IN THE INDICTMENT OR INFORMATION AND IN THIS PETITION AND WITH UNDERSTANDING OF THE CERTIFICATE OF MY LAWYER, WHICH IS PART OF PETITION.

16. HABITUAL CRIMINAL PARAGRAPH. If applicable, note the statute under which the plea of guilty is to be taken:

_____ MISS. CODE ANN. Section 99-19-81 (1972);

_____ MISS. CODE ANN. Section 99-19-83 (1972); or

_____ neither.

I understand that if I enter a plea of guilty to the charge(s) described in paragraph 3, above, the conviction of said crime may later be used against me for the purposes of enhanced sentencing and/or sentencing as an habitual offender, should I later be convicted of another criminal offense.

WHEREFORE, PREMISES CONSIDERED, the defendant prays that this petition will be granted, that the plea of guilty will be accepted and that the defendant will be convicted and sentenced for the crime(s) of

and just as if the defendant had been found guilty of their crime by the verdict of a jury.

SIGNED AND SWORN TO UNDER OATH BY ME,
_____, on this, the _____ day of _____, A.D., 202__, with full knowledge that if I willfully and corruptly swear, testify, or affirm falsely to any material matter under oath, affirmation or declaration legally administered in this Court I will, upon conviction, be punished additionally for the crime of perjury.

DEFENDANT'S ATTORNEY

DEFENDANT

STATE OF MISSISSIPPI

COUNTY OF HINDS

SWORN TO AND SUBSCRIBED before me on this, the ____ day of
_____, A.D., 2_____.

SEAL

(Official Title)

CERTIFICATE OF ATTORNEY OF RECORD

The undersigned, as lawyer and counselor of record for the defendant in this cause, hereby certifies:

1. I have read and fully explained to the defendant for the allegations contained in the indictment or bill of information on this case;

2. To the best of my knowledge and belief of 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 minimum and maximum penalties for each charge or count to the defendant, and consider him/her competent to understand the charge against him/her and the effect of his/her plea of guilty;

4. The plea of guilty offered by the defendant in this petition accords with my understanding of the facts he/she has 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 voluntary and knowingly made. I recommend that the court accept the plea of guilty;

6. Having discussed this matter carefully with the defendant, I am satisfied that he/she is mentally competent and physically sound; there is no mental or physical condition of which I am aware which would affect his ability to understand these proceedings; further, I have no reason to believe that he/she is under the influence of drugs or intoxicants **[any exception should be stated by counsel for the record]**.

SIGNED BY ME IN THE PRESENCE OF THE DEFENDANT ABOVE NAMED AND AFTER FULL DISCUSSION OF THE CONTENTS OF THIS CERTIFICATE WITH THE DEFENDANT ON THIS, THE _____ DAY OF _____, 202__.

ATTORNEY FOR DEFENDANT

DEFENDANT