

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY  
FIFTEENTH JUDICIAL DISTRICT OF MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NO. \_\_\_\_\_

**PETITION TO ENTER PLEA OF GUILTY**

The Defendant, after having been first duly sworn, on oath represents and states unto the Court the following:

1. My full name is \_\_\_\_\_; I am also known as \_\_\_\_\_, and I request that all proceedings against me be had in my true name.
2. I am represented by a lawyer whose name is: \_\_\_\_\_.
3. I wish to plead GUILTY to the Charge(s) of:
4. Count I: \_\_\_\_\_ Code Section: \_\_\_\_\_  
 Count II: \_\_\_\_\_ Code Section: \_\_\_\_\_  
 Count III: \_\_\_\_\_ Code Section: \_\_\_\_\_
5. I have told my lawyer all the facts and circumstances known to me about the charges against me. I believe that my lawyer is fully informed of all such matters. My lawyer has counseled and advised me on the nature of each charge, on any and all lesser included charges, and on all possible defenses that I might have in this case.
6. I understand that I may plead "NOT GUILTY" to any offense charged against me and the Constitution guarantees me:
  - (A) The right to have an attorney at all proceedings, and, if I cannot afford an attorney, the right to have one appointed to represent me at all stages of this charge; and,
  - (B) The right to plead not guilty and have a jury of my peers decide the question of guilt or not guilty to the charge; and,
  - (C) The right to challenge the composition of the grand jury and trial jury; and,
  - (D) The right to compel the attendance and testimony of witnesses for me and the right to confront and cross examine witnesses against me; and,

- (E) The right to testify or not testify, and that any confession I may have made must have been made voluntarily of my own free will at the time it was made or it cannot be used against me; and,
- (F) The right to the presumption of innocence unless and until proven by credible evidence to be guilty beyond a reasonable doubt; and,
- (G) The right to have all (12) jurors unanimously agree that I am guilty before a verdict of guilty can be rendered against me, and that, if I am convicted, I have a right to appeal that guilty verdict to the Supreme Court of Mississippi.

I understand that a plea of guilty gives up all of these and other rights.

I also understand that the decision for the sentence to the charge is within the sole discretion of the judge of Court.

**Knowing and understanding the Constitutional guaranties set forth above, I hereby waive those guaranties and renew my desire to enter a plea of guilty.**

- 7. I also understand that if I plead "GUILTY," the Court may impose the same punishment as if I had pled "NOT GUILTY," stood trial, and been convicted.
- 8. I know that if I plead "GUILTY" to this charge, the possible sentence is:  
 COUNT I: \_\_\_\_\_ year(s) minimum to \_\_\_\_\_ year(s) maximum, imprisonment and/or a fine of \$ \_\_\_\_\_ (minimum) to \$ \_\_\_\_\_ (maximum), and additional fees and assessments as determined by statute or the Court.  
 COUNT II: \_\_\_\_\_ year(s) minimum to \_\_\_\_\_ year(s) maximum, imprisonment and/or a fine of \$ \_\_\_\_\_ (minimum) to \$ \_\_\_\_\_ (maximum), and additional fees and assessments as determined by statute or the Court.  
 COUNT III: \_\_\_\_\_ year(s) minimum to \_\_\_\_\_ year(s) maximum, imprisonment and/or a fine of \$ \_\_\_\_\_ (minimum) to \$ \_\_\_\_\_ (maximum), and additional fees and assessments as determined by statute or the Court.

(A) \_\_\_\_\_ I also know that the sentence 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; and further, that the Court is not required to follow the recommendation of the District Attorney, if any. If the Court does not accept this plea recommendation, I have the right to immediately withdraw my guilty plea. The District Attorney shall make the following recommendation concerning my sentence, and I have agreed to accept same, as follows:

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Restitution: \_\_\_\_\_ yes \_\_\_\_\_ no \_\_\_\_\_.

(B) \_\_\_\_\_ I enter a blind plea. Both the District Attorney and I shall have the opportunity to present testimony and evidence at a sentencing hearing as well as make a recommendation of sentence to the court.

9. I \_\_\_\_\_ have \_\_\_\_\_ have not been convicted of one or more felonies in the past as follows:

\_\_\_\_\_  
\_\_\_\_\_.

10. I \_\_\_\_\_ am \_\_\_\_\_ am not presently on probation or parole. I understand that by pleading guilty in this case, that this may cause a revocation of my probation or parole, and that this could result in a sentence of \_\_\_\_\_ years in that case. I further understand that if my parole or probation is revoked, any sentence in that case may be consecutive to, or in addition to, any sentence I receive in this case.

11. I am \_\_\_\_\_ years of age. I have gone to school up to and including the \_\_\_\_\_ grade; my physical and mental health is presently satisfactory. At this time, I am not under the influence of any drugs or intoxicants, (nor was I at the time the crime was committed except: \_\_\_\_\_.)

12. Other than what may be reflected in paragraph 8, 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", except:

\_\_\_\_\_  
\_\_\_\_\_.

13. I believe that my lawyer has done all that anyone could do to counsel and assist me on this charge. I am satisfied with the advice and help he or she has given me; I understand and recognize that if I have been told by my lawyer that I might receive probation or a light sentence, that this is merely his prediction and is not binding on the Court.

14. \_\_\_\_\_ I plead "GUILTY" and request the Court to accept my plea of "GUILTY" and have entered my plea of "GUILTY" on the basis of my following involvement in the crime: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

15. \_\_\_\_\_ 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 AND IN THIS PETITION AND IN THE CERTIFICATE OF MY LAWYER WHICH FOLLOWS.

16. I certify that no one has predicted or estimated how much time, if any, of any sentence I receive I must serve before becoming eligible for any type release and I understand such procedures come within the sole discretion of the Department of Corrections and/or the Office of the Governor of the State of Mississippi, and not within the jurisdiction of the Court System.

17. Check and initial if applicable:

- (A) \_\_\_\_\_ I understand that if I am pleading GUILTY to a violation of the Mississippi Implied Consent Law, Mississippi Code Annotated Section 63-11-1, *et seq.*, my right to operate a motor vehicle over the highways of the state of Mississippi may be suspended for a period of no less than one hundred twenty (120) days from the date of conviction, and that I shall forfeit my driver's license to this Court. Should I not have a driver's license at this time, the suspension period shall commence on the day I obtain a driver's license. If my driver's license is currently suspended, the suspension period for this violation will commence at the conclusion of my current suspension.
- (B) \_\_\_\_\_ I understand that if there is an immigration issue or a contested immigration issue as to my citizenship status, then my rights may be affected by a guilty adjudication.
- (C) \_\_\_\_\_ I understand that I am pleading guilty to an offense defined as a "sex offense" under Mississippi Code Ann. Section 45-33-23 and that I will be required to register as a sex offender in the State of Mississippi in the time and manner set out in Mississippi Code Ann. Sections 45-33-25 and 45-33-31, and that if I fail to comply with these registration requirements, I may be charged and punished as set out in Mississippi Code Ann. Section 45-33-1, *et seq.*

18. If the Court places me on **probation or post-release supervision**, I understand that, in addition to the special conditions outlined in the Court's Sentencing Order, I will be subject to the following conditions:

- (A) Commit no offense against the laws of the United States, the laws of this state, or the laws of any other state in the United States;
- (B) Avoid injurious or vicious habits and persons as well as places and persons of disreputable or harmful character;
- (C) Report to the Mississippi Department of Corrections and pay required fees as directed;
- (D) Permit Defendant's Field Officer to make home or work visits;
- (E) Work faithfully at suitable employment, so far as possible;
- (F) Possess or consume no alcoholic beverages or mood-altering drugs, and possess no firearm or other deadly weapon;
- (G) Remain within a specified area, and abide by a curfew;
- (H) Support any dependents;
- (I) Avoid contact with any witnesses or victims;
- (J) Submit, as provided in Section 47-5-603 of the Mississippi Code of 1972, to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or substance prohibited or controlled by any law of the State of Mississippi or the United States, or to tests recommended by Defendant's Field Officer;
- (K) Participate in any recognized program available and recommended by the Defendant's Field Officer;
- (L) Pay any imposed electronic monitoring fees in a timely manner; and
- (M) Pay court costs and any assessments in a timely manner. If unable to pay, Defendant shall file a notice of inability to pay with the Clerk's Office and so inform his Field Officer who will direct him to appear at the Court's next show cause hearing.

19. If the Court places me on probation status supervised by the **15<sup>th</sup> Circuit Intervention Court Program**, I understand that, in addition to the special conditions outlined in the Court's Sentencing Order, I will be subject to the following conditions:

- (A) Commit no offense against the laws of the United States, the laws of this state, or the laws of any other state in the United States;
- (B) Avoid injurious or vicious habits and persons as well as places and persons of disreputable or harmful character;
- (C) Report to the Intervention Court personnel and pay required fees as directed;
- (D) Permit Defendant's Field Officer to make home or work visits;
- (E) Work faithfully at suitable employment, so far as possible;
- (F) Possess or consume no alcoholic beverages or mood-altering drugs, and possess no firearm or other deadly weapon;
- (G) Remain within a specified area, and abide by a curfew;
- (H) Support any dependents;
- (I) Avoid contact with any witnesses or victims;
- (J) Submit, as provided in Section 47-5-603 of the Mississippi Code of 1972, to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or substance prohibited or controlled by any law of the State of Mississippi or the United States, or to tests recommended by Defendant's Field Officer;
- (K) Participate in any recognized program available and recommended by the Intervention Court Staff;
- (L) Participate in any recognized program available and recommended by Intervention Court Staff, including Alcoholics/Narcotics Anonymous meetings, Pine Belt Mental Health programs, or the ACTS program;
- (M) Pay any imposed electronic monitoring fees in a timely manner; and
- (N) Pay court costs and any assessments in a timely manner. If unable to pay, Defendant shall file a notice of inability to pay with the Clerk's Office and so inform his Field Officer who will direct him to appear at the Court's next show cause hearing.

WITNESS MY SIGNATURE, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DEFENDANT

ADDRESS: \_\_\_\_\_

SOC. SEC#: \_\_\_\_\_

DOB: \_\_\_\_\_

**AFFIDAVIT**

BEFORE ME, the undersigned authority in and for said County and State, this day personally came and appeared \_\_\_\_\_ who, being by me first duly sworn as the law directs, say on oath that he/she has read the above Petition to Enter Plea of Guilty and that everything contained therein is true and correct and further that his/her attorney has completely and thoroughly gone over said Petition to Enter Plea of Guilty with him/her by reading and fully explaining it to him/her.

AFFIANT further states that he/she fully understands everything contained in the above document and that his/her plea of Guilty is made of his/her own free will.

AFFIANT understands that any false statement made by him/her in this document could subject him/her to prosecution for perjury.

WITNESS MY SIGNATURE, this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
DEFENDANT

SWORN TO AND SUBSCRIBED before me, on this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
CIRCUIT CLERK

**CERTIFICATE OF COUNSEL**

The undersigned, as Lawyer and Counselor for the above defendant, hereby certifies:

1. I have read and fully explained to the defendant the allegations contained in the indictment in this case;
2. To the best of my knowledge and belief, 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 maximum and minimum penalties for each count to the defendant, and consider him/her competent to understand the charges against him/her and the effect of his/her petition to enter a plea of guilty;
4. The plea of "GUILTY" offered by the defendant in this Petition accords with my understanding of the facts he/she 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 voluntarily and understandingly made. I recommend that the Court accept the plea of "GUILTY;"
6. Having discussed this matter carefully with the defendant, I am satisfied, and I hereby certify, in my opinion, that he/she is mentally and physically competent; there is no mental or physical condition which would affect his/her understanding of these proceedings; further, I state that I have no reason to believe that he/she is presently operating under the influence of drugs or intoxicants;
7. I have not promised or stated to the defendant that he/she will receive any particular sentence nor have I speculated with him/her on how much time or percentage of any sentence he/she will have to serve before becoming eligible for any type release from custody by any means or methods.

Signed by me in the presence of the defendant named on this petition and after full discussion of the contents of this certificate with the defendant, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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ATTORNEY FOR DEFENDANT