

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI AT LIBERTY

STATE OF MISSOURI

Plaintiff

VS

Defendant

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Case No. _____

PETITION TO ENTER PLEA OF GUILTY

The defendant represents to the Court:

1. My full name is _____

I am _____ years of age. I have _____ years of education. I understand that I have the right to remain silent and not to speak or execute any written instrument, including this document.

2. I am represented by a lawyer, whose name is _____.

3. I want to plead guilty to the following charge(s): _____

I have discussed the charge(s) I am pleading guilty to with my lawyer and understand the charge(s).

4. I have told my lawyer all the facts and circumstances known to me about each charge I am pleading guilty to. I believe that my lawyer is fully informed on each charge.

Defendant

PETITION TO ENTER PLEA OF GUILTY continued

5. I know that the Court must be satisfied that I am guilty before my plea can be accepted. I know the Court will ask me questions to see if I am guilty. I am willing to answer those questions to the best of my knowledge and belief. My willingness to answer those questions is a waiver of my right not to incriminate myself. The waiver is limited to the crime(s) to which I am pleading guilty.

6. I know that I may plead not guilty to any offense charged against me. If I plead not guilty the Constitution guarantees me, among other rights, (a) the right to a speedy and public trial by jury and, if I am not satisfied with the verdict, to appeal therefrom; (b) the right to confront and cross-examine all witnesses against me; (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 stages of the proceedings; (e) the right to appeal in the event of a conviction, and to appeal in Forma Pauperis, and to have appointed counsel for such appeal; and (f) the right to remain silent and not to incriminate myself; and, if I do remain silent, no inference of guilt may be drawn from such failure. I know that in the State of Missouri, the State must prove my guilt beyond a reasonable doubt, and that all twelve jurors must vote unanimously to convict me in order for me to be found guilty. I further understand that the State has the burden of proving my guilt beyond a reasonable doubt, and if the State fails to prove each and every element of the offense beyond a reasonable doubt I would be entitled to go free. If I plead guilty I waive, that is, give up, all these rights.

Defendant

PETITION TO ENTER PLEA OF GUILTY continued

7. I know that if I plead guilty I forever waive my right to trial either before a Court or jury.

8. My lawyer informed me that the range of punishment which the law provides is:

One day to _____ years(s) incarceration or a fine up to \$ _____ or both.

Five (5) to fifteen (15) years incarceration.

Other _____

_____.

9. After discussions with my lawyer, the prosecuting attorney has promised that if I plead guilty the Prosecutor's Office will comply with the plea agreement attached to this petition. However, I understand that the Court is not required to follow recommendations made by the Prosecutor or to grant relief the Prosecutor does not oppose. It has been made clear to me that in Clay County plea agreements are not binding on the Court. This means I will not be able to withdraw my plea of guilty and have a trial if the Judge does not follow the Prosecutor's recommendation(s) or does not grant relief that is not opposed by the Prosecutor. I know that the length of my sentence and the matter of probation, are matters solely within the control of the Judge. I hope to receive leniency, but I am prepared to accept any punishment permitted by law which the Court sees fit to impose. I know there are no promises or guarantees of probation, or what the sentence will be in this case, or whether the sentence will be consecutive to or concurrent with any other sentences.

Defendant

PETITION TO ENTER PLEA OF GUILTY continued

10. Except for the plea agreement referred to in Paragraph 9, I have received no other promises or assurances that have caused me to plead guilty.

11. Neither I, nor any of my friends or loved ones, have been threatened, coerced, or forced in any manner by anyone to get me to plead guilty.

12. I understand that if I have any complaints about my attorney's services, the time to tell the Court about it is when the Judge asks me about it when I offer my guilty plea.

13. I know that the Court will not permit anyone to plead guilty who is innocent, and because I am guilty, I request the Court to accept my plea of guilty.

14. Check one.

I am taking no prescription medication.

I am taking no prescription medication except the following which are taken as prescribed by the physician. None of it prevents me from thinking clearly:

I usually take the following prescription medication as prescribed by the physician:

When I take _____, it interferes with my ability to think clearly. I need to stop taking it _____ hours before my Court appearance to plead guilty.

Defendant

PETITION TO ENTER PLEA OF GUILTY continued

15. No one has told me to tell the Court something that is not true.

16. I OFFER MY PLEA OF GUILTY FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND, WITH FULL UNDERSTANDING OF THE CHARGE(S), I AM PLEADING GUILTY TO AND ALL THE MATTERS SET FORTH IN THIS PETITION.

17. I have read, and my attorney has answered any questions I had about, this Petition to Enter Plea of Guilty.

Date

Defendant