

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
_____ AT KANSAS CITY _____ AT INDEPENDENCE

STATE OF MISSOURI)	
Plaintiff,)	
)	
vs.)	Case No. CR _____
)	Criminal Docket _____
_____)	Division _____
Defendant.)	

PETITION TO ENTER PLEA OF GUILTY

(Instructions for Completion of Petition:

1. Defendant is to complete this Petition in his /her own handwriting.
Please Print legibly.
2. Defendant and his/her attorney are to sign each page at the bottom where indicated.
3. Defense counsel is to submit this Petition to the Prosecutor for approval before the Guilty Plea Hearing.
4. Defense counsel is to have the Court Reporter mark the Petition as "Defendant's Exhibit 1" before the Guilty Plea Hearing.)

The Defendant states 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 (fill out) any written instrument, including this document, and that anything I say can be used against me.
- 2) I am represented by a lawyer. His/her name is:_____.
- 3) I received a copy of the Information or Indictment and understand that I am charged with the crime(s) of: _____
_____.

I read the charge (s) against me and have discussed this with my lawyer. **I fully understand every charge made against me.**

- 4) I told my lawyer all the facts, names of witnesses and circumstances known to me about the charges made against me in the Information of Indictment. **I believe that my lawyer is fully informed on all such matters.**

DEFENDANT

ATTORNEY

PETITION TO ENTER PLEA OF GUILTY (CONTINUED)

5) I know that the Court must be satisfied that there is a factual basis for a PLEA OF GUILTY before my plea can be accepted. I represent to the court that I did the following acts in Jackson County, Missouri, On _____ (date of crime) at _____ (time of crime) in connection with the charge (s) against me:

(In the above space defendant must set out in detail what he/she did. Attorneys are to see that all the elements of the crime are covered. If more space is need, add a separate page.)

6) My lawyer has counseled and advised me on the nature of each charge, on all lesser-included charges, if any, and on all possible defenses that I might have in this case.

7) I know that I have certain constitutional rights which I will be giving up by pleading guilty. These rights are as follows:

- a) I have the right to a trial by jury or judge (my choice). I know that I am not required to plead guilty. I know that by pleading guilty I will be giving up my right to a trial and giving up any opportunity that I might have to present any defenses to the charge(s) that the State has brought against me;
- b) I know that I have the right to the assistance of a lawyer at all stages of the proceedings;
- c) During any trial, I would have the right to remain silent. I understand I do not have to take the witness stand or say anything that would in any way incriminate me. I understand that the Court would instruct any jury that, if I do remain silent, no inference of guilt may be drawn from my failure to testify;
- d) I know that I am entitled to a presumption of innocence throughout the proceedings and that the burden would be on the State to prove my guilt beyond a reasonable doubt;
- e) I know that before any jury could find me guilty, all twelve jurors would have to agree that I was guilty;
- f) I know that I have the right to confront and cross-examine the State's witnesses, that I may present witnesses and evidence on my behalf and that, if necessary, I have the right to use the subpoena power of the Court to compel the production of any evidence in my favor, including the attendance of any witnesses;
- g) I know that if I were to go to trial and be found guilty, I would have the right to appeal this decision to a different court with different judges but that by pleading guilty, I give up my right to any appeal and that there is no appeal from a guilty plea.

DEFENDANT

ATTORNEY

PETITION TO ENTER PLEA OF GUILTY (CONTINUED)

I understand all of my constitutional rights and it is my desire to freely and voluntarily give up these rights in connection with this guilty plea. I know that if I enter a plea of guilty and receive probation from the Judge of Division 25, I have the right to have this case remain with Division 25. Nevertheless, I agree that Division 25 may transfer this case to another judge to handle all post guilty plea matters including all 24.035 Motions and Probation violation hearings.

8) My lawyer informed me that the range(s) of punishment which the law provides in this case is (**defendant is to initial the appropriate blank(s):**

_____ Class A Misdemeanor: one (1) day to one (1) year in Jail; and/or fine of up to \$1,000

_____ Class D Felony: one (1) day to one (1) year in Jail; one (1) year to five (5) years in prison; and/or fine of up to \$2,500

_____ Class C Felony: one (1) day to one (1) year in Jail; one (1) year to seven (7) years in prison; and/or fine of up to \$6,000

_____ Class B Felony: five(5)years to fifteen (15) years in prison

_____ Class A Felony: ten (10)years to thirty (30) years in prison of life imprisonment

_____ Prior Offender; Persistent Offender; Class X Offender:

_____ Other:

9) If I am presently on probation or parole in this or any other court, I know that by pleading GUILTY here my probation or parole may be revoked, and I may be required to serve time in that case which my be consecutive, that is, in addition to any sentence imposed upon me in this case.

10) I understand the plea bargain agreement to be:

(here insert any promises or concessions made to the defendant or his/her attorney. If none, insert "no promises or concessions have been made to me or my attorney.") If anyone else made any promises or suggestions, except as noted in this paragraph I know that he/she had no authority to do so.

11) Neither I, nor any of my friends or loved one, has been mistreated, threatened, coerced, or forced in any manner by anyone to get me to plead GUILTY, nor were there any promises, inducements, or representations made except as set forth in Paragraph # 10 above.

12) I state to the Court that my attorney has done everything I have asked him/her to do, including interviewing all my witnesses. My attorney has not refused to do anything or failed to do anything that I have asked him/her to do. In my opinion, my attorney has done everything he/she could do on my behalf under the circumstances of this case. I am fully satisfied with the legal services my attorney has given to me. I have had ample time to talk to my lawyer, family members and friends and ask the Court to accept my guilty plea without further delay.

DEFENDANT

ATTORNEY

PETITION TO ENTER PLEA OF GUILTY (CONTINUED)

13) I know that the Court will not permit anyone to plead guilty who is innocent. I state to the Court that I am pleading guilty to:

and I honestly believe that I am guilty of this/these crime(s).

14) I have not in the past suffered from any mental disease or illness and have never been treated by a doctor or psychiatrist for a mental or emotional condition other than:

(Please list date, place, diagnosis, treatment, and doctor, if known. If none, so state.)

My mind is clear and I am not mentally ill. I am not under the influence of alcohol or drugs, and I am not under a doctor's care. The only drugs, alcohol, or medicines that I have taken within the past three (3) days are: _____

(if none then so state)

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 INFORMATION OR INDICTMENT AND IN THIS PETITION.

16) I HAVE READ, AND MY ATTORNEY HAS EXPLAINED TO ME THIS PETITION TO ENTER A PLEA OF GUILTY. EACH OF THESE FOUR (4) PAGES WERE SIGNED BY ME IN THE PRESENCE OF MY ATTORNEY THIS _____ DAY OF _____, 2000.

DEFENDANT

ATTORNEY

FINDING OF FACTS BY THE COURT

Bases upon the foregoing Petition to Enter a Plea of Guilty, completed and signed by the defendant, the truth of which Defendant acknowledged in open Court and based upon the statements of the defendant and defense counsel made in open Court, the Court makes the following findings in this case:

THE COURT FINDS THAT THE DEFENDANT UNDERSTANDS THE CHARGE (S) AGAINST HIM/HER AND THE CONSEQUENCES OF HIS/HER PLEA. THE DEFENDANT HAS BEEN ADVISED OF HIS/HER RIGHTS, UNDERSTANDS THEM, AND VOLUNTARILY, FREELY, AND INTELLIGENTLY WAIVES THOSE RIGHTS. THE DEFENDANT IS ABLE TO UNDERSTAND AND ASSIST HIS/HER ATTORNEY. THE DEFENDANT HAS BEEN ABLY AND COMPETENLY ASSISTED BY HIS/HER ATTORNEY. THERE IS NO PROBABLE CAUSE TO BELIEVE DEFENDANT HAS RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL. THE DEFENDANT HAS NO MENTAL DISEASE OR DEFECT DEFENSE. THE DEFENDANT'S DECISION TO PLEAD GUILTY HAS BEEN MADE FREELY AND VOLUNTARILY AND INTELLIGENTLY. COURT FINDS THERE IS A FACTUAL BASIS FOR THE PLEA. THE COURT FINDS BEYOND A REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY OF THE CRIME CHARGED. **THE PLEA OF GUILTY IS ACCEPTED.**

DATE

RICHARD E. STANDRIDGE, JUDGE

mc: Prosecuting Attorney
Defense Attorney
Defendant