

**IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI**

**STATE OF MISSOURI,** )  
**Plaintiff,** )  
)  
**vs.** )  
)  
\_\_\_\_\_ )

**Case No.** \_\_\_\_\_

**Defendant.**

**PETITION TO ENTER PLEA OF GUILTY – DWI COURT**

**The defendant represents to the Court:**

**1. My full name is \_\_\_\_\_.**

**I have not gone by any other name (s) except \_\_\_\_\_.**

**I am \_\_\_\_\_ years of age. I have gone to school up to and including the \_\_\_\_\_ grade.**

**I can read and write, and understand the English language.**

**2. I am represented by a lawyer; his name is \_\_\_\_\_.**

**3. I have received a copy of the Information containing the charge or charges against me. I have read the Information, and have discussed it with my lawyer. I fully understand every charge made against me.**

**4. I have told my lawyer all the facts and circumstances known to me about the charges made against me in the Information. I believe that my lawyer is fully informed on all such matters. I do not need any more time to consult with my attorney, and I have been completely honest with my attorney.**

**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 connection with the charge made against me:**

**(IN THE SPACE BELOW, DEFENDANT MUST SET OUT IN DETAIL WHAT HE OR SHE DID. IF MORE SPACE IS NEEDED, 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 all possible defenses that I might have in this case.**

**7. I know that I may plead NOT GUILTY to any or all offenses charged against**

\_\_\_\_\_  
**Defendant**

\_\_\_\_\_  
**Attorney**

me and I can persist in a plea of **NOT GUILTY**. If I plead **NOT GUILTY**, the Constitution guarantees me, among other possible rights, (a) The right to a speedy and public trial by jury or by the Court; (b) The right to see and hear all witnesses called to testify against me and to cross-examine all 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 stages of the proceedings; (e) The right not to be compelled to incriminate myself; (f) The right to take the witness stand at my sole option; and if I do not take the witness stand, no inference of guilt may be drawn from such failure; (g) The right to file motions to suppress evidence, including any statement that I may have given; (h) The right to present evidence, and present my defense to the charges. If I plead **GUILTY**, I waive, give up, all these rights.

8. I know that if I plead **GUILTY**, there will be no trial either before a Court or jury, and the Court may impose the same punishment as if I had pleaded **NOT GUILTY**, stood trial, and then been convicted by a jury.

9. I know that in the State of Missouri, the State must prove my guilt beyond a reasonable doubt and to the satisfaction of the jury, and that all twelve (12) jurors must vote to convict me in order for me to be found **GUILTY**. However, by pleading **GUILTY**, I waive or give up my right to trial by jury.

10. I know that I may be entitled to take this case out of this County and have it tried before a jury in some other County; also, I know that I may be entitled to disqualify a Judge of this Court and have a different Judge hear my case or accept my plea.

11. I know that if I had a trial and was convicted, I would have the right to appeal my conviction without cost to me for an attorney or transcript, and that when I plead guilty, I waive or give-up my right to appeal and to have an attorney and transcript provided for me free of charge.

12. My attorney has advised me and discussed with me my rights in accordance with Supreme Court Rule 24.035, and I am aware that a person convicted of a felony on a plea of guilty and delivered to the custody of the Department of Corrections who claims that the judgment of conviction or sentence imposed violates the Constitution or laws of this state or the Constitution of the United States, that the Court imposing the sentence was without jurisdiction to do so, or that the sentence imposed was in excess of the maximum sentence authorized by law may seek relief in the sentencing.

I am aware that Rule 24.035 provides the exclusive procedure by which such person may seek relief in the sentencing Court for the claims enumerated, and that the procedure before the trial Court is governed by the Rules of Civil Procedure insofar as applicable. I am further advised that if I seek relief pursuant to Rule 24.035, I must file a Motion to Vacate, Set Aside or Correct the Judgment or sentence substantially in the form of Criminal Procedure Form No.

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**Defendant**

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**Attorney**

**40. No cost deposit shall be required, and the motion shall be filed within one hundred eighty days after I am delivered to the custody of the Department of Corrections. I am aware that failure to file a motion within the time provided by this Rule 24.035 shall constitute a complete waiver of any right to proceed under Rule 24.035. In addition, I understand that if I am indigent, and I file my own pro se motion, counsel will be appointed for me, and my counsel will have up to thirty days to file an amended motion. I further realize that a written request for a hearing must be made within the required time limits, or a hearing will not be held.**

**13. My lawyer informed me that the range of punishment which the law provides is \_\_\_\_\_ to \_\_\_\_\_ years imprisonment in the Missouri Department of Corrections, or \_\_\_\_\_ to \_\_\_\_\_ months in the County Jail, or a fine not exceeding \$ \_\_\_\_\_, or both the fine and incarceration, either in the county jail or the penitentiary.**

**14. If I am on probation or parole from 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 may be consecutive, that is, in addition to any sentence imposed upon me in this case.**

**15. I declare that no officer or agent of any branch of government (Federal, State or Local) has promised or suggested that I will receive a lighter sentence, or probation, or any other form of leniency if I plead GUILTY, except as follows:**

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

**The Prosecuting Attorney, my attorney, and I have entered into a plea agreement, which is as follows: the Prosecuting Attorney promised that if I plead GUILTY, he/she will recommend that the Judge sentence me to a term of \_\_\_\_\_**

\_\_\_\_\_

**and in addition will do the following things: \_\_\_\_\_**

\_\_\_\_\_

\_\_\_\_\_

**If anyone else made any promises or suggestions, except as noted in the previous sentences, I know that he/she has no authority to do it. I know that "this Court does not have to honor or agree to implement any plea agreement that involve the amount of the fine or the length of the sentence that I will receive, or whether or not I will receive probation." I know that the sentence I will receive is solely a matter within the control of the Judge. I hope to receive lenience, but I am prepared to accept any punishment permitted by the law which the**

\_\_\_\_\_  
**Defendant**

\_\_\_\_\_  
**Attorney**

**Court sees fit to impose. However, I respectfully request the Court to consider, in mitigation of punishment, that I have voluntarily entered a PLEA OF GUILTY.**

**16. Neither I, nor any of my friends or loved ones, have been mistreated, threatened, coerced, or forced in any manner or by any means to get me to plead guilty, nor were there any promises, inducements, or representations made except as set forth in Paragraph 15, above.**

**17. I believe that my lawyer has done all that anyone could do to counsel and assist me, and I AM SATISFIED WITH THE ADVISE AND HELP MY LAWYER HAS GIVEN ME, and I have no complaints to make about my lawyer or the representation my lawyer has given me.**

**18. I know that the Court will not permit anyone to plead GUILTY who maintains he/she is innocent and with that in mind, and because I AM GUILTY, and do not believe that I could be found innocent by a jury, I wish to plead GUILTY and respectfully request the Court to accept my PLEA OF GUILTY.**

**19. I understand that that if I am not a citizen of the United States, a plea of guilty to the crime charged may result in deportation, exclusion from admission to the United States, or denial of naturalization as a United States citizen.**

**20. 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, medicines or pills that I have taken within the past seven (7) days are:**

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**(If none, so state.)**

**21. I do not have any complaints against any law enforcement officials concerning my treatment while in jail; I had sufficient food, water, medical care, and bedding; and I was not mistreated by any inmate while in jail. There are no exceptions to any of these statements, except: \_\_\_\_\_**

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**(If none, so state.)**

**22. I have read and fully and completely understand, and my attorney has explained to me the DWI Court contract, Participant Manual, Consent form. I understand that the DWI Court is a special condition of felony probation and that by pleading guilty I will have a felony conviction, regardless of whether I successfully complete the DWI Court program or not.**

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**Defendant**

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**Attorney**

**23. 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 AND IN THIS PETITION AND EVERYTHING STATED HEREIN IS TRUE.**

**24. I have read and fully and completely understand, and my attorney has explained to me this Petition to Enter Plea of Guilty this \_\_\_\_\_ day of \_\_\_\_\_, 2011.**

**Each of these six (6) pages were signed by me in open Court in the presence of my attorney this \_\_\_\_\_ day of \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**Defendant**

**CERTIFICATE OF COUNSEL**

**The undersigned, as lawyer and counselor for the defendant, \_\_\_\_\_, hereby certifies:**

- 1. I have read and fully explained to the defendant the allegations contained in the Information 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 explained the range of punishment for each count to the defendant.**
- 4. The PLEA OF GUILTY offered by the defendant in this petition accords with my understanding of the facts my client related to me and is consistent with my advice to the defendant.**
- 5. I have investigated the circumstances of this case and have explored all avenues leading to facts relevant to guilty and degree of guilt or penalty. I have made all reasonable efforts to secure information in the possession of the prosecution and law enforcement authorities.**
- 6. In my opinion, the PLEA OF GUILTY offered by the defendant in this petition is freely and voluntarily made, with a full understanding of the charges against my client, the acts that my client committed, and a full understanding of all constitutional rights waived by such plea. I recommend that the Court accept the PLEA OF GUILTY.**
- 7. Each of these six (6) pages were signed by me in open Court in the presence of**

\_\_\_\_\_  
**Defendant**

\_\_\_\_\_  
**Attorney**

**the defendant above-named, and after full discussion of the contents of this certificate with the defendant this \_\_\_\_\_ day of \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**Attorney for Defendant**

\_\_\_\_\_  
**Defendant**

\_\_\_\_\_  
**Attorney**