

APPENDIX B TO MINN. R. CRIM. P. 15

State of Minnesota

District Court

County of: _____	Court File Number: _____
Judicial District: _____	Case Type: <u>Criminal</u>

State of Minnesota, \_\_\_\_\_

Plaintiff

VS

\_\_\_\_\_

Defendant

**Petition to Enter Plea of Guilty in Misdemeanor or Gross Misdemeanor Case Pursuant to Rule 15**

TO THE ABOVE-NAMED COURT:

I wish to enter a plea of guilty in the above-entitled case, and I hereby state to the Court the following:

1. I am the Defendant in this case, my full name is \_\_\_\_\_, and my date of birth is \_\_\_\_\_.
2. I am charged with \_\_\_\_\_ [name of offense(s)], in violation of \_\_\_\_\_ [statute(s) or ordinance(s)].
3. I hereby plead guilty to the offense(s) of \_\_\_\_\_ [name of offense(s)], in violation of \_\_\_\_\_ [statute(s) or ordinance(s)].
4. I am pleading guilty because on \_\_\_\_\_ (date), in the City of \_\_\_\_\_, County of \_\_\_\_\_,

State of Minnesota, I committed the following acts (state sufficient facts to establish a factual basis for all elements of the offense(s) to which the defendant is pleading guilty):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. I understand that the maximum possible sentence for any misdemeanor offense to which I am pleading guilty is 90 days imprisonment or a fine of \$\_\_\_\_\_ or both, and that the maximum possible sentence for any gross misdemeanor offense to which I am pleading guilty is imprisonment for 364 days or a fine of \$\_\_\_\_\_ or both.
6. RIGHT TO AN ATTORNEY. I understand that I have the right to be represented by an attorney and that an attorney will be appointed to represent me without cost to me if I cannot afford to pay for an attorney.
7.  I have fully discussed the charge(s), my constitutional rights, and this petition with my attorney, \_\_\_\_\_ (name of attorney).

OR

- WAIVER OF ATTORNEY. I give up my right to be represented by an attorney and any right I might have to request that an attorney be appointed to represent me.
8. I understand that I also have the following constitutional rights which I knowingly and voluntarily give up:
- a. The right to a trial to the court or to a jury in which I am presumed innocent until proven guilty beyond a reasonable doubt and in which all jurors in a jury trial must agree I am guilty before the jury could find me guilty.
  - b. The right to confront and cross-examine all witnesses against me.
  - c. The right to remain silent or to testify for myself.
  - d. The right to subpoena and present witnesses to testify for me in my defense.
  - e. The right to a pretrial hearing to contest the admissibility at trial of any confessions or admissions or of any evidence obtained from a search and seizure.

9. I am entering my plea of guilty freely and voluntarily and without any promises except as indicated in number 10 below.

10. I am entering my plea of guilty based on the following plea agreement with the prosecutor (if none so state): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. I understand that if the court does not approve this agreement, I have the right to withdraw my plea of guilty and have a trial.

12. I understand that if this plea of guilty is accepted, I have the right to be present at the time of sentencing and to speak and to present evidence on my behalf.

13.  I hereby knowingly and voluntarily give up my right to be present when my plea is entered.

14.  I hereby request to be present at the time of sentencing.

OR

I hereby knowingly and voluntarily give up my right to be present at the time of sentencing and request that the court sentence me in my absence, but according to any plea agreement that might be contained in this petition.

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

I, \_\_\_\_\_, state that I am the attorney for the defendant in the above-entitled criminal action and that I personally explained the contents of the above petition to the defendant.

Date: \_\_\_\_\_

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

Email: \_\_\_\_\_

### **PETITION AND PLEA OF GUILTY ACCEPTED BY**

\_\_\_\_\_  
Judge of District Court

\_\_\_\_\_  
Date