

IN THE MUNICIPAL COURT OF THE CITY OF MCMINNVILLE
IN THE COUNTY OF YAMHILL

CITY OF MCMINNVILLE, Plaintiff)
)
 vs.)
)
 _____, Defendant)

Case No. _____

**PETITION TO ENTER
PLEA OF GUILTY**

Misdemeanor Charge(s)

I, the above-named individual, hereby state my intention to plead GUILTY to the following charge or charges:

Count	Charge	Class		
		A	B	C
1				
2				
3				

My Rights: I understand that I may plead Not Guilty to any misdemeanor charge against me. If I choose to plead Not Guilty, the Constitution guarantees me:

- a) the right to a speedy and public trial by jury. This jury would consist of six persons and all six would have to be convinced beyond a reasonable doubt before I could be convicted of the offense(s);
- b) the right to see, hear, and face in open court all witnesses called to testify against me and, 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;
- c) the right to have the assistance of a lawyer at all stages of the proceedings and, if I cannot afford an attorney, and qualify for one, the court will appoint one to represent me; and
- d) the right to take the witness stand at my sole option. The city prosecutor cannot force me to testify against myself. If I do not take the witness stand, the jury will be told that this may not be held against me or will be told nothing, at my option.

The Potential Penalties and Consequences: I understand that if I plead Guilty I give up the above rights. I know that if I plead Guilty, the maximum possible sentence is as follows:

- Class A Misdemeanor: One year in jail and/or a fine of \$6,250.00.
- Class B Misdemeanor: Six months in jail and/or a fine of \$2,500.00.
- Class C Misdemeanor: Thirty days in jail and/or a fine of \$1,250.00.

I understand that there may be additional statutory fees and assessments and there is the potential that my driver's license will be suspended or revoked.

If I am not a citizen of the United States, I understand that conviction of a crime may result, under the laws of the United States, in deportation, exclusion from admission to the United States, or denial of naturalization.

I offer my plea or pleas of guilty freely and voluntarily. I certify that I fully understand all matters set forth in the complaint and in the petition. I acknowledge that there is a basis in fact for the guilty plea(s).

Signed: _____ Date: _____

Printed Name: _____

Address: _____

DEFENDANT'S WAIVER OF COUNSEL AND DECISION TO REPRESENT SELF

I wish to waive my right to be represented by an attorney. I understand and affirm all of the following:

1. I read, speak and understand English or have had this form interpreted for me.
2. I am not under the influence of alcohol or drugs, and I am not suffering from any injury, illness or disability of any kind that could affect my ability to think or make a rational choice.
3. I understand the charges against me and have been provided with a copy of the document that sets forth those charges and the maximum potential penalty.
4. I know that I have a constitutional right to be represented by a lawyer and that, if I am unable to afford a lawyer, the court will, at my request, appoint one to represent me.
5. I know that the City will be represented by a lawyer in this proceeding even if I waive my right to counsel and elect to plead guilty or appear at a trial without a lawyer.

I know that I may be at a disadvantage in this proceeding if I do not have a lawyer because:

1. There are legal rules that govern the procedures and how evidence may be presented at a trial or other proceedings, and all those rules will be applied to me even though I am not a lawyer and may not know those rules.
2. There may be defenses available to the charges or weaknesses in the city's ability to prove their case. I may not be aware of those matters and a lawyer may be able to assist me in recognizing and asserting such a defense.
3. An attorney would analyze the police reports and could, if appropriate and, if necessary, at city expense, hire an investigator to independently investigate my case and locate witnesses necessary for my defense.
4. If there are search and seizure issues, an attorney may be in a better position to assess whether evidence has been properly seized and seek to have the court rule it inadmissible if improperly seized.
5. It may be that a lawyer would simply be more effective or articulate, based on his or her training and experience, in negotiation with the City Prosecutor's Office, arguing motions, arguing my case at trial and/or advocating for me at sentencing. It may be that an attorney could advocate for and obtain a more favorable plea bargain than offered to me at this time.

With the above in mind, I hereby voluntarily waive my right to be represented by an attorney. I freely choose to represent myself. I have read and understand all of the rights and warnings set forth above. No one has made any threats to me to cause me to waive this right.

Defendant's Signature

Date

CERTIFICATE OF INTERPRETER

I, the undersigned interpreter, hereby certify that I have read aloud the petition to the above defendant in the _____ language.

Signed by me in the presence of the above-named defendant and after full discussion of the contents of the certificate with the defendant this ____ day of _____, 20____.

Interpreter's Signature

Interpreter Name (typed or printed)

ORDER

The court finds the defendant's plea of no contest guilty to be knowingly, intelligently, and voluntarily made. The court accepts this plea.

Judge's Signature

Date