

**25TH JUDICIAL DISTRICT COURT FOR THE PARISH OF PLAQUEMINES
STATE OF LOUISIANA**

NO. _____

DIVISION "B"

STATE OF LOUISIANA

VERSUS

FILED: _____

DEPUTY CLERK

PLEA OF GUILTY AND WAIVER OF RIGHTS
POSSESSION OF MARIJUANA

I, _____, Date of Birth _____, do hereby plead GUILTY to the crime of POSSESSION OF MARIJUANA in violation of Louisiana Revised Statute 40:966, which occurred on the _____ day of _____, _____.

My attorney has informed me and I understand the nature of the crime to which I am pleading guilty. I understand that POSSESSION OF MARIJUANA is a violation of Louisiana Revised Statute 40:966 which provides that is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule I. I understand that the crime to which I am pleading guilty is a graduated offense, meaning that sentencing becomes more severe with each conviction. I understand that this conviction could be used by the State in the future to enhance my sentence, if convicted for POSSESSION OF MARIJUANA in the future. I understand the mandatory minimum penalty provided by law, the maximum possible penalty provided by law, and the possible sentence I could receive for this offense is as follows:

On a first conviction of POSSESSION OF MARIJUANA, wherein the offender possesses fourteen grams or less, the offender shall be fined not more than three hundred dollars, imprisoned in the parish jail for not more than fifteen days, or both.

On a first conviction of POSSESSION OF MARIJUANA, wherein the offender possesses more than fourteen grams, the offender shall be fined not more than five hundred dollars (\$500.00), imprisoned in the parish jail for not more than six (6) months, or both.

On second conviction, the offender shall be fined not more than one thousand dollars (\$1,000.00), imprisoned in the parish jail for not more than six months, or both.

On a third conviction, the offender shall be sentenced to imprisonment with or without hard labor for not more than two (2) years, shall be fined not more than two thousand five hundred dollars (\$2,500.00), or both.

On a fourth or subsequent conviction, the offender shall be sentenced to imprisonment with or without hard labor for not more than eight years, shall be fined not more than five thousand dollars (\$5,000.00), or both.

By entering into this plea, I understand the consequences of my guilty plea and I understand that I am waiving and giving up the following rights:

- _____ 1. My right to enter a plea of not guilty.
- _____ 2. My right to be represented by an attorney at every stage of the proceeding against me and, if financially unable to employ an attorney, my right to be represented by a Court-appointed counsel at no cost to me.
- _____ 3. My right to have a trial by judge, at which the State must prove my guilt beyond a reasonable doubt, and that I am afforded the right to be presumed innocent.
- _____ 4. My right not to be compelled to incriminate myself in that I cannot be required to testify at any proceeding, including trial. If I chose to exercise this right not to testify, no presumption can be made by my failure to testify. In effect, by pleading guilty, I am incriminating myself.
- _____ 5. My right to confront and cross examine witnesses against me and my right to have compulsory process to require witnesses to testify. The Court will subpoena any witness to Court that I desire and require them to testify at my trial. I am also afforded the right to a public and speedy trial.
- _____ 6. My right to appeal any conviction without cost to me; if I can not afford an attorney, one will be provided for me without costs, to handle the appeal.

I understand that if the Court accepts my plea of guilty, the sentence in this case will be:

I realize that by pleading guilty, I stand convicted of the crime charged and I knowingly, intelligently, freely, and voluntarily waive my privilege against self-incrimination, my right to a trial, my rights to confront and cross examine witnesses, and my right to compulsory process. My rights have been thoroughly explained to me by the judge and I understand them, and I have no further questions.

I understand that any post-conviction relief applications must be filed within two (2) years of the date that this conviction and sentence become final.

I acknowledge that my act of pleading guilty is a knowing, intelligent, free and voluntary act on my part. No promises or threats have been made to encourage me to enter a plea of guilty to the above charge(s). The only reason I am pleading guilty is that I am, in fact, guilty as charged. I am satisfied with the representation of my attorney and the manner in which my case was handled.

This form has been explained to me and I understand all of my constitutional rights and the nature of the charge. I am knowingly, intelligently, freely and voluntarily pleading guilty.

SWORN TO AND SUBSCRIBED THIS
 _____ day of _____, 20____, in
 Pointe-a-la-Hache, Louisiana.

Attorney for the Defendant

Defendant

Date of Birth

I have advised the defendant in Open Court on this _____ day of _____, 20____, of all of the above mentioned constitutional rights, and I am satisfied the defendant understands all of these rights. I further find that the defendant's guilty plea is made knowingly, intelligently, freely and voluntarily and has a basis in fact. I hereby accept the guilty plea and adjudicate the defendant guilty of the charge herein.

HONORABLE MICHAEL D. CLEMENT, JUDGE, DIVISION "B"