



However, I still do not believe that the petitioner can prevail. The title given to the offense in question that exists on the presentment, itself, is "ATTEMPTED TRANSFER OF FORGED INSTRUMENT." The allegations in the first count of the presentment specifically charge that the petitioner made an "offer to pass or transfer" a forged check to a bank. In the petitioner's written guilty plea, the reference to "Attempt to Transfer a Forged Instrument" also relates it to the offense charged in the presentment at issue. Moreover, the trial court's statement to the petitioner about the "attempted transfer of a forged instrument" also related it to being charged in the first count of the presentment and noted that his agreement involved a ten-year sentence, a sentence available under the forgery statute, but not the attempt statute.

Thus, although the "attempt" misnomer occurred, it was consistently in reference to the offense actually charged in the first count of the relevant presentment. Unquestionably, the petitioner was legally convicted under the forgery statute as it was alleged in the presentment. Unquestionably, the petitioner was fully aware of the charge he was facing and to which he pled guilty. No further analysis is needed.

---

Joseph M. Tipton, Judge