

TWENTIETH JUDICIAL DISTRICT
DAVIDSON COUNTY, TENNESSEE
DIVISION _____

STATE OF TENNESSEE

)
)
)
)
)

VS.

DOCKET NO. _____

PETITION TO ENTER PLEA OF GUILTY

I, the above named defendant, pursuant to Rule 11 of the Tennessee Rules of Criminal Procedure, respectfully state to the Court as follows:

1. My full legal name is _____.
2. I am represented in this case by a lawyer and the name of my attorney is _____.
3. I received a copy of the indictment or information, which states the charge(s) against me, before I was required to plead to the charge(s). I have read and discussed the indictment or information with my attorney.
4. I have told my lawyer everything I know about the facts and circumstances surrounding the charge(s) against me.
5. My lawyer has told me and I understand the definitional elements of the crime(s) I am charged with; that is, my lawyer has explained to me what the State has to prove beyond a reasonable doubt to convict a person of the offense(s).

My attorney has also informed me in detail and I understand what the State's evidence against me would be in regard to the charge(s).

My lawyer has explained all possible defenses I might have.

My attorney has counseled and advised me on all of these matters and I understand them.

Thus, I believe I presently understand every charge against me.

6. My attorney has told me and I understand that the punishment I could receive, including both possible incarceration and/or fine, is: [Set our range of punishment for offense(s) charged and pleaded to, if different.]

7. My attorney has explained that the Court will consider each count of each indictment or information to which I plead "GUILTY" as a separate offense, and may order that I serve the sentences for multiple offenses consecutively, that is, one after the other.

8. I understand that in making its sentencing determination the Court will consider all of my prior criminal convictions.

9. I understand that the Court's authority to impose punishment is the same if I plead "GUILTY" as it is if I plead "NOT GUILTY". have a jury trial, and am convicted.

10. My attorney has discussed with me whether I am eligible for alternative sentencing, including probation. I understand my attorney's statements on this issue. Although, if eligible, I hope to receive probation or other alternative sentencing, I agree to accept any punishment which the law permits the Court to impose.

11. I understand that the Tennessee Constitution guarantees me the right to have any fine greater than fifty dollars (\$50.00) set by a jury. I wish to give up that right and want the Court to set any fine which is part of my punishment.

12. My attorney has explained enhanced sentencing to me, and I understand that if I am presently eligible for enhanced sentencing, I have a statutory right to a delay of ten (10) days after the State files a notice of intent to seek enhanced punishment before the Court accepts my plea of "GUILTY". I hereby acknowledge that I am subject to enhanced sentencing as a multiple, persistent and/or career criminal, and give up my right to the filing of such notice and/or to some or all of the ten (10) day waiting period before conviction.

13. I understand that my plea of "GUILTY" will be a criminal conviction on my record, and that if I am convicted of any crimes in the future, this conviction may be used against me as a basis for giving me greater punishment for the future conviction(s) as a multiple, persistent and/or career offender.

14. I understand that I am presumed innocent of the charge(s) against me, and if I went to trial, the presumption would remain with me throughout the trial unless and until overcome by all of the evidence presented by the State.

15. I understand that I have the right to plead "NOT GUILTY" to any offense(s) charged against me and to persist in that plea, and that if I choose to plead "NOT GUILTY" the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the right to see, hear and cross-examine all witnesses against me; (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 counsel in my defense at all stages of the proceedings; and (e) the right to remain silent and not testify, and that my silence cannot be used against me. I understand that if I plead "GUILTY" I will be waiving my right to a jury trial and to the other rights set out above.

16. I understand that by pleading "GUILTY", I am giving up the right I would have if I were convicted by a jury to have an appellate court review the basis of my conviction.

17. I understand that in conjunction with my plea of "GUILTY" I may be asked questions about the offense(s) and if I answer those questions under oath, on the record, and in the presence of my attorney, and do not tell the truth, my answers could later be used against me in a prosecution for perjury, which is a crime punishable by incarceration and/or fine.

18. I declare that no government officer or agent (federal, state or local), or any other person, has made any promise or suggestion of any kind in exchange for my plea of "GUILTY", with the exception of the agreement between me and the State's attorney to recommend to the Court the plea and punishment set out in paragraph twenty-two (22) below.

19. I declare that no person has pressured, forced, threatened, or intimidated me into pleading "GUILTY".

20. I believe my lawyer has done everything any lawyer could have done to represent me and I am satisfied with my legal representation and assistance in this case. I have had no problem communicating with my attorney.

21. I declare that during my discussions with my lawyer about this case, and while I read and/or discussed this petition with my lawyer, I was not under the influence of any alcoholic beverage or intoxicating drug.

22. I know that the Court will not ordinarily accept a plea of "GUILTY" from anyone who claims to be innocent, and with that in mind, and because I make no claim of innocence, I wish to plead "GUILTY" and respectfully request the Court to accept my pleas as follows: [Set out plea bargain agreement with the State.]

On the basis of my statements in this petition, I request that the Court accept my plea of "GUILTY".

I agree that the Assistant District Attorney General may summarize what the State's witnesses would say if called to testify in this case, and I give up my right to confront and cross-examine those witnesses.

Signed by me in the presence of my attorney, this _____ day of _____, _____.

DEFENDANT

TWENTIETH JUDICIAL DISTRICT
DAVIDSON COUNTY, TENNESSEE
DIVISION _____

STATE OF TENNESSEE

VS.

)
)
)
)
)

DOCKET NO. _____

ORDER

This cause came on to be heard before the undersigned Judge upon the defendant's petition to enter a plea of guilty and accompanying certificates of counsel, all of which are attached hereto and incorporated herein by reference. Based on the petition and certificates, and the defendant's responses to questions personally addressed to him/her by the Court under oath, on the record, and in the presence of his/her attorney, together with statements made by the parties' attorneys, the Court finds as a matter of fact:

1. That the defendant understands the nature of the charge(s) against him/her, the nature of the charge(s) to which the plea is offered, the mandatory minimum penalty provided by law, and the maximum possible penalty provided by law.
2. That the defendant understands that he/she has the right to plead not guilty and to persist in that plea.
3. That the defendant has been fully advised and understands his/her right to trial by jury to determine guilt or innocence; that at such trial, he/she has the right to assistance of counsel, the right to confront and cross-examine witnesses against him/her, and the right not to be compelled to incriminate himself/herself or to have an election not to testify used against him/her.
4. That the defendant understands that if he/she pleads guilty there will be no further trial of any kind except as to sentence, so that by pleading guilty, he/she waives the right to a trial and appellate review of the conviction. The defendant understands that if there is a hearing as to sentencing, no jury will be involved.
5. That the defendant understands that if he/she pleads guilty, he/she may be asked questions about the offense(s) to which he/she has pleaded, and that such answers, made under oath, on the record, and in the presence of counsel, may, if untrue, form the basis for later prosecution and punishment for the crime of perjury.
6. That the defendant fully understands that should the Court accept the plea of guilty and the recommended sentence, the sentence will constitute a conviction which, if considered with prior and/or subsequent convictions, may form the basis for enhanced punishment under T. C. A. 40-35-106-108.
7. That the Court after inquiry is satisfied that the plea resulted from prior discussions between the District Attorney General, the defendant, and his/her attorney.
8. That the defendant's plea of guilty, as well as his/her waiver of every right enumerated herein, is voluntary, and not made as a result of force or threats or of promises apart from the plea bargaining process.
9. That from the entire record the Court is satisfied that there is a factual basis for the plea of guilty.

The Court therefore finds that the plea of guilty heretofore entered by the defendant is acceptable to the Court.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that the petition filed herein be, and the same is, in all respects, granted.

This the _____ day of _____, _____.

JUDGE

CERTIFICATE OF DEFENDANT'S COUNSEL

The undersigned, as attorney for the foregoing named defendant, _____, in Criminal Case No. _____, hereby certifies as follows:

1. I have read and fully explained to the defendant the charge(s) against him/her as set out in the indictment or information. I have discussed with the defendant the defendant's knowledge of the facts and circumstances surrounding the charge(s). I have also discussed all possible defenses with the defendant.
2. To the best of my knowledge and belief each statement set forth in the foregoing petition is in all respects accurate and true.
3. The plea of "GUILTY" as offered by the defendant in paragraph twenty-two (22) of the foregoing petition accords with my understanding of the facts as related to me by the defendant, and is consistent with my advice to the defendant.
4. In my opinion, the defendant's waiver of his/her constitutional and statutory rights is voluntarily and understandingly made; and I recommend to the Court that the plea of "GUILTY" be now accepted and entered on behalf of the defendant as requested in paragraph twenty-two (22) of the foregoing petition.
5. I have explained to the defendant any/all potentially applicable forms of alternative sentencing, including probation.
6. I have read the foregoing Petition to Enter a Plea of Guilty to the defendant and/or discussed each provision with him/her in detail.

Signed by me in the presence of the defendant, this the _____ day of _____, _____.

ATTORNEY FOR DEFENDANT

CERTIFICATE OF DISTRICT ATTORNEY GENERAL

I, _____, am the Assistant District Attorney General assigned to represent the State in the subject case. I certify that I have read the recommendation for the guilty plea and punishment set forth in paragraph twenty-two (22) in the foregoing Petition To Enter Plea of Guilty, and find that it accurately states the terms and scope of the plea agreement.

ATTORNEY FOR STATE