



IN THE GENERAL SESSIONS CRIMINAL COURT
OF SHELBY COUNTY, TENNESSEE

DIVISION \_\_\_\_\_

STATE OF TENNESSEE ) BOOKING NO
vs. )
CHARGE(S): \_\_\_\_\_ )
Defendant ) R & I: \_\_\_\_\_

PETITION FOR ACCEPTANCE OF PLEA OF GUILTY
BY DEFENDANT AND WAIVER OF RIGHTS

Comes now the defendant, \_\_\_\_\_, who with the advice of counsel,
\_\_\_\_\_, Attorney at Law, enters a plea of guilty to the charge(s) of
\_\_\_\_\_.

Defendant states that he/she has been advised by his/her attorney of the following rights which the defendant fully understands
that he/she is giving up by this guilty plea:

- 1) The right to plead not guilty;
2) The right to a jury trial;
3) The right to confront and cross-examine the witness against him/her;
4) The right not to be compelled to incriminate himself/herself;
5) The right to indictment.

Defendant further states that he/she fully understands and waives each and every one of these rights freely and voluntarily.

Further, defendant states, that he/she has been fully advised by his/her attorney and fully understands:

- 1) The nature of the charge(s) against him/her;
2) The possible defenses to said charge(s);
3) The minimum punishment for said charge(s);
4) The maximum punishment for said charge(s);
5) That prior convictions may be considered in determining his/her sentence;
6) The fact that no trial will follow this plea buy only sentencing;
7) The fact that it is perjury to falsely answer questions by the Judge while under oath;
8) The fact that there must be facts to support the plea;
9) The fact that this conviction will be used in the future to increase the punishment for subsequent offenses;
10) The penalty for second and subsequent convictions for the offense of Driving While Intoxicated are that for conviction
on the second offense there shall be imposed a fine of not less than \$600 nor more than \$3,500 and the person shall be
confined in the county jail or workhouse for not less than 45 days no more than 11 months and 29 days, and the court
shall prohibit such convicted person from driving a vehicle in the State of Tennessee for a period of 2 years. For the
third or subsequent conviction, there shall be a fine of not less than \$1,100.00 nor more than \$10,000.00 and the
person shall be confined in the county jail or workhouse for not less than 120 days nor more than 11 months and 29
days, and the court shall prohibit such convicted person from driving a vehicle in the State of Tennessee for a period of
not less than 6 years nor more than 10 years.

Further, defendant states that he/she is guilty of the charge(s) because the facts which he/she knows to exist equal the elements of
the charge(s) as those elements have been explained to him/her by his/her attorney. Defendant, therefore, states that there is a
factual basis for his/her plea, or defendant denies his/her guilty, but wishes to enter a plea of guilty, understanding that should
defendant elect to go to trial under guilty, and may receive a greater punishment than is provided herein.

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Further, defendant states that he/she is pleading guilty freely and voluntarily because he/she is guilty not because of any
negotiations which may have taken place between defendant's attorney and any representative of the State of Tennessee in the
form of plea bargaining or any other form.

SUBMITTED, APPROVED AND CONCURRED IN:

DEFENDANT
ATTORNEY FOR DEFENDANT
ATTORNEY FOR STATE



IN THE GENERAL SESSIONS CRIMINAL COURT  
OF SHELBY COUNTY, TENNESSEE

DIVISION \_\_\_\_\_

ORDER ACCEPTING PLEA OF GUILTY

After reviewing the petition set out above, the Court did then interrogate the defendant personally as to the following matters:

- 1) The nature of the charge(s) against defendant;
- 2) The possible defenses to said charge(s);
- 3) The minimum punishment for said charge(s);
- 4) The maximum punishment for said charge(s);
- 5) Prior convictions may be considered in determining his/her sentence;
- 6) The fact that no trial will follow this plea but only sentence;
- 7) The fact that it is perjury for the defendant while under oath to answer the Court's questions falsely;
- 8) The fact that there must be facts to support the plea;
- 9) Any plea negotiations which may have taken place;
- 10) The fact that this conviction will be used to increase the punishment for subsequent offenses;
- 11) The penalty for second and subsequent convictions for the offense of Driving While Intoxicated are that for conviction on the second offense there shall be imposed a fine of not less than \$600 nor more than \$3,500 and the person shall be confined in the county jail or workhouse for not less than 45 days nor more than 11 months and 29 days, and the court shall prohibit such convicted person from driving a vehicle in the State of Tennessee for a period of 2 years. For the third or subsequent conviction there shall be a fine of not less than \$1,100.00 nor more than \$10,000.00 and the person shall be confined in the county jail or workhouse for not less than 120 days nor more than 11 months and 29 days, and the court shall prohibit such convicted person from driving a vehicle in the State of Tennessee for a period of not less than 6 years nor more than 10 years.

Further, the Court did interrogate the defendant personally as to the intelligent and voluntary waiver of the following rights:

- 1) The right to plead not guilty;
- 2) The right to a jury trial;
- 3) The right to confront and cross-examine the witness against him/her;
- 4) The right not to be compelled to incriminate himself/herself;
- 5) The right to indictment.

Based upon this personal interrogation, the Court concludes that the defendant understands the nature of the charge(s) against him/her and the rights which he/she is giving up by this guilty plea.

Therefore, the Court concludes that there is a factual basis for the defendant's plea of guilty and defendant's plea is being entered freely, knowledgeably and voluntarily after freely, knowledgeably and voluntarily waiving the above set out rights.

Finally, the Court accepts the defendant's plea of guilty.

**IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED**, that the defendant's plea of guilty is heretofore entered and is hereby accepted by the Court.

ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
JUDGE

Rev. 4/27/2015