

3. I have previously received a copy of the indictment or information and discussed it with counsel or reviewed it myself and I understand the nature of the charge(s) against me.

4. I have discussed the facts and circumstances concerning the charge(s) with counsel or I have waived my right to counsel in writing. I understand the nature and cause of the charge(s) against me. I am aware of what the State would have to prove to establish my guilt. I have discussed with counsel or I am aware of the possible defenses, or lack thereof, that might exist in this case.

5. I understand that the range of punishment for the offense(s) for which I am charged is:

6. I understand that the range of punishment for the offense(s) for which I am pleading is:

7. I understand that under this plea I will receive a sentence range and an offender classification as set forth in the Negotiated Plea Agreement.

8. I understand that I have the right to plead NOT GUILTY to the charge(s) against me and to persist in that plea and that I am guaranteed the following constitutional rights:

- a) The right to a speedy and public trial;
- b) The right to a trial by jury;

- c) The right to assistance of counsel in my defense at all stages of the proceedings;
 - d) The right to use the power and process of the Court to compel the production of any favorable evidence, including the attendance of witnesses;
 - e) The right to see, hear and cross-examine all witnesses against me;
 - f) A presumption of innocence, and the right to remain silent, with the knowledge that my silence cannot be used against me;
 - g) The right to have a jury impose any fine greater than fifty dollars (\$50.00).
9. I understand if I plead NOT GUILTY and I am convicted, I may petition the Court for a new trial, and if the petition is denied, I may appeal my conviction to a higher court; by entering this plea, however, I am waiving my rights to a motion for new trial and appeal.
10. I understand that if I plead GUILTY the Court will determine the following matters:
- a) If the sentence imposed will be concurrent or consecutive to any other sentence;
 - b) If I receive a suspended sentence or a partially suspended sentence and probation;
 - c) If I receive a fine, having waived a jury to set any fine in excess of fifty dollars;
 - d) If I will serve all or part of my sentence at the jail or workhouse or if the Tennessee Department of Correction (TDOC) will make that determination.
11. I further understand that in making these determinations the court is not bound to accept the recommendations of the District Attorney General's Office or any others.
12. I understand that if I plead GUILTY to more than one offense, each offense is considered a separate offense and the Court may run each offense consecutively or concurrently.
13. I understand that if I plead GUILTY I may be asked questions concerning the facts of the offense(s) to which I am pleading and that such answers shall be made under oath and may, if untrue, form the basis for later prosecution for perjury or false statement.

14. I understand that if the Court accepts the plea and recommended sentence of the State, this conviction may be considered with prior and/or subsequent convictions and form the basis for declaring me a multiple offender, persistent offender, or career offender and may be used to enhance any punishment under other provisions of the law. Driving related offenses may be used to declare me a Habitual Motor Vehicle Offender.

15. I understand that under a NOLO CONTENDRE, “No Contest” plea or a BEST INTEREST GUILTY plea, even though denying any actual guilt, the Court will hear a statement of facts and enter a judgment of GUILTY. By entering this plea I understand, except under T.C.A. § 40-35-313, Judicial Diversion, I will be found guilty and a judgment of guilt shall be entered against me.

PETITION TO ENTER PLEA OF GUILTY

Comes now the defendant, _____, () with counsel, _____, () PRO SE, having waived right to counsel in writing, and respectfully moves this Honorable Court to accept a plea of guilty in this cause according to the terms and conditions as set forth in the Negotiated Plea Agreement section.

I declare that my plea of guilty, best interest plea of guilty, or nolo contendere, “no contest” plea, and waiver of rights is a free and voluntary act. No one has made any promises or threats to me, except what the State has recommended to the Court as set out in the Negotiated Plea Agreement section.

I believe my attorney, if applicable, has done all that he/she could do to assist me, and I understand that proceedings in the case against me. I request the Court accept my plea as set forth in the Negotiated Plea Agreement section, and I understand that by entering this plea I am

() THE SUSPENDED SENTENCE ORDER CONTAINS CONDITIONS OF PROBATION.

[] To be Determined by the Court [] Waived or Defendant is Not Eligible for Probation

A Pre-Sentence Report is: [] Waived [] Requested

A Sentencing Hearing is: [] Waived [] Requested

ADDITIONAL CONDITIONS: _____

This plea () IS () IS NOT being entered subject to Judicial Diversion, pursuant to T.C.A. §40-35-313, which provides for an expunction of public records upon petition by a defendant upon the successful completion of the diversion program. I understand that if I am not receiving Judicial Diversion, pursuant to T.C.A. § 40-35-313, then this conviction cannot be expunged from public record.

My signature to this document constitutes an EXPRESSED WAIVER of the rights set out herein and I hereby submit this case to the Court for disposition as to guilt and punishment.

ATTESTATION

I have read and/or had explained to me this document and I am hereby freely and voluntarily accepting the terms and conditions of this agreement and waive all rights set out herein and submit myself to this Court without the fear of threat or coercion.

This the _____ day of _____, 2013.

Defendant

Attorney for Defendant (If applicable)

WAIVER OF ATTORNEY

Comes now the defendant in the above referenced matter and would show unto the Court the following: (1) I have been informed that I have the absolute right to be represented, at every stage in this proceeding, by an attorney of my choosing, or, if I am indigent and cannot afford an attorney, I may apply for the Public Defender. (2) After being so informed, it is my desire to waive my rights and proceed in this matter without legal representation. (3) Being of sound mind, I am competent to make this decision and do so without fear, threat, or coercion of any kind and I am not under the influence of any intoxicant.

Defendant

APPROVED:

Attorney for the State