

IN THE GENERAL SESSIONS COURT FOR KNOX COUNTY TENNESSEE

DOCKET _____

DATE _____

RIGHTS WAIVER FORM

You have the right to have an attorney represent you. If you want a lawyer and cannot afford one, the Court will appoint one to represent you. You will be assessed a nonrefundable administrative fee of between \$50.00 and \$200.00 for a court appointed attorney. The actual amount assessed will be based upon your ability to pay.

You have the right to have a preliminary hearing in this Court to determine the issue of probable cause. If this Court finds, from the evidence, that there is a probability that you have committed an offense, this Court will send your case to the grand jury and you have the right to have the Knox County grand jury review your case. If the grand jury finds enough evidence to send the case on to Criminal Court, you then have the right to a jury trial in Criminal Court. That means that there would be a jury of twelve citizens to listen to all the evidence and then decide whether you are guilty or not guilty.

During all of these proceedings, you have the right to remain silent. You cannot be compelled to testify against yourself. That means you don't have to say anything at all about your case if you choose not to.

You have the right to be presumed not guilty and make the state prove your guilt beyond any reasonable doubt.

You have the right to confront all the witnesses against you in open Court, and have your attorney cross-examine them.

You have the right to subpoena witnesses to come into Court and testify for you and compel their attendance by subpoena.

If you are convicted, you have the right to appeal the conviction to the State Court of Criminal Appeals and, if indigent, have an appointed lawyer represent you at that stage of the proceedings also.

I understand I am pleading guilty to the charge of _____ and understand that the minimum sentence is _____ and the maximum sentence is _____.

I understand that after I plead guilty, I may be placed under oath and required to answer questions including questions about my past record, and that my answers to these questions may be used against me in setting my sentence and in perjury proceedings.

I understand all of the rights set forth above. I further understand that by pleading guilty, I voluntarily waive all of the above rights.

I understand that I have the right to be tried in Criminal Court upon an indictment or presentment by the Grand Jury. I also have the right to a trial by jury. I desire to waive these rights and to be tried in General Sessions Court.

X _____

DEFENDANT

I have explained all of the rights and other matters set forth above to my client.

ATTORNEY FOR DEFENDANT

WAIVER AND PLEA

I understand that I have the right to be tried in Criminal Court upon an indictment or presentment by the Grand Jury. I also have the right to a trial by jury. I desire to waive these rights and to be tried in General Sessions Court on this warrant.

I plea **GUILTY** to the above listed charge.

X

DEFENDANT

POSSIBILITY OF NON-CITIZEN DEPORTATION

It is the duty of this Court to inform each non-citizen defendant that his plea and conviction may carry a risk of immigration deportation. If a defendant is a non-citizen, he or she may wish to consult with an attorney for advice prior to pleading to an offense. I have explained all of the rights and other matters set forth above to my client.

X

ATTORNEY FOR DEFENDANT

DEFENDANT

DATE

HANDGUN CARRY PERMIT

Have you been issued a Tennessee HANDGUN CARRY PERMIT in accordance with Tenn. Code Ann 39-17-1351 et seq.? **NO** ___ **YES** ___ **PERMIT TAKEN** _____ (DATE)

X

DEFENDANT

DOMESTIC VIOLENCE OFFENSE FIREARM NOTIFICATION

Tenn. Code Ann. 40-14-109

STATE OF TENNESSEE
VS

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)
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NO. _____

Prior to accepting your plea of guilty, this Court must advise you that it is a federal and state offense for a person convicted of a domestic violence offense to possess or purchase a firearm. This is a life-long prohibition. From the moment of conviction for a domestic violence offense, you will never again be able to lawfully possess or buy a firearm of any kind.

ACKNOWLEDGEMENT

I do hereby acknowledge that I understand the consequences of a conviction for a domestic violence offense and I still wish to enter this plea of guilty to this domestic violence offense. I fully understand that upon conviction of this domestic violence offense that I will never again be able to lawfully possess or buy a firearm of any kind.

DOMESTIC ASSAULT ENHANCEMENT NOTIFICATION

Tenn. Code Ann. 39-13-111

A second conviction for domestic assault is punishable by a fine of not less than \$350.00 nor more than \$3,500.00, and confinement in the county workhouse or jail for not less than 30 consecutive days nor more than 11 months and 29 days.

A third or subsequent conviction for domestic assault is punishable by a fine of not less than \$1,100.00 nor more than \$5,000.00, and confinement in the county workhouse or jail for not less than 90 consecutive days nor more than 11 months and 29 days.

ATTORNEY FOR DEFENDANT

DEFENDANT

DATE

IN THE GENERAL SESSIONS COURT FOR KNOX COUNTY, TENNESSEE

STATE OF TENNESSEE

VS

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) No: _____
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Having been convicted on an initial/subsequent violation of Tenn. Code Ann. Section 55-10-401, et seq., Driving Under the Influence of Intoxicant or Drug, you are hereby advised that the penalties for convictions of said Tenn. Code Ann. Section 55-10-401, et seq., are as follows:

1. In addition to the other penalties set out for a first offense, if at the time of such offense the alcohol concentration in such person is twenty hundredths of one percent (.20%) or more, the minimum period of confinement shall be seven (7) consecutive calendar days rather than forty-eight (48) hours.
2. For conviction on the second offense there shall be imposed a fine of not less than six hundred dollars (\$600.00) nor more than three thousand five hundred dollars (\$3,500.00), confinement in the county jail or workhouse for not less that forty-five (45) days nor more than eleven (11) months and twenty-nine (29) days, and prohibition from driving a motor vehicle in the State of Tennessee for two (2) years.
3. For the third conviction there shall be imposed a fine of not less than one thousand one hundred dollars (\$1,100.00) nor more than ten thousand dollars (\$10,000.00), confinement in the county jail or workhouse for not less than one hundred and twenty (120) days nor more than eleven months and twenty-nine (29) days, and prohibition from driving a motor vehicle in the State of Tennessee for a period six (6) years.
4. For a fourth conviction there shall be imposed a fine of not less than three thousand dollars (\$3,000.00) nor more than fifteen thousand dollars (\$15,000.00), confinement for not less than one hundred and fifty (150) consecutive days, to be served day for day, nor more than the maximum punishment authorized for the appropriate range of a Class E felony, and prohibition from driving a motor vehicle in the State of Tennessee for a period of eight (8) years.
5. A fifth conviction is a Class D felony and any person so convicted shall be sentenced to serve no less than the minimum sentence of imprisonment established for a fourth offender, and not more than the maximum punishment authorized for the appropriate range of a Class D felony. The fifth violation must be committed after July 1, 2019.
6. A sixth or subsequent conviction is a Class C felony and any person so convicted shall be sentenced to serve no less than the minimum sentence of imprisonment established for a fourth offender, and not more than the maximum punishment authorized for the appropriate range of a Class C felony. The sixth or subsequent violation must be committed after July 1, 2016.
7. Any person committing the offense of § 55-10-401 after January 1, 2019, who has at least six prior convictions for § 55-10-401, as defined by § 55-10-405, shall serve one hundred per cent of the sentence imposed by the court less sentence credits earned and retained; however no sentence reduction credits authorized by § 41-21-236 or any other law shall operate reduce the imposed sentence by more than fifteen per cent.
8. The vehicle used in the commission of a second or subsequent violation of § 55-10-401, or the second or subsequent violation of any combination of § 55-10-401 and a statute in any other state prohibiting driving under the influence of an intoxicant, is subject to seizure and forfeiture upon conviction if one of the prior convictions occurred within five (5) years.
9. If a person is convicted of a § 55-10-401 offense within five years of a previous DUI conviction, the Court shall order such person to undergo a drug and alcohol assessment and receive treatment as appropriate.

Unless the Court makes a determination that the person is indigent, the person shall bear the expense of receiving the assessment and treatment. In addition, if the person has a prior conviction as defined in § 55-10-405 within the past five (5) years, the court shall order the person to operate only a motor vehicle, after the license revocation period, which is equipped with a functioning interlock device for a period of six (6) months. During the six-month period, the person must elect a motor vehicle such person will operate exclusively during the interlock period and shall have an ignition interlock device installed at such person's own expense. If the Court finds the person is indigent, monies in the Alcohol and Drug Addiction Fund may be used for the reasonable cost or part of the reasonable cost of the assessment, treatment and ignition interlock device.

10. The trial judge may order the issuance of a restricted motor vehicle operator's license to any person whose operator's license has been revoked because of a conviction in another jurisdiction for operating a motor vehicle while under the influence of an intoxicant. The court shall have discretion to order the person to operate only a motor vehicle that is equipped with a functioning ignition interlock device or place additional limitations on the person's restricted license; provided, however, that a restricted license issued without an ignition interlock requirement shall be subject to geographic restrictions. If the person has a prior conviction within the past ten (10) years for a violation of § 55-10-401 or § 55-10-421, in this state or a similar offense in any other jurisdiction, the court shall be required to order the person to operate only a motor vehicle that is equipped with a functioning ignition interlock device. The court shall also order the person to operate only a motor vehicle, after the license revocation period, which is equipped with a functioning interlock device for a period of six (6) months. During the six-month period, the person must elect a motor vehicle such person will operate exclusively during the interlock period and shall have an ignition interlock device installed at such person's own expense.
11. In addition to all other fines, fees, costs and punishments, an alcohol and drug addiction treatment fee of one hundred dollars (\$100.00) shall be assessed for each conviction of § 55-10-401.
12. In addition to all other fines, fees, costs and punishments, a BADT fee in the amount of \$250.00 shall be assessed upon a conviction for driving under the influence of an intoxicant where the offender taken a breath test on an evidential breath testing unit provided, maintained and administered by a law enforcement agency for the purpose of determining their breath alcohol content or the person has submitted to a chemical test to determine the alcohol or drug content of their blood.
13. If the Court finds a vehicle operator guilty of refusing to submit to a blood or breath test as required by § 55-10-406 (d)(1), the court shall revoke the driver's license for 1 year if the person does not have a prior conviction; 2 years, if the person does have a prior conviction; 2 years, if the court finds that the driver was involved in a collision, in which one (1) or more persons suffered serious bodily injury and violated § 55-10-406 by refusing to submit to such a test or tests; and 5 years, if the court finds that the driver was involved in a collision in which one (1) or more persons are killed and violated § 55-10-406 by refusing to submit to such a test or tests.

You are also advised that a conviction for the offense of driving under the influence of an intoxicant committed in another state shall be used to enhance the punishment for a violation of § 55-10-401 in this state.

ACKNOWLEDGEMENT

I do hereby acknowledge that I have been advised of the enhanced penalties as set forth above.

This _____ day of _____, 20 _____

X

COUNSEL

DEFENDANT

DUIENHAN.FR (070119RS)

BY _____