

IN THE CIRCUIT COURT FOR _____ COUNTY, TENNESSEE

STATE OF TENNESSEE

VERSUS

DOCKET NO. _____

DEFENDANT

DATE OF BIRTH: ____/____/____

S.S.N.: _____ - _____ - _____

ADDRESS: _____

WAIVER OF TRIAL BY JURY AND PETITION TO ENTER PLEA OF GUILTY TO
DRIVING UNDER THE INFLUENCE

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

1. I have been advised of my rights under the Constitution and laws of this state to a speedy and public trial by a jury of my peers and my right to have a jury impose a fine of over \$50.00. I waive those rights.

2. I understand that I may, if I so choose, plead "Not Guilty" to any offense charged against me, 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 and hear 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 not to be compelled to incriminate myself; and (e) the right to have the assistance of counsel in my defense at all stages of the proceedings and that if I cannot afford counsel, counsel will be appointed for me at no cost.

[] I waive my right to have counsel appointed for me.

3. I declare that no officer or agent of any branch of government, nor any other person, has made any promise or suggestion of any kind to me, or within my knowledge to anyone else except the agreement to recommend the sentence as set out below.

4. I understand the proceedings in this cause against me and would ask questions if I had any.

5. I know the Court will not 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 plea, and the recommendations of the state as follows:

Sentence: 11 months and 29 days in jail
Fine: [] \$350.00 [] \$ _____

Defendant shall be [] continuously confined; [] continuously confined for a period of _____ followed by probation for a period of 11 months and 29 days; [] periodically confined as follows: _____

[] confined for a period of 48 hours, followed by probation for 11 months and 29 days.

Probation shall be [] supervised [] unsupervised.

THE DEFENDANT SHALL LOSE DRIVING PRIVILEGES FOR:

[] 1 YEAR [] 2 YEARS [] 3 YEARS

I WILL PAY THE FINE AND/OR COSTS [] TODAY. [] WITHIN 30 DAYS

[] LITIGATION TAX WITHIN 30 DAYS AND THE REMAINDER OF FINE AND COSTS AS FOLLOWS:

I UNDERSTAND THAT ANY PROBATION MIGHT BE REVOKED FOR FAILURE TO PAY MY FINE AND/OR COSTS, BUT I AM SURE THAT I CAN DO SO WITHIN THE TIME SET OUT ABOVE.

I HAVE BEEN ADVISED OF THE FOLLOWING ENHANCED PUNISHMENT FOR ANY SUBSEQUENT DUI CONVICTIONS RECEIVED BY ME:

***** NOTICE TO DEFENDANT REQUIRED BY T.C.A. §55-10-403 *****

The punishment by law for conviction of Driving Under the Influence, Second Offense, is confinement for not less than 45 days, up to 11 months and 29 days in the county jail or workhouse, and a fine of not less than \$600.00 nor more than \$3,500.00, and revocation of driving privileges for 2 years.

The punishment by law for conviction of a third or subsequent offense, is confinement for not less than 120 days up to 11 months and 29 days in the county jail or workhouse, and a fine of not less than \$1,100.00 nor more than \$10,000.00, and revocation of driving privileges for a period of not less than 3 years and not more than 10 years. DUI convictions in another state shall be used to enhance a DUI conviction in Tennessee.

After serving the minimum sentence, day for day, you may also be required to remove litter from public grounds, perform public service work, participate in a rehabilitation program at an alcohol treatment facility, pay restitution to any person suffering physical injury or personal loss as a result of such offense, plus additional conditions of probation.

My signature below is my acknowledgment that I received a copy of this Notice which is a part of my plea, and that the Judge advised my of these matters when sentence was pronounced.

6. I declare that I offer my plea of "Guilty" freely and voluntarily and of my own accord and I feel and believe I understand the charges against me.

SIGNED by me in open court this _____ day of _____, _____.

DEFENDANT

ATTEST:

ASST. DISTRICT ATTORNEY

DEFENSE ATTORNEY

ORDER

Good cause appearing therefor from the foregoing petition, **IT IS ORDERED** that the petition be granted and that the defendant's plea of Guilty be accepted and entered as prayed in the petition as recommended.

Done in open court this the _____ day of _____, _____.

CIRCUIT JUDGE