

PLEA FORMAT

Hon. Justin C. Angel
Circuit Court Judge, TN-12th, III

- Swear in the defendant
- I will call you sir or mam, to show you respect, please call me sir/mam or your honor to show respect not to me, but to the court system.
- Waive 5th amendment right, so they can answer my questions
- Under the influence of any medication, alcohol or drugs?
- If at any time you have a question of your attorney or you're confused about something we're doing, please let me know and I will let you speak with your attorney.
- If you change your mind, and you don't want to enter this plea then please let us know, we will set a jury trial for you as quick as possible.
- **GO OVER PLEA WAIVER FORM**
- Name, case number, charge
 - Is this your signature?
 - Did you go over this form with your attorney?
 - Can you read and write?
 - Do you understand the content of this form?
 - Do you have any questions of your attorney at this time?

Constitutional Rights

- Right to an attorney through all critical stages of your case, if you went to a jury trial you have the right to an attorney represent

you. If you can't afford an attorney, the court will appoint you one.

- Right to have an attorney file and argue pre-trial motions
- Right to a public jury trial where 12 citizens would preside as jurors
- The state has to prove you are guilty beyond a reasonable doubt of every element of every crime
- Right to compel witnesses by subpoena
- Right to confront state witnesses in open court
- Right to testify on your own behalf or remain silent
- Right to appeal conviction and sentence and have an attorney for the appeal
- Right to have a jury set a fine over \$50.00
- **IF PLEADING TO A FELONY:** Felony implications, can't vote, can't own firearm or ammunition, can't run for public office.
There are many other issues that come along with being a convicted felon. Also, a felony conviction like this can be used to up range a sentence against you in the future. Knowing all of this, do you have any questions of your attorney? Do you still want to go forward with your felony plea?
- Has anyone threatened you, forced you or coerced you to enter the plea?
- Has anyone made any promises other than the plea offer?
- (Information) Right to grand jury
- (Venue) Right to handle case in the proper county

Finish plea at the podium

- Identify attorney on the record

- Does Defendant have any questions of the attorney?
- Attorney—Waive a reading of the indictment?
- Attorney--- Waive the presentment of witnesses?
- District Attorney--- tell me about the case
 - Charge
 - Elements
 - Sentence range
- Defendant--- Do you understand the charge against you, what they would have to prove beyond a reasonable doubt at trial, and the maximum punishment you could face if convicted at trial?
- District Attorney--
 - Please state the Factual basis
- Defendant---
 - Did you speak to your attorney about those facts?
 - **Are those facts true?**
- District Attorney---
 - Recommended sentence
- Defendant---
 - Is that the sentence you agreed to? Do you understand the terms of that sentence?
- Defendant
 - Are you satisfied with your attorney's representation?
 - Do you have any questions at this time?
 - Do you fully understand the plea agreement and the sentence?
- Attorney----
 - Anything further on the record?
- Defendant---
 - as to case #_____, charge,_____ How do you plead?

JUDGE's FINDINGS

- I find your plea to be knowing and voluntary.
- I find that there is a factual basis for your plea.
- I will accept the plea agreement and impose the recommended punishment.