

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs May 24, 2000

STATE OF TENNESSEE v. PATRICK MAXWELL

Direct Appeal from the Criminal Court for Sullivan County
Nos. S41,647,S42,120,S42,370 R. Jerry Beck, Judge

No. E1999-00124-CCA-R3-CD
October 27, 2000

JOHN EVERETT WILLIAMS, J., concurring.

I write separately to clearly set out the major factors influencing my decision to concur in the majority opinion. First, the trial judge exhibited patience, fairness, and understanding in ensuring that this defendant knew the consequences of his decision to plead guilty prior to taking his plea. The defendant expressed concern that his attorney made a hasty decision, clearly this could not be said of the trial judge. Second, the trial judge, by allowing the defendant and his attorney the full opportunity review the video in question, eliminated the defendant's complaint.

Otherwise, I would have concluded that a defendant pleading guilty the same day he was formally presented with new charges and that same day expressing a desire to withdraw his plea based upon his well-founded belief that his attorney had not adequately reviewed the evidence against him constitutes a fair and just reason to allow his withdrawal.

JOHN EVERETT WILLIAMS, JUDGE