

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE,)	
)	
<i>Plaintiff,</i>)	SECOND DIVISION
)	
vs.)	
)	
)	NO(s).
)	
<i>Defendant.</i>)	

ORDER SETTING PLEA AGREEMENT NOTICE DATE

This cause came before the Court upon review of the status of this matter. Earlier in the travel of the case, the parties have completed discovery and have filed, or have had the opportunity to file, all motions required to be filed prior to trial by Tenn. R. Crim. P. 12(b). Although the case is ripe for final resolution, the parties have indicated that a trial setting is not desired at this point.

Accordingly, pursuant to Tenn. R. Crim. P. 11(c)(3), the Court will consider a negotiated resolution to this matter if the parties notify the Court that the parties have reached a definitive plea agreement on or before _____ (“Notice Date”).¹ The parties may submit the proposed plea for consideration on the Notice Date or, with approval of the Court, reschedule the matter for entry of the plea on a future date.

NOTICE: Beginning April 1, 2019, the standard plea and judicial diversion forms used by the Second Division will be available online only at www.criminalcourt2.org/forms.

Other standard forms available only online also include standard restitution orders; waivers of notice of increased range; firearms certifications for domestic violence offenses; and notice of DUI enhancements.

If the parties propose resolution by plea, the Court respectfully requests that the plea paperwork be completed and signed prior to the day of entry.

If the parties decide not to submit notice of a negotiated plea agreement by the Notice Date, the Court would expect to set the case for trial at that time. Of course, the Court will still consider resolution by plea after the Notice Date. However, unless the interests of justice otherwise

¹ If the parties wish to submit to the Court a negotiated plea agreement for consideration before the Notice Date, the parties need only to contact the Court informally to set the case on the docket for resolution.

require,² the Court will then only accept a plea of guilty (or no contest) to the charges contained in the indictment(s), with sentencing to be determined by the Court.³

The Criminal Court Clerk is respectfully requested and **ORDERED** to forward copies of this Order to the District Attorney General and to counsel of record for the Defendant.

It is so ordered.

Enter, this the ____ day of _____, 20____.

TOM GREENHOLTZ, Judge

² The Court anticipates and expects that the parties will meet and confer about the possibility of a negotiated resolution *prior* to appearing in open court on the Notice Date. In recognition of this fact, the Court has set the Notice Date sufficiently far off in the future to reasonably accommodate such meetings. As such, in typical cases, the failure of the parties to meet, discuss, or resolve issues related to plea negotiations on the Notice Date will ordinarily not constitute grounds for relief from this Order in the interests of justice.

³ See, e.g., *State v. Hawkins*, 519 S.W.3d 1, 39 (Tenn. 2017) (recognizing that Rule 11(c) “indicates that the preferred practice and the ordinary practice requires the parties to advise the trial court of a plea agreement, stating that, ‘[e]xcept for good cause shown, the parties *shall notify* the court of a plea agreement at the arraignment or at such other time *before trial* as the court orders.’” (emphasis in original)); *McGill v. State*, No. W2006-00499-CCA-R3-PC, 2007 WL 1515148, at *4 (Tenn. Crim. App. May 23, 2007) (“This procedure [of setting plea agreement deadlines] is entirely consistent with the provisions of Tenn. R. Crim. P. 11 and the trial court’s authority to control the orderly process of the case and the court’s docket.”); *State v. Murphy*, No. W2011-00744-CCA-R3-CD, 2012 WL 1656735, at *4 (Tenn. Crim. App. May 9, 2012) (“Given the wide discretion afforded the trial court to reject a plea agreement and the fact that the defendant has no entitlement to a specific plea agreement, we cannot say that the trial court abused its discretion by rejecting the agreement in this case on the basis of its coming after the plea deadline.”); see also *State v. Hamby*, No. M2014-00839-CCA-R3-CD, 2015 WL 3862688, at *5 (Tenn. Crim. App. May 28, 2015), *perm. app. denied*, Aug. 13, 2015 (affirming rejection of plea agreement submitted after the deadline for acceptance of negotiated dispositions, and recognizing that “a defendant does not have an absolute right to have the trial court accept a guilty plea” and that the “final decision whether to accept or reject a negotiated guilty plea rests solely with the trial court”).