

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

FILED

12/21/2020

Clerk of the  
Appellate Courts

**IN RE: JODY RODENBORN TROUTMAN, BPR #018868**

An Attorney Licensed to Practice Law in Tennessee  
(Campbell County)

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**No. M2020-01690-SC-BAR-BP**  
BOPR No. 2020-3146-2-AW-22.3

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**ORDER OF ENFORCEMENT**

This matter is before the Court pursuant to Tenn. Sup. Ct. R. 9, § 22.1, 22.2 and 22.3, upon a Notice of Submission filed by Disciplinary Counsel for the Board of Professional Responsibility consisting of a certified copy of *State of Tennessee v. Jody R. Troutman*, Case # 15-CR-3071, a guilty plea entered and a conviction of Driving Under the Influence (DUI), a Class A misdemeanor, in violation of Tenn. Code Ann. §55-10-501. A certified copy of the Judgment Order is attached hereto and incorporated herein as Exhibit A.

A matter in the Criminal Circuit Court for Claiborne County, Tennessee, *State of Tennessee v. Jody Troutman*, Case # 2016-CR-2300, a guilty plea entered and a conviction of Theft of Property, a Class B misdemeanor, in violation of Tenn. Code Ann. §39-14-103. A certified copy of the Judgment Order is attached hereto and incorporated herein as Exhibit B.

A matter in the General Sessions Court for Campbell County, Tennessee, *State of Tennessee v. Jody R. Troutman*, Case # 18-CR-2538, a guilty plea entered and a conviction of Driving Under the Influence, 2<sup>nd</sup> (DUI), a Class A misdemeanor, in violation of Tenn. Code Ann. §55-10-501. A certified copy of the Judgment Order is attached hereto and incorporated herein as Exhibit C.

IT IS THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

1. Jody Rodenborn Troutman is suspended from the practice of law on this date pending further orders of this Court, pursuant to Tenn. Sup. Ct. R. 9, § 22.3;

2. This matter shall be referred to the Board of Professional Responsibility for the institution of a formal proceeding in which the sole issue to be determined shall be the extent of the final discipline;

3. Jody Rodenborn Troutman shall fully comply with the provisions of Tenn. Sup. Ct. R. 9, § 28, concerning disbarred or suspended attorneys; and

4. The Board of Professional Responsibility shall cause notice of this suspension to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM

**IN THE GENERAL SESSIONS COURT FOR CAMPBELL COUNTY, TENNESSEE**

STATE OF TENNESSEE VS. Jody R. Trautman CASE # 15 CR 3071  
 DOB: 04/02/1970 RACE W SEX M SSN 482 86 8909 STATE CONTROL # \_\_\_\_\_

**FILED**  
12/21/2020

**JUDGMENT ORDER**

The defendant appeared in person with counsel or having waived counsel in writing as indicated in the waiver, having been charged in an affidavit of complaint with the crimes shown therein and entered a plea of guilty to the offenses listed below. Prior to entering the plea of guilty, the defendant was advised in open court of his constitutional and statutory rights and the consequences of his conviction as set forth in the Waiver of Rights and Request for Acceptance of Plea of Guilty set forth on the back of this Judgment and was questioned concerning his/her understanding of those rights, the waiver of those rights, and the consequences of his/her plea of guilty. The Court has determined that the defendant's waiver of rights, the plea of guilty and the waiver of counsel, if appearing pro se, was made freely and voluntarily and not result of any coercion or promises apart from a plea-agreement. The Court therefore accepts the plea of guilty and finds that there is a factual basis for the plea of guilty and that the defendant is guilty of the following misdemeanors. The Court's findings and judgment as to sentence after considering the evidence, the entire record, and all factors in Tennessee Code Annotated, Title 40, Chapter 35, all of which are incorporated by reference herein, are as follows:

| CHARGE     | CLASS      | FINE         | CONFINEMENT @ 75% min. service eligibility | UNSUSPENDED CONFINEMENT |
|------------|------------|--------------|--|-------------------------|
| <u>DUI</u> | <u>A/M</u> | <u>\$350</u> | <u>11/29</u>                               | <u>2</u> DAYS           |
|            |            |              |  |                         |
|            |            |              |  |                         |
|            |            |              |  |                         |

- Judgment deferred for 1 year pursuant to Tennessee Code Ann. Section 40-35-313 subject to certification by the T.B.I. The defendant is subject to good behavior, compliance with the special conditions indicated below and the rules of probation.
- Sentences in the multiple counts are to be served concurrently with each other.  Sentence is to be served concurrently with all prior cases.
- Sentences in the multiple counts are to be served consecutively \_\_\_\_\_
- Sentences is to be served consecutively to following cases: \_\_\_\_\_
- Community Service: \_\_\_\_\_ hours;  Waived due to (disability)(work schedule)(out of county residence)
- Revocation of Driver's License: 1 year(s).  Attendance at DUI school and payment of fee of \$ as set

- Completion of (in-patient)(out-patient) drug/alcohol rehabilitation program and receive jail credit therefore.
- Restitution : \$ \_\_\_\_\_
- (Forfeitures)(ECF): \$ \_\_\_\_\_
- Payment of court costs in the amount of \$ as set.  Probation fee: \$ as set.

Total monetary obligation of \$ \_\_\_\_\_ to be paid in the following manner:  Supervised  Other  
PAY AT LEAST \$ 75 PER MONTH BEGINNING June 13, 2016 TILL PAID IN FULL

- Defendant is found to be indigent and relieved of paying all monetary obligations.
- (Probation)(Sentencing) hearing set for \_\_\_\_\_ The defendant is subject to the Rules of Probation pending the hearing.
- Probation is immediately granted for a period of 11/29 (month(s))(year(s)) subject to the general rules of probation set forth in the Probation Order and any special conditions of probation. The defendant shall read and is responsible for knowing the contents thereof.
- By agreement of the parties and upon request of the defendant, probation shall be extended beyond the above term until all the probation/sentencing requirements set forth herein are completed, but no longer than the above term once the other conditions are satisfied.
- The defendant shall serve as a condition of probation the unsuspended sentence undiminished by sentence credits except for pre-trial jail credit in the following manner: Defendant to report on 5/18/16 to serve balance of statutorily imposed term.

Defendant is required as a condition of probation to appear in Court at \_\_\_\_\_ (a.m.)(p.m.) on \_\_\_\_\_ and thereafter as required by the Court to review his/her compliance with the sentence requirements. The defendant and his/her sureties shall remain obligated under the present bail for such court appearances.

Special conditions of probation supervised by:  GRACE ETHRA until costs and fines are paid in full.

Bobby W. Yann, Circuit Court Clerk  
 Tennessee do certify that the above is a true and perfect copy as appears of record in the office in Jacksboro Book No. \_\_\_\_\_  
 This the 23 day of October, 2020  
 Circuit Court Clerk

Allyson J. Doss D.C.  
 Alcohol & Drug assessment and follow all recommendations  
 Random Drug Testing  
 Complete MADD course @ defendant's expense @ the Campbell County Justice Center on June 13 at 5:15 pm.

- Shall not assault or attempt to assault any of the following persons: \_\_\_\_\_
- The following charges are dismissed: \_\_\_\_\_
- Victim's Assistance Assessment \$ \_\_\_\_\_
- This case to run concurrent w/ Defendants plea in (Smithville County) Criminal Court Case No. 16 CR 2300 re Attempted Theft. was not at this time also run concurrent w/ Campbell County General Sessions Case No 15 CR \_\_\_\_\_

Date: 5-11-16 General Sessions Court Judge: W. M. ...



**TABLE MISDEMEANOR AND DUI PUNISHMENTS**

| A. ALL OFFENSES<br>MAXIMUM | B. DRUG OFFENSES<br>MINIMUM<br>FINES-MARIJUANA OFFENSES | C. DUI                 |                                  |                         | Revocation<br>OF License |
|----------------------------|---|------------------------|----------------------------------|-------------------------|--------------------------|
|                            |   | Conviction             | Minimum<br>Jail Sentence         | Minimum<br>Maximum Fine |                          |
| CLASS                      | JAIL SENTENCE/FINE                                      |                        |                                  |                         |                          |
| A                          | 11 months/29 days-\$2500                                | 1 <sup>ST</sup> -\$250 | 2 days*                          | \$350-1500              | 1 year                   |
| B                          | 6 months-\$500  | 2 <sup>ND</sup> -\$500 | 45 days                          | 600-3500                | 2 years                  |
| C                          | 30 days -\$50   | 3 <sup>RD</sup> -\$750 | 120 days                         | 1,100-10,000            | 6 years                  |
|                            |   |                        | 150 days                         | 3000-15,000             | 8 years                  |
|                            |   |                        | 4 <sup>th</sup> (Class E Felony) |                         |                          |

\*7 days if the defendant's blood alcohol concentration is .20% or more.  
\*An additional 30 days if defendant is accompanied by a child under 16 years of age + additional \$1,000 fine

RECEIVED  
OCT 27 2020  
BOARD OF PROFESSIONAL  
RESPONSIBILITY

**DWI** – Driving while impaired (D.W.I.) is a Class B Misdemeanor punishable only by a fine of \$500. Second and subsequent convictions for D.W.I are of the same class and are punishable in the same manner as that for second and subsequent convictions for DUI. Prior DWI convictions may be used to enhance the punishment for a DUI conviction in the same manner as a previous DUI conviction, and prior DUI convictions may be similarly used to enhance sentence.

**Driving on Revoked License** – The minimum sentence if the revocation, suspension or cancellation is due to a DUI, leaving the scene of an accident, or vehicular homicide or assault conviction is 2 days and is punishable by a fine not more than \$1,000. It is a Class B Misdemeanor. A second or subsequent violation is a Class A Misdemeanor. The minimum sentence if the revocation, suspension, or cancellation is due to a second or subsequent conviction of the above offenses is 45 days and is punishable by a fine not more than \$3,000.

**WAIVER OF INDICTMENT BY GRAND JURY AND TRIAL BY JURY AND REQUEST FOR ACCEPTANCE OF PLEA OF GUILTY**

The defendant hereby requests to enter a plea of guilty to the misdemeanor offense(s) shown on the Judgment and waives his/her right to indictment by a grand jury and trial by jury and requests the Court to accept his/her plea and set an appropriate sentence including any fine. The defendant understands the nature of the charges against him/her and that the minimum mandatory and maximum sentences for the offenses to which he/she is pleading guilty are shown on the chart above. The defendant certifies that the personal statistical information on the Judgment is correct. The State joins in this request for the purpose of waiving its rights to a jury trial.

**RIGHT TO COUNSEL**

The defendant understands that he/she has the right to have the assistance of counsel at all stages of the proceedings and that if he/she is indigent and cannot afford one, the Court would appoint an attorney to represent him/her. He/she understands that one of the advantages of being represented by an attorney is the effective preservation of the right to appeal.

**TRIAL RIGHTS**

The defendant acknowledges that he/she fully understands the following constitutional and statutory rights and that by pleading guilty he/she freely and voluntarily gives up, waives, each and every one of these rights: (1) The right to plead not guilty; (2) The right to a preliminary hearing; (3) The right to indictment by the Grand Jury; (4) The right to a jury trial; (5) The right to confront and cross examine witnesses; (6) The right not to be compelled to incriminate himself/herself; (7) The right to use the powers of the Court to obtain evidence and witnesses in his/her favor and testify in his/her own behalf; (8) The right to have any fine greater than \$50.00 be set by a jury; and (9) The right to appeal if convicted after trial. The defendant understands that upon pleading guilty, the Court may ask him/her questions about the offenses and that the answers if under oath, on the record and in presence of counsel, may be used against him/her in a prosecution for perjury or false statement.

**CONSEQUENCES OF GUILTY PLEA**

The defendant understands that there will be the following consequences if he/she pleads guilty and his/her plea is accepted by the Court: (1) There will be no further trial except as to his/her sentence; (2) His/her prior convictions, if any, may be considered in determining the sentence; (3) The conviction in this case will be a public record; and (4) The conviction in this case may result in the defendant receiving greater punishment if he/she is later convicted of another crime, and may require, as in the case of DUI or drug offenses, a greater minimum mandatory sentence. The defendant fully understanding his/her rights and the consequences of his/her plea of guilty and the resulting conviction, states that he/she is pleading guilty because he/she is guilty and committed the offenses to which he/she is pleading guilty and that his/her plea of guilty is freely and voluntarily made and is not the result of force or threats or promises apart from the plea agreement.

**SENTENCING RECOMMENDATIONS**

- The defendant understands that the District Attorney General or his representative will recommend the sentence and other action set out in the Judgment upon his/her plea of guilty and the defendant requests that the Court impose that sentence under the conditions set forth:
- The defendant is entering his/her guilty plea without any plea agreement.

Date: 05/11/2016

Defendant: [Signature]

Asst. DAG [Signature]

Defense Counsel [Signature]

**WAIVER OF COUNSEL** Understanding that he/she is charged with an offense which involves a possible deprivation of liberty and his/her rights to counsel as set forth above, the defendant voluntarily, knowingly, and without force or coercion or promises of any kind, waives the right to counsel. He/she acknowledges that he/she has been given sufficient opportunity to retain counsel and that he/she does not wish to request court appointed counsel and wishes to proceed in this case without an attorney.

Defendant \_\_\_\_\_

05/20/2016 FRI 15:53 FAX

003/003

IN THE CRIMINAL/CIRCUIT COURT FOR CLAIBORNE COUNTY, TENNESSEE

FILED 12/21/2020 Clerk of the Appellate Courts

Case Number: 2016-CR-2300 County: 2 Counsel for the State: GRAMMIE WILSON
Judicial District: 8th Judicial District: Criminal Counsel for the Defendant: MICHAEL O. HATMAKER
State of Tennessee vs. JODY TROUTMAN
Date of Birth: 04/02/1970 Sex: Female
Race: White SSN: 480-86-8409 Driver License #: 065A35673 Issuing State:
State ID #: County Offender ID #: (if applicable) ROM18/TDOC #:
Relationship to Victim: Victim's Age:
State Control #: Arrest Date: Indictment Filing Date:

JUDGMENT Original Amended Corrected

Come the parties for entry of judgment. On the 18th day of May 2016 the defendant:

Form with checkboxes for Pled Guilty, Pled Not Guilty, Pled Guilty - Certified Question Findings incorporated by Reference. Includes sections for Indictment Class, Amended Offense Name, and Conviction Class.

After considering the guidelines, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 39, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and costs are imposed as follows:

Table with columns: Offender Status (Check One), Release Eligibility (Check One), Concurrent with All Prior, Pretrial Jail Credit Period(s). Includes checkboxes for Mitigated, Standard, Multiple, Persistent, Career, etc.

Sentencing Form including: Sentence Length: 6 Months; Alternative Sentence: 6 Months; WAS DRUG COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? Yes/No.

Court Ordered Fees and Fines: Court Costs, Pines Assessed, Traumatic Brain Injury Fund, Drug Testing Fund, CFCF, Sex Offender Tax. Total Amount \$, Per Month \$.

Special Conditions: The Defendant having been found guilty is ordered to provide a biological specimen for the purpose of DNA analysis. Pursuant to 39-13-321 the defendant is ordered to provide a biological specimen for the purpose of HIV testing. Pursuant to 39-13-324 the defendant is sentenced to community supervision for life following sentence expiration. Pursuant to Title 68, Chapter 11, Part 10, the clerk shall forward this judgment to the Department of Health.

In have all costs paid in full by 11/7/2016.

E. SHAYNE SEXTON Judge's Name Judge's Signature Date of Entry of Judgment 05/18/2016
Counsel for State (Signature optional) Defendant/Defendant's Counsel/Signature (optional)

I, Jackie Rosenbalm, Circuit Court Clerk of Claiborne County, TN do hereby certify that the foregoing is a true and perfect copy of Judgment. As same appears of record in my office and that I am the official custodian of such record. Witness my hand and official seal at office this 30th day of Oct 2016 Jackie Rosenbalm, Circuit Court Clerk

FILED Claiborne County Criminal Court

MAY 31 2016

Jackie Rosenbalm, Clerk bc

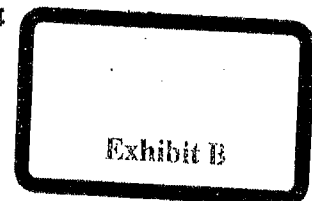


Exhibit B

**IN THE GENERAL SESSIONS COURT FOR CAMPBELL COUNTY, TENNESSEE**

STATE OF TENNESSEE VS. Jody R. Trueman CASE # 18-CR-2538  
 DOB: 4-2-70 RACE W SEX F SSN 480-86-8409 STATE CONTROL # 12/21/2020

**JUDGMENT ORDER**

The defendant appeared in person with counsel or having waived counsel in writing as indicated in the waiver, having been charged in an affidavit of complaint with the crimes shown therein, and entered a plea of guilty to the offenses listed below. Prior to entering the plea of guilty, the defendant was advised in open court of his constitutional and statutory rights and the consequences of his conviction as set forth in the Waiver of Rights and Request for Acceptance of Plea of Guilty set forth on the back of this Judgment and was questioned concerning his/her understanding of those rights, the waiver of those rights, and the consequences of his/her plea of guilty. The Court has determined that the defendant's waiver of rights, the plea of guilty and the waiver of counsel, if appearing pro se, was made freely and voluntarily and not result of any coercion or promises apart from a plea-agreement. The Court therefore accepts the plea of guilty and finds that there is a factual basis for the plea of guilty and that the defendant is guilty of the following misdemeanors. The Court's findings and judgment as to sentence after considering the evidence, the entire record, and all factors in Tennessee Code Annotated, Title 40, Chapter 35, all of which are incorporated by reference herein, are as follows:

| CHARGE                    | CLASS      | FINE                      | CONFINEMENT                                 | UNSUSPENDED CONFINEMENT |
|---------------------------|------------|---------------------------|---|-------------------------|
| <u>DUI 2<sup>nd</sup></u> | <u>A/m</u> | <u>\$600<sup>00</sup></u> | <u>11/29</u> @ 75% min. service eligibility | <u>45</u> DAYS          |
|                           |            |                           | <u>w/ jail credit since 6-6-18</u>          | <u>45</u> DAYS          |

- Judgment deferred for 1 year pursuant to Tennessee Code Ann. Section 40-35-313 subject to certification by the T.B.I.. The defendant is subject to good behavior, compliance with the special conditions indicated below and the rules of probation.
- Sentences in the multiple counts are to be served concurrently with each other.  Sentence is to be served concurrently with all prior cases.
- Sentences in the multiple counts are to be served consecutively \_\_\_\_\_
- Sentences is to be served consecutively to following cases: \_\_\_\_\_
- Community Service: \_\_\_\_\_ hours;  Waived due to (disability)(work schedule)(out of county residence)
- Revocation of Driver's License: 2 year(s).  Attendance at DUI school and payment of fee of \$ \_\_\_\_\_
- Completion of (in-patient)(out-patient) drug/alcohol rehabilitation program and receive jail credit therefore.
- Restitution : \$ \_\_\_\_\_
- (Forfeitures)(ECF): \$ \_\_\_\_\_
- Payment of court costs in the amount of \$ as set.  Probation fee: \$ as set
- Total monetary obligation of \$ as set to be paid in the following manner:  Supervised  Other  
PAY AT LEAST \$ 100<sup>00</sup> PER MONTH BEGINNING TILL PAID IN FULL
- Defendant is found to be indigent and relieved of paying all monetary obligations.
- (Probation)(Sentencing) hearing set for \_\_\_\_\_ The defendant is subject to the Rules of Probation pending the hearing.
- Probation is immediately granted for a period of \_\_\_\_\_ (month(s))(year(s)) subject to the general rules of probation set forth in the Probation Order and any special conditions of probation. The defendant shall read and is responsible for knowing the contents thereof.
- By agreement of the parties and upon request of the defendant, probation shall be extended beyond the above term until all the probation/sentencing requirements set forth herein are completed, but no longer than the above term once the other conditions are satisfied.
- The defendant shall serve as a condition of probation the unsuspended sentence updiminished by sentence credits except for pre-trial jail credit in the following manner: Defendant shall report to jail to serve sentence on or before 10-4-18, or upon release from inpatient treatment.
- Defendant is required as a condition of probation to appear in Court at \_\_\_\_\_ (a.m.)(p.m.) on \_\_\_\_\_ and thereafter as required by the Court to review his/her compliance with the sentence requirements. The defendant and his/her sureties shall remain obligated under the present bail for such court appearances.

I, Bobby W. Vann, Circuit Court Clerk for Campbell County, Tennessee do certify that the foregoing is a true and perfect copy as appears of record in my office in Jacksboro Book No. \_\_\_\_\_ Page \_\_\_\_\_  
 This the 29 day of October, 2020  
 Circuit Court Clerk BOBBY W. VANN

- GRACE  ETHRA
- Alcohol & Drug assessment and follow all recommendations
- Random Drug Testing
- Complete MAOP course @ defendant's expense

- Shall not assault or attempt to assault any of the following persons: \_\_\_\_\_
- The following charges are dismissed: 18-CR-2536, 18-CR-2538
- Victim's Assistance Assessment \$ \_\_\_\_\_
- Defendant shall receive jail credit for inpatient pursuant to statute

Date: 9.4.18 General Sessions Court Judge: \_\_\_\_\_



**TABLE OF MISDEMEANOR AND DUI PUNISHMENTS**

| A. ALL OFFENSES<br>MAXIMUM | B. DRUG OFFENSES<br>MINIMUM | C. DUI<br>Conviction             | Minimum   | Minimum      | Revocation |
|----------------------------|-----------------------------|----------------------------------|---|--------------|------------|
|                            |                             |                                  | Jail Sentence   | Maximum Fine | Of License |
|                            |                             | 1 <sup>ST</sup>                  | 2 days*   | \$350-1500   | 1 year     |
|                            |                             | 2 <sup>ND</sup>                  | 45 days   | 600-3500     | 2 years    |
|                            |                             | 3 <sup>RD</sup>                  | 120 days  | 1,100-10,000 | 6 years    |
|                            |                             | 4 <sup>th</sup> (Class E Felony) | 150 days  | 3000-15,000  | 8 years    |
|                            |                             |                                  | *7 days if the defendant's blood alcohol concentration is .20% or more  |              |            |
|                            |                             |                                  | *An additional 30 days of defendant is accompanied by a child under 16 years of age + additional \$1,000 fine |              |            |

**DWI** - Driving while impaired (D.W.I.) is a Class B Misdemeanor punishable only by a fine of \$500. Second and subsequent convictions for D.W.I are of the same class and are punishable in the same manner as that for second and subsequent convictions for DUI. Prior DWI convictions may be used to enhance the punishment for a DUI conviction in the same manner as a previous DUI conviction, and prior DUI convictions may be similarly used to enhance sentence.

**Driving on Revoked License** - The minimum sentence if the revocation, suspension or cancellation is due to a DUI, leaving the scene of an accident, or vehicular homicide or assault conviction is 2 days and is punishable by a fine not more than \$1,000. It is a Class B Misdemeanor. A second or subsequent violation is a Class A Misdemeanor. The minimum sentence if the revocation, suspension, or cancellation is due to a second or subsequent conviction of the above offenses is 45 days and is punishable by a fine not more than \$3,000.

**WAIVER OF INDICTMENT BY GRAND JURY AND TRIAL BY JURY AND REQUEST FOR ACCEPTANCE OF PLEA OF GUILTY**

The defendant hereby requests to enter a plea of guilty to the misdemeanor offense(s) shown on the Judgment and waives his/her right to indictment by a grand jury and trial by jury and requests the Court to accept his/her plea and set an appropriate sentence including any fine. The defendant understands the nature of the charges against him/her and that the minimum mandatory and maximum sentences for the offenses to which he/she is pleading guilty are shown on the chart above. The defendant certifies that the personal statistical information on the Judgment is correct. The State joins in this request for the purpose of waiving its rights to a jury trial.

**RIGHT TO COUNSEL**

The defendant understands that he/she has the right to have the assistance of counsel at all stages of the proceedings and that if he/she is indigent and cannot afford one, the Court would appoint an attorney to represent him/her. He/she understands that one of the advantages of being represented by an attorney is the effective preservation of the right to appeal.

**TRIAL RIGHTS**

The defendant acknowledges that he/she fully understands the following constitutional and statutory rights and that by pleading guilty he/she freely and voluntarily gives up, waives, each and every one of these rights: (1) The right to plead not guilty; (2) The right to a preliminary hearing; (3) The right to indictment by the Grand Jury; (4) The right to a jury trial; (5) The right to confront and cross examine witnesses; (6) The right not to be compelled to incriminate himself/herself; (7) The right to use the powers of the Court to obtain evidence and witnesses in his/her favor and testify in his/her own behalf; (8) The right to have any fine greater than \$50.00 be set by a jury; and (9) The right to appeal if convicted after trial. The defendant understands that upon pleading guilty, the Court may ask him/her questions about the offenses and that the answers if under oath, on the record and in presence of counsel, may be used against him/her in a prosecution for perjury or false statement.

**CONSEQUENCES OF GUILTY PLEA**

The defendant understands that there will be the following consequences if he/she pleads guilty and his/her plea is accepted by the Court: (1) There will be no further trial except as to his/her sentence; (2) His/her prior convictions, if any, may be considered in determining the sentence; (3) The conviction in this case will be a public record; and (4) The conviction in this case may result in the defendant receiving greater punishment if he/she is later convicted of another crime, and may require, as in the case of DUI or drug offenses, a greater minimum mandatory sentence. The defendant fully understanding his/her rights and the consequences of his/her plea of guilty and the resulting conviction, states that he/she is pleading guilty because he/she is guilty and committed the offenses to which he/she is pleading guilty and that his/her plea of guilty is freely and voluntarily made and is not the result of force or threats or promises apart from the plea agreement.

**SENTENCING RECOMMENDATIONS**

- The defendant understands that the District Attorney General or his representative will recommend the sentence and other action set out in the Judgment upon his/her plea of guilty and the defendant requests that the Court impose that sentence under the conditions set forth;
- The defendant is entering his/her guilty plea without any plea agreement.

Date: 9-4-18

Defendant: *Jay Johnson*

Asst. DAG: *[Signature]*

Defense Counsel: *[Signature]*

**WAIVER OF COUNSEL** Understanding that he/she is charged with an offense which involves a possible deprivation of liberty and his/her rights to counsel as set forth above, the defendant voluntarily, knowingly, and without force or coercion or promises of any kind, waives the right to counsel. He/she acknowledges that he/she has been given sufficient opportunity to retain counsel and that he/she does not wish to request court appointed counsel and wishes to proceed in this case without an attorney.

Defendant: \_\_\_\_\_