

STATE OF TENNESSEE

NAME: Ali H. Danwiche

AKA: _____
SEX: m RACE: --- DOB: 12/18/70
R & I #: _____ 103-82-9370

NO.: CM135947
CHARGE(S): VIOLATION of Tobacco tax law
Class (B) 2095
DATE OF OFFENSE: 5/6/97

**PETITION FOR ACCEPTANCE OF
PLEA OF GUILTY BY DEFENDANT AND WAIVER OF RIGHTS**

Defendant states that he has been advised by his attorney of the following rights which the defendant fully understands that he is giving up by this guilty plea:

1. The right to plead not guilty;
2. The right to a jury trial;
3. The right to confront and cross-examine the witnesses against him;
4. The right not to be compelled to incriminate himself;
5. The right to indictment.

Defendant further states that he fully understands and waives each and every one of these rights freely and voluntarily.

Further, defendant states that he has been fully advised by his attorney and fully understands:

1. The nature of the charge(s) against him;
2. The possible defenses to said charge(s);
3. The minimum punishment for said charge(s);
4. The maximum punishment for said charge(s);
5. That prior convictions may be considered in determining his sentence;
6. The fact that no trial will follow this plea but only sentencing;
7. The fact that it is perjury to falsely answer questions by the Judge while under oath;
8. The fact that there must be facts to support this plea;
9. The fact that this conviction will be used in the future to increase the punishment for subsequent offenses.

Further, defendant states that he is guilty of the charge(s) because the facts which he knows to exist equal the elements of the charge(s) as these elements have been explained to him by his attorney. Defendant therefore states that there is a factual basis for his plea.

Further, defendant states that he is pleading guilty freely and voluntarily without regard to any negotiations which may have taken place between defendant's attorney and any representative of the State of Tennessee in the form of plea bargaining or any other form.

Further, defendant has been advised by his attorney that the Judge is required to interrogate the defendant personally concerning the facts and waivers herein set out and make a verbatim transcript of said interrogation. Defendant having been fully advised of this requirement does now freely and voluntarily waive said interrogation and verbatim recording and petitions the Court to accept his plea of guilty without said interrogation and verbatim recording.

SUBMITTED, APPROVED, AND CONCURRED IN:

MR. ADAB

[Signature]
DEFENDANT
[Signature]
ATTORNEY FOR DEFENDANT



ORDER ACCEPTING PLEA OF GUILTY

After reviewing the petition set out herein, the Court did then interrogate the Defendant personally as to the following matters:

1. The nature of the charge(s) against defendant;
2. The possible defenses to said charge(s);
3. The minimum punishment for said charge(s);
4. The maximum punishment for said charge(s);
5. Prior convictions may be considered in determining his sentence;
6. The fact that no trial will follow this plea but only sentencing;
7. The fact that it is perjury for the defendant while under oath to answer the Court's questions falsely;
8. The fact that there must be facts to support the plea;
9. Any plea negotiations which may have taken place;
10. The fact that this conviction will be used to increase the punishment for any subsequent offenses.

Further, the Court did interrogate the defendant as to the intelligent and voluntary waiver of the following rights:

1. The right to plead not guilty;
2. The right to a jury trial;
3. The right to confront and cross-examine the witnesses against him;
4. The right not to be compelled to incriminate himself;
5. The right to indictment.

Based upon this personal interrogation the Court concludes that the defendant understands the nature of the charge(s) against him and the rights which he is giving up by this guilty plea.

Therefore, the Court concludes that there is a factual basis for the defendant's plea of guilty and the defendant's plea is being entered freely, knowingly, and voluntarily after freely, knowingly, and voluntarily waiving the above set-out rights.

Finally, the Court accepts the defendant's plea of guilty.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the defendant's plea of guilty heretofore entered be and is hereby accepted by the Court.

This 70 day of MAY, 1977.

[Signature]
JUDGE, GENERAL SESSIONS COURT OF CAMPBELL COUNTY, TENNESSEE

I, Brenda S. Boshars, Circuit Court Clerk of 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. 1574 Page 19
This the 15th day of MAY, 1977
Circuit Court Clerk *[Signature]*
Angie Joire

WAIVERS

- Waiver for Trial on the Merits (Misdemeanor)
The defendant, after being fully advised by the Court of his right to be tried only upon indictment or presentment by a Grand Jury, his right to a preliminary hearing before indictment, and his right to a trial by a jury of peers, hereby waives those rights and requests that the Judge hear his case on the merits and set an appropriate sentence if found guilty. The State joins in this request for the purpose of waiving its rights to a jury trial.
- Preliminary Examination
DEFENDANT, _____ hereby expressly waives in writing his/her right to a preliminary hearing.

DEFENDANT _____

JUDGE _____

- Right to Counsel
DEFENDANT, _____ after being fully advised of his/her right to the aid of counsel in every stage of the proceedings, and further having been advised that if necessary an attorney will be appointed to represent the defendant, hereby waives his/her right to counsel.

DEFENDANT _____

JUDGE _____

DATE _____, 19____

ATTORNEY-CHECK IF COURT APPOINTED

P.O.
ATTORNEY _____

- Defendant having failed to appear, an Attachment or Alias Arrest Warrant is hereby ordered.

Failure to Appear:
Defendant having failed to appear in Court, a conditional forfeiture of defendant's bail and a capias for his arrest is hereby ordered. Bail is set at

Judge _____
Date: _____, 19____

Court _____

DOCKET NO. 02M135947 PAGE NO. _____

STATE OF TENNESSEE
VS.

Ali H. Darwiche

DEFENDANT

CHARGE Poss of Untaxed/and/or Transportation of Untaxed Cigarettes = FELONY =

ISSUED THIS _____ DAY OF _____, 19____

By _____, CLERK

JUDGE, COMMISSIONER, CLERK

INITIAL APPEARANCE DATE
5-20-97 AT 1:00 AM PM

BOND FIXED AT \$ _____

SECURED BY _____

CONTINUED 5:00-97 9:00

CONTINUED @ 24/97 5:00

RETURN OF SERVICE for payments

EXECUTED AS COMMANDED BY THE ARREST OF THE DEFENDANT

THE BELOW DEFENDANT(S) ARE NOT TO BE FOUND IN THIS COUNTY

DATE _____, 19____

OFFICER _____

JUDGEMENT

Judgement that the Defendant be:

- Dismissed and cost taxed to the _____
- Fined \$ _____ and cost on a plea of _____
- Driving privilege suspended for _____
- Defendant having failed to appear on the date set for trial, a forfeiture of cash bond is hereby ordered.
- Defendant having entered a plea of (guilty) (not guilty), was found guilty by the Court of the following offenses, ordered to pay the Court costs and sentenced as indicated:

Offense	Fine	Confinement	Rel. Elig.
<u>Violation of Title 47 (2005)</u>	<u>-</u>	<u>6 mths</u> <u>(with Ct. Confinement)</u>	<u>75%</u>

- Confinement, (except for _____ days) is suspended for _____ upon the defendant's good behavior, payment of fine and court costs, and _____

- Sentencing is reserved and is to be determined on _____, 19____

- Bound over and held to the Grand Jury of _____ County.

Bail Bond set at \$ _____

- Waived preliminary hearing, bound over and held to the Grand Jury.

Bail Bond set at \$ _____

- Suspended jail upon full payment costs of \$1500.00 forfeited to CCSS (Money Forward - pay \$1000 today because in SVII by 6/24/97)

hugh
JUDGE

DATE 5-20-97, 19____

Cost
Fine \$ _____
Cost \$ _____
Total Fine & Cost \$ _____

UNIFORM CITATION

Campbell County Sheriff's Department

No. 16111

P.O. Box 82 Ky. St. Jacksboro, Tn. 37757

615-562-7446

COMPLAINT - AFFIDAVIT

THE UNDERSIGNED BEING DULY SWORN UPON HIS/HER OATH DEPOSES:

V I O L A T O R V E H I C L E

NAME (FIRST) Ali (MIDDLE) H (LAST) DARWICHE DATE OF BIRTH MO. DAY YR. 12/18/70 RACE L SEX M

ADDRESS 6714 8 Ave 2 B TN RESIDENT? YES NO SEAT BELT? YES NO

CITY Brooklyn STATE NY ZIP CODE 11220 SOCIAL SECURITY NUMBER 103-82-9370

DRIVER LICENSE NUMBER 413 200 241 CLASS/TYPE LICENSE E STATE NYS EXPIRATION DATE MO. DAY YR. 12/18/98 TELEPHONE NUMBER 954-522-0000

OWNED LEASED NAME Alamo Rent-A-Car ADDRESS 1105 E ST, Fort Lauderdale MC CMV HAZ MAT

CARRIER DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE: Rental # 216-858870-9 FIA # 33301 ACCIDENT

MAKE Olds MODEL 4-D (88) YEAR 96 COLOR Blu LICENSE PLATE NUMBER B344543 STATE ILL YEAR 97

UPON STREET/HIGHWAY E 75 S.R. # 159 TRAVEL DIR. N S E W CITY/COUNTY Campbell HIGHWAY TYPE 3L 4L 2L DIV. I-RD SCHOOL RES. RURAL

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

V I O L A T I O N

01 SPEEDING ___ MPH IN ___ SPEED LIMIT ZONE PACING RADAR OTHER

02 RECKLESS DRIVING 20 DUI BAC ___ 103 REGISTRATION LAW 591 OVERWEIGHT AXLE

03 TRAFFIC CONTROL DEVICE 22 REV/SUS/CAN DL 393 CHILD RESTRAINT DATE OF OFFENSE 5-6-97

OTHER: Poss. of Untaxed and/or Transportation of Untaxed Cigarettes

T.C.A. 67-4-1021 = CLASS E Felony = ORDINANCE:

Affiant is Sgt. Randy Baird, a deputy Sheriff for the Campbell Co. Sheriff's Dept. That def. was stopped for traffic violation, def. was issued a courtesy notice for his violation, def. Ali H Darwiche gave consent to search the interior of vehicle upon affiant looking inside the vehicle, the affiant observed a large quantity of untaxed cigarettes on the back seat area of the vehicle. That there was approximately 700 cartons in the interior and trunk area of vehicle above a fence occurred in Campbell Co. TN.

Witness - Sgt. Gary Perkins - CCSD Scott Mills CCSD

THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW.

THIS 6 DAY OF May 1997 TIME 4:00 AM PM

Sgt. Randy Baird RANK OFFICER NAME (PRINT) 709 ID NO.

HAVING BEEN DULY SWORN, I DO HEREBY ATTEST THAT THE ABOVE IS A TRUE AND COMPLETE COPY OF THE ORIGINAL CITATION, AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 9 DAY 5

Sgt. Randy Baird SIGNATURE OF OFFICER

JUDGE/CLERK

I, Blenda Boshars, Circuit Court Clerk of Campbell County, Tennessee do certify that the information appearing on this citation is true and correct to the best of my knowledge and belief.

This is a true and correct copy as appears on my books and records.

Blenda Boshars Circuit Court Clerk

COURT

GENERAL SESSIONS COURT OF Campbell COUNTY NO. 07 IN THE CITY OF JACKSBORO NO. 02

JUVENILE COURT

CITY COURT OF JELICO ON May THE 19 DAY OF May 1997 TIME 1:00 AM PM

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF UP TO SIX (6) MONTHS AND/OR A \$50 FINE. I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE

jailed

Complaint # 97-05-06-1440