

**STATE OF TENNESSEE**  
OFFICE OF THE  
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**NASHVILLE, TENNESSEE 37202**

May 16, 2007

Opinion No. 07-72

Applicability of Tenn. R. Crim. P. 32(f) to General Sessions Court

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**QUESTION**

May a defendant who has entered a plea of guilty in a General Sessions Court seek to withdraw his plea under Rule 32(f) of the Tennessee Rules of Criminal Procedure in that court?

**OPINION**

Yes. A defendant who has entered a guilty plea in General Sessions Court may file a motion to withdraw that plea under the provisions of Tenn. R. Crim. P. 32(f).

**ANALYSIS**

Rule 1 of the Tennessee Rules of Criminal Procedure establishes that the rules are applicable to a General Sessions Court in specifically enumerated circumstances and “in any other situation where the context clearly indicates applicability.” Tenn. R. Crim. P. 1 (b). One of the circumstances enumerated in the rule is the disposition of criminal charges, including a plea of guilty, pursuant to Rule 5. Given this context, it follows that Rule 32(f) likewise applies to the withdrawal of a plea of guilty. *See State v. Thomas M. McNerney*, No. 03C01-9305-CR-00168, 1994 WL 568380 at \*2 (Tenn. Crim. App., Oct. 19, 1994)(where the court, without deciding, assumed the applicability of Rule 32(f) to a plea entered in a court with jurisdiction equivalent to that of a General Sessions Court); Tenn. Op. Atty. Gen. No. 98-048 (February 23, 1998)(concluding that guilty plea proceedings held in a General Sessions Court pursuant to Rule 5 are subject to Rule 11’s requirement of a verbatim recording).

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Requested by:

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