

The trial court found the petitioner thoroughly understood, and even stated several times on the record, he was entering a plea that he felt was in his best interests. The trial court also asked the petitioner if he was under the influence of alcohol or drugs at the plea hearing. The petitioner responded negatively.

The guilty plea was entered in Maury County although the indictment was pending in Lawrence County. However, this was discussed at the time of entry of the plea. The petitioner orally agreed to the entry of the plea in Maury County. Although Tenn. Code Ann. § 40-35-214 provides that waiver of venue is to be “in writing,” the failure to utilize a written waiver in this instance was harmless error in view of the petitioner’s express oral agreement.

The evidence does not preponderate against the findings of the trial court. Further, the petitioner failed to demonstrate that, but for counsel’s performance, he would have insisted upon going to trial.

Accordingly, pursuant to Rule 20 of the Tennessee Court of Criminal Appeals, we affirm the judgment of the trial court. Costs are taxed to the state as the appellant is indigent.

All of which is so ORDERED. ENTER:

JOE G. RILEY, JUDGE

CONCUR:

PAUL G. SUMMERS, JUDGE

JOSEPH M. TIPTON, JUDGE