

## **Child rape guilty pleas overturned by appeals court**

04/21/04

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A Nashville man sentenced to serve 25 years in prison after pleading guilty to two counts of child rape got a second chance in court yesterday.

The state Court of Criminal Appeals overturned the guilty pleas of Richard Daniel Filauro, saying the trial judge should have let him withdraw the pleas when he changed his mind. The case now goes back to the trial court. It was a rare instance where a guilty plea was set aside, said Nashville attorney David Raybin, who represented Filauro on the appeal.

The opinion also sets a precedent that says defendants cannot agree to give up credit for the time they serve in jail awaiting trial, Raybin said.

Filauro, 53, pleaded guilty to raping an 8-year-old female relative on May 10, 2002. When he entered the guilty pleas in a Davidson County Criminal Court, he waived the 18 months of time he had spent in jail awaiting trial. Criminal Court Judge Steve Dozier sentenced Filauro to serve a maximum sentence of 25 years. However, the Court of Criminal Appeals found that giving up the 18 months he had spent in jail made his sentence illegal because, in effect, he would be serving a year and a half more than the maximum time allowed by law.