

STATE OF GEORGIA v. _____, Defendant. Criminal Case No. _____

DEFENDANT'S ACKNOWLEDGMENT OF RIGHTS AND PETITION TO ENTER PLEA OF GUILTY OR NOLO CONTENDERE

I HAVE READ AND UNDERSTAND THE FOLLOWING (Please initial each line that applies to your case):

- ___ (1) I am not under the influence of alcohol or drugs.
- ___ (2) I do not suffer from any mental or physical disability which prohibits me from understanding my rights.
- ___ (3) I have read and understand the charge(s) against me. I understand I can ask for the charges to be explained further before I proceed.
- ___ (4) I understand that if I was on probation or parole when this offense occurred, a plea of guilty or no contest could cause that probated or paroled sentence to be revoked.
- ___ (5) I understand that if I am not a citizen of the United States I could suffer immigration consequences from this conviction, including deportation, exclusion, or denial of naturalization.
- ___ (6) I understand that any person convicted of a misdemeanor crime of domestic violence is prohibited by federal law from owning, shipping, transporting, possessing, or receiving any firearm or ammunition (18U.S.C. §922(g)(9)).
- ___ (7) I understand that my driver's license or vehicle registration may be suspended or revoked as a result of this plea.
- ___ (8) I understand that after conviction I have (180 days/traffic offenses) (one year/other misdemeanors) to file a habeas corpus challenge.
- ___ (9) When I enter a plea of GUILTY or NOLO CONTENDERE to the charges, I give up the following rights:
 - (a) The right to the presumption of innocence.
 - (b) The right to a speedy and public trial before a judge or jury, whichever I prefer.
 - (c) The right to see, hear, and cross-examine all witnesses called to testify against me.
 - (d) The right to use the subpoena power of the Court to compel the production of evidence and the presence of witnesses in my favor.
 - (e) The right to remain silent. The right to testify, or not testify, on my own behalf at trial.
 - (f) The right to make the State prove the charge(s) against me beyond a reasonable doubt.
 - (g) The right to the assistance of an attorney hired by me, or a Court appointed lawyer if I am indigent and can't afford to hire one.
 - (h) The right to appeal an adverse judgment within 30 days if I go to trial and I am convicted.
- ___ (10) I have been advised that for the charges pending against me I can receive a *maximum* sentence of a \$1,000.00 fine (\$5,000.00 for a Misdemeanor of a High and Aggravated Nature) and 12 months incarceration for each misdemeanor charged, and that the sentences can run consecutively.
- ___ (11) **NEGOTIATED PLEA:** I acknowledge the Court does not have to accept the State's recommendation and can impose the maximum sentence allowed by law. If that sentence is less favorable than what was recommended by the State, I have a right to withdraw my plea.
- ___ (12) **NON-NEGOTIATED PLEA:** I am rejecting the State's offer for a negotiated plea. I wish to enter a plea of GUILTY or NOLO CONTENDERE and throw myself on the Court's mercy for sentencing. I understand the Court can impose the maximum sentence allowed by law.
- ___ (13) I understand the State is recommending the following sentence:
 - (a) _____: ___ months, serve ___ hrs./days/mos. custody (CTS ___ days), balance probated, fine \$ _____
 - (b) _____: ___ months, serve ___ hrs./days/mos. custody (CTS ___ days), balance probated, fine \$ _____
 - (c) _____
 - (d) _____
 - (e) The above sentences shall run (concurrently) (consecutively) to each other.

____(14) I understand the State is recommending the following Special Conditions of probation:

- 24-week family violence intervention program
- Stay away from _____
- Publication of conviction
- Screen and treat for _____
- License suspension notice
- mental health
- HV notice
- alcohol/drugs
- No drugs or alcohol; random screens
- violence
- Pay \$_____ restitution to _____
- DUI Court Treatment Program - continuous participation and successful completion
- _____ (weeks) _____ (days) anger management classes
- _____ hours community service
- No violent contact with / no contact with _____
- DUI risk reduction
- Defensive Driving School
- MADD Victim Impact Panel
- Shoplifting offenders class
- No guns or weapons / weapon forfeited
- AA/NA meetings _____ times per week for _____ weeks
- GED classes
- Job counseling; employment applications
- _____ Parenting Classes
- License plate surrender
- Ignition interlock
- other: _____

____(15) **Fourth Amendment Waiver:** I understand that while on probation, I am subject to a search of my person, residence, papers, vehicle, and/or effects at any time of day or night without a search warrant, whenever requested to do so by a Probation Officer or other law enforcement officer upon reasonable cause to believe I am in violation of probation or otherwise acting in violation of the law.

____(16) **IF REPRESENTED BY A LAWYER:** My lawyer's name is _____. I have told my lawyer all the facts and circumstances that I know about the charges in the accusation. I believe that my lawyer is fully informed in all such matters. My lawyer has counseled me and advised me on the nature of these charges, possible defenses I may have in this case, and the potential consequences of entering this plea. I am satisfied with the advice and counsel my lawyer has given me.

____(17) **IF PRO SE (REPRESENTING YOURSELF, WITHOUT A LAWYER):** I acknowledge I have a right to have a lawyer represent me at all hearings and proceedings before this Court. A lawyer can explain my rights and discover defenses, or other collateral consequences beyond the control of my lawyer and the court, which I may not be able to anticipate. I understand I can ask the Court to appoint a lawyer to represent me if I am indigent. If the Court determines I meet the guidelines for indigence it will appoint a lawyer to represent me without cost to me. Nevertheless, I freely and voluntarily waive my right to be represented by a lawyer and I want to represent myself in this court proceeding.

____(18) My decision to enter this plea is made freely and voluntarily and of my own accord, and with the advice of my lawyer, if represented. I understand the nature of the charges and the consequences of entering this plea. Other than the plea bargain offered by the prosecutor and stated in open court, no one has promised me any benefit or a lesser sentence, and no one has forced or threatened me, to influence my decision to enter this plea. I have read this form and knowingly give up each of the above stated rights.

DEFENDANT

DEFENDANT'S ATTORNEY/BAR NO.

I have made inquiry and am satisfied there is a factual basis to support this plea. I find that this defendant is in possession of his/her faculties and is able to understand the nature and consequences of his/her plea. I further find that the defendant is making this plea freely, understandingly, and voluntarily, without undue influence, compulsion, or duress, and without promise of leniency.

This _____ day of _____, 20_____

JUDGE, STATE COURT OF FULTON COUNTY

IN THE STATE COURT FOR THE
COUNTY OF FULTON, STATE OF GEORGIA
CRIMINAL DIVISION

STATE OF GEORGIA,

v.

Defendant.

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ACCUSATION NUMBER _____

CHARGE(S):

PLEA AND VERDICT

I hereby plead NOT GUILTY.

This _____ day of _____, 20____.

Defendant

Defendant's Attorney

Assistant Solicitor-General

I hereby plead GUILTY/NOLO CONTENDERE.

This _____ day of _____, 20____.

Defendant

Defendant's Attorney

Assistant Solicitor-General

I hereby voluntarily, knowingly, and intelligently
WAIVE my right to trial by jury, and request a bench
trial on the above-styled case.

Defendant

We, the Jury, find the defendant _____

Date

Judge-Foreperson