**PLEA OF GUILTY/ACKNOWLEDGEMENT AND WAIVER OF RIGHTS**

**In the Superior Court of Newton County, Georgia**

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| --- | --- |
| STATE OF GEORGIA  vs.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Defendant | ACCUSATION/INDICTMENT #:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Charge(s):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, am the defendant in the case cited above, and am charged with the offense(s) listed above. My lawyer is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am showing to the Court that I understand my rights and am waiving them by answering the questions below. With these rights in mind, it is my wish, of my own free will, to enter a plea of guilty to the offense(s) listed above. I am \_\_\_\_\_ years old. I (can) (cannot) read and write. I work as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(Place your initials in the correct blank after each question.)

1. Do you understand that you don’t have to say, sign or do anything that will tend to show you are guilty of the offense(s) charged unless you want to?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Have you read and examined the Indictment or Accusation charging you in the case?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand completely what you are charged with?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand that you have a right to be tried by a jury with respect to this/these offense(s)?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand that you have the right to make the State bring in witnesses to testify against you under oath at a trial, and that you and your lawyer have the right to question and cross-examine them under oath?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand that the Court can make the witnesses you want come into court to testify for you in your defense? Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_
2. Do you understand that you do not have to plead guilty or not guilty to most felonies unless the Grand Jury has heard sworn evidence and then charged you in an Indictment?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Are you in fact waiving Grand Jury Indictment?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand that for the offense(s) for which you have been charged, you could be sentenced up to \_\_\_\_\_ (months)/(years) in confinement?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand that whatever sentence(s) is/are given by the Court on these offense(s) could be made to start after the completion of any other sentence(s) you are now serving, or which you may be given this day?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand that, if you are now on probation or parole, a plea of guilty to this/these offense(s) may result in revocation of your probation or parole?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand that, even though the State may make a recommendation concerning your sentence, the Court is not bound to accept that recommendation, but could give you either a greater or lesser sentence than recommended?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Are you a citizen of the United States?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand that if you are not a citizen of the United States, a plea of guilty to this/these offense(s) may hurt or affect your Immigration status?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Are you satisfied with what your lawyer has done for you in this/these case(s)?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand all of the questions that you have answered so far?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Understanding all of your rights, do you want to enter a plea of guilty to this/these offense(s)?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Is your decision to plead guilty made freely and voluntarily?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Did you in fact commit the offense(s) as explained in the Indictment or Accusation?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Are you in fact guilty as charged in the Indictment or Accusation?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Are you now under the influence of any drugs, medicines, or alcohol?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you want to be tried by a jury?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you want any of the witnesses, either for you or against you, brought into court for a trial?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Has anyone made any promises or threats against you or anyone you know to cause you to plead guilty?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Has anyone used any force against you or anyone you know to cause you to plead guilty?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand that if your conviction is for a felony, you have four (4) years form the date the conviction becomes final to file a petition for a writ of habeas corpus?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand that if your conviction is for a misdemeanor, you have one (1) year from the date the conviction becomes final to file a petition for a writ of habeas corpus?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you understand that if your conviction is for a traffic offense under Title 40 of O.C.G.A., you have One Hundred Eighty (180) days from the date the conviction becomes final to file a petition for a writ of habeas corpus?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_

1. Do you have a weapon carry license?

Yes\_\_\_\_\_\_\_\_ No\_\_\_\_\_\_\_\_ If yes, what county probate court issued or last renewed the permit? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I hereby certify that I understand all the questions above, that I understand my rights and hereby waive these rights by putting my initials in the correct blank after each question.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant

FOT

*Does the defendant qualify for First Offender Treatment? Yes / No If so, has First Offender Treatment been explained? Yes / No Is First Offender Treatment requested? Yes / No*

CERTIFICATE OF ATTORNEY

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, am counsel for the defendant in the above case(s). I hereby certify that I have investigated the facts of this case and the evidence available to the State, and I believe that it is in the best interests of my client to plead guilty to the offense(s) listed herein. I further certify that I have reviewed all the above questions with my client, and have assured myself that my client understands them, and that my client has indicated his/her understanding of his/her rights and his/her waiver of them by initialing the appropriate blank after each question.

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Counsel for Defendant

IN THE SUPERIOR COURT OF NEWTON COUNTY, GEORGIA

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| --- | --- |
| STATE OF GEORGIA  vs.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Defendant | ACCUSATION/INDICTMENT #:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Charge(s):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

ORDER

The Court has reviewed the formal acknowledgement and waiver of rights of the defendant attached hereto in the above case and has ascertained that the understanding and waiver of rights represented thereby is both intelligent and voluntary. In particular, from questioning of the defendant and his counsel and from the aforesaid acknowledgement and waiver, the court has affirmatively determined that : (1) there is a factual basis for the pleas of guilty; (2) that the defendant understands the nature of the charge against him/her and the consequences of his/her plea; (3) that he/she is pleading guilty freely and voluntarily uninfluenced by the slightest hope of benefit or the remotest fear of injury; (4) that he/she is in fact guilty; and that there has been a knowing and intelligent waiver of (5) the right to trial by jury, (6) confrontation of witnesses, and (7) the privilege against self-incrimination.

WHEREFORE, the court accepts the tendered plea of guilty. Further ordered, that this order and the defendant’s acknowledgement and waiver of rights, with certificate of counsel attached, be filed as part of the record in this case.

This \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_.

This form approved and admitted this date without defense objection.

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| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Judge | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Judge, Newton Superior Court  Alcovy Circuit |