**IN THE SUPERIOR COURT OF NEWTON COUNTY**

**STATE OF GEORGIA**

**STATE OF GEORGIA )**

**vs. ) CASE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, )**

 **Defendant )**

**NOTICE OF HABEAS CORPUS AND APPEAL RIGHTS**

By signing below, the Defendant in this case acknowledges he/she has been informed of the following rights and his or her understanding of these rights:

1. If you feel that you were convicted, or are being held, in violation of your constitutional rights, you may file a petition for writ of habeas corpus in the Superior Court of the county where you are detained. If you are not detained, you must file the petition in the Superior Court of the county where you were convicted. The time limit to do so is explained in the Plea of Guilty: Acknowledgement and Waiver of Rights form you signed today.
2. A petition for writ of habeas corpus is not a criminal proceeding; it is civil in nature. Therefore, you are not entitled to a free or appointed attorney, but you may hire an attorney. A petition for habeas corpus is a suit to challenge the legality of your detention on constitutional grounds. The petition would be heard by a judge sitting without a jury. As in any other civil hearing, you may subpoena witnesses to testify, and you may present other evidence. As the petitioner, you have to prove your case by a preponderance of the evidence.
3. You also have the right to appeal your guilty plea. However, you must do so by filing a notice of appeal with the Clerk of Court within 30 days of the date your sentence is filed with the Clerk of Court. You may qualify for an attorney to be provided to you free of charge. However, that attorney may not be the same attorney that represented you during the guilty plea. It is your responsibility to either file an appeal within 30 days of the date the sentence is filed or request that your attorney do so. If you fail to timely file an appeal or inform your attorney of your wish to do so, you may forfeit your right to appeal your guilty plea.

By signing this form, I agree that my attorney has explained my habeas corpus and appeal rights to my satisfaction.

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

Defendant

As the attorney for the defendant, I certify that I have explained the defendant’s habeas corpus and appeal rights to him/her to his/her stated satisfaction.

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Attorney for the Defendant Printed Name