

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,

vs.

CASE NO.: _____

**PROBATIONER'S INFORMED CONSENT TO TERMS
OF FIRST OFFENDER STATUS OR CONDITIONAL DISCHARGE**

1. My full name is _____, and I request that all proceedings against me be had in that name; and I am mentally competent to make this Informed Consent to the Terms of First Offender Status or Conditional Discharge.
2. I am represented by a lawyer, whose name is _____.
3. I have pleaded _____ to the charge of _____.
4. I understand that upon my violation of the terms of probation, which terms have been fully explained and consented to by me, or upon a conviction for another crime, the Court may enter an adjudication of guilt and proceed as otherwise provided by law. I may not avail myself of First Offender treatment as provided by O.C.G.A. § 42-8-60 or Conditional Discharge as provided by O.C.G.A. § 16-13-2 on more than one occasion.
5. Upon fulfillment of the terms of probation or upon release by the Court prior to the termination of the period thereof, I understand that I shall be discharged without Court adjudication of guilt. The discharge shall completely exonerate me of any criminal purpose and shall not affect any of my civil rights or liberties; and I shall not be considered to have a criminal conviction.
6. Having been placed under probation in accordance with O.C.G.A. § 42-8-60 or O.C.G.A. § 16-13-2, my record of the same shall be forwarded to the Georgia Crime Information Center. In every case in which the record of probation shall have been previously forwarded to the Department of Offender Rehabilitation, to the Georgia Crime Information Center, and to the Identification Division of the Federal Bureau of Investigation and a record of my subsequent discharge and exoneration has not been forwarded as provided in O.C.G.A. § 42-8-62, upon my request or request of my attorney or

representative, the record of the same shall be forwarded by the Clerk of Court so as to reflect the discharge and exoneration.

7. I understand that a discharge under these articles are not a conviction of a crime under the law of this State and may not be used to disqualify me in any application for employment or appointment of office in either the public or private sector.
8. I understand that having been sentenced pursuant to O.C.G.A. § 42-8-60 or O.C.G.A. § 16-13-2, I have the right to appeal in the same manner and with the same scope and same effect as if a judgement of conviction had been entered and appealed from.
9. If otherwise allowable by law in any subsequent prosecution of me for any other offense, I understand that a prior finding of guilt may be pleaded and proven as if an adjudication of guilt had been entered and relief had not been granted pursuant to O.C.G.A. § 42-8-60 or O.C.G.A. § 16-13-2. My record of discharge shall be released solely to the Attorney General, a district attorney, a solicitor of a State Court, the Department of Offender Rehabilitation, the office of a county probation system or of a state of county probation system of another State or of the United States, an office of the State Board of Pardons and Paroles, an office of the pardons and paroles division of another State or of the United States, or a prosecuting attorney of another State or of the United States, upon certification by such probation system or prosecuting attorney that there are pending in a court of competent jurisdiction criminal charges against me, having been discharged under these articles.
10. I fully understand all of the matters and terms set forth in this Probationer's Informed Consent to Terms of First Offender Status or Conditional Discharge; and this informed consent, given at the time of imposition of sentence, is with the full advice and consent of my attorney.

SIGNED BY ME IN THE PRESENCE OF MY ATTORNEY, this ____ day
of _____, 20____.

DEFENDANT

MY AGE IS _____

MY ADDRESS IS _____

SIGNED IN MY PRESENCE THIS ____ day of _____, 20 ____.

ATTORNEY FOR DEFENDANT