

IN THE SUPERIOR COURT
COBB JUDICIAL CIRCUIT
STATE OF GEORGIA

STATE OF GEORGIA

VS.

_____TERM, 20_____

CASE NO. _____

OFFENSE: _____

The Defendant, being sworn, makes the following answers to the Court's questions:

Answer: What is your true and correct legal name? _____

- _____ 1. Are you now under the influence of any alcohol, drugs, narcotics or other medication?
- _____ 2. How old are you?
- _____ 3. How far have you gone in school?
- _____ 4. Have you ever been a patient in a mental institution or under a psychiatrist's or psychologist's care?
- _____ If YES, do you understand what is occurring at this moment?
- _____ 5. Do you understand that you have the right to an attorney, and if you cannot afford one, the Court will appoint one for you?
- _____ 6. Have you had time to confer with, and have you conferred with your attorney about this case?
- _____ Who is your attorney? _____
- _____ 7. Are you a citizen of the United States?
- _____ If you are not a citizen, do you understand that your entry of a guilty plea, even under Georgia's First Offender or Conditional Discharge Acts, will in all likelihood have adverse immigration consequences including deportation, exclusion from this country and/or denial of naturalization?
- _____ Has your attorney discussed the impact of entering this plea on your immigration status?
- _____ Do you still wish to proceed with the entry of this plea?
- _____ 8. Is this plea of guilty made upon your own free decision after discussing it with your attorney?
- _____ 9. Do you authorize and instruct your attorney to enter a plea of guilty on your behalf?
- _____ 10. Are you satisfied with the services your attorney has rendered on your behalf?
- _____ 11. Do you understand what you are charged with in this case?
- _____ 12. Do you understand you have the right to remain silent?
- _____ 13. Do you understand that upon your guilty plea, you could be imprisoned for a maximum of _____ years and _____ months, and fined up to \$_____; with a mandatory minimum of _____?
- _____ 14. Do you understand you can either plead "guilty" or "not guilty" to the charge(s)?
- _____ 15. Has anyone made any promise or threat to you to influence you to plead guilty in this case?

- _____ 16. Do you understand that by pleading “not guilty” or remaining silent and not entering a plea, you would obtain a jury trial?
- _____ 17. Do you understand that in a trial, the State must prove your guilt beyond a reasonable doubt as to every essential element of the crime(s) charged?
- _____ 18. Do you understand that you may plead “not guilty” to the offense(s) with which you have been charged, and that if you plead “not guilty” the Constitution guarantees you the following rights:
- the right to a speedy and public trial by jury;
 - the right to see, hear and cross-examine all witnesses called to testify against you;
 - the right to use the power and process of this Court to compel the production of evidence, including the attendance of any witnesses in your favor;
 - the right to the assistance of an attorney at all stages of the proceedings;
 - the right to testify and offer other evidence;
 - the right to not testify and not incriminate yourself;
 - the right to the presumption of innocence?
- _____ 19. Do you understand that you are giving up all of these rights by entering a guilty plea?
- _____ 20. Do you waive your right to a jury trial?
- _____ 21. How do you plead to the charge(s): “guilty” or “not guilty”?
- _____ 22. Are you in fact guilty?
- _____ 23. Do you acknowledge that there is a factual basis to support the entry of this plea?
- _____ 24. Do you understand that all convictions, including the plea of guilty you are now entering, may be used against you in sentence determination if you ever again plead guilty or are found guilty of another crime?
- _____ 25. Has your attorney discussed with you how this plea could impact your parole eligibility?
- _____ 26. Do you understand that even if this is a negotiated plea with a recommended sentence, the Court is not bound to accept that recommendation?
- _____ 27. Do you understand that if the Court rejects the negotiated plea agreement, you would have the right to withdraw your plea before sentence is pronounced, and if you do not do so, the Court may proceed with sentencing as if you had pled not guilty, stood trial and been convicted by a jury?
- _____ 28. If requesting First Offender or Conditional Discharge:
Have you ever before used this provision of the law?
- _____ Do you understand that if you successfully complete the terms of your agreement, that no adjudication of guilt will be entered and you will be exonerated of guilt for the offense(s) charged?
- _____ Do you understand that if you are found to have violated the terms of your agreement, the Court may adjudicate you guilty of the offense(s) and re-sentence you to the maximum penalty provided by law?
- _____ 29. Have you been issued a Georgia weapons-carry license or concealed-carry permit by any probate court of this State? If so, in what county was it issued? _____
- _____ 30. Do you freely and voluntarily enter your plea of guilty to the charge(s) against you?
- _____ 31. Have these questions been read and explained to you?

The Defendant's attorney makes the following answers to the Court's questions:

- _____ 1. Has the Defendant been informed of his/her rights and have they been explained to him/her?
- _____ 2. Do you believe he/she understands the consequences of a guilty plea?
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I have read all of the above questions and answers or have heard them read, and I understand them, and the answers are the ones given in open court, and they are true and correct.

I further certify that I have discussed with my attorney, and I understand, my right to challenge these proceedings by having my attorney file an appeal via application for discretionary review within 30 days of sentencing, or a motion to withdraw this plea within 30 days of sentencing or until the end of this term of court, whichever is later. I also understand I have a right to file an action for habeas corpus pursuant to O.C.G.A. §§ 9-14-42 and 40-13-33, which must be filed within 180 days from the judgement of conviction on traffic misdemeanors, within one year from the judgment of conviction on all other misdemeanors, and within four years from the judgment of conviction on felonies becoming final by the conclusion of direct review or the expiration of the time for seeking such review.

Defendant

Attorney for Defendant State Bar No. _____

Witnessed by me, this _____ day of _____, 20_____.

Deputy Clerk

CERTIFICATE

The undersigned Presiding Judge hereby certifies:

1. That the above-named defendant while under oath in open court was asked the questions set forth in the foregoing transcript and answered them as set forth therein.
2. That the defendant being represented by the above-named attorney at law entered a plea of _____ to said charge, and in open court, under oath, further informs the Court that he/she is and has been fully advised of his rights and the charges against him/her.

The Court is satisfied that there is a factual basis to support the entry of this defendant's plea. The Court further ascertains, determines and adjudges that the plea by the defendant is freely, understandingly, and voluntarily made, and was made without undue influence, compulsion or duress, and without promise of leniency or hope of reward. It is therefore ordered that the plea be entered on the minutes and that this transcript and certificate be filed with the above case in the Clerk of Superior Court's Office.

This the _____ day of _____, 20_____.

Ann B. Harris
Judge, Superior Court
Cobb Judicial Circuit