

**IN THE SUPERIOR COURT FOR _____ COUNTY
STATE OF GEORGIA**

State of Georgia)
vs.) **Case No.** _____
)
_____,)
Defendant.)

AFFIDAVIT- PLEA OF GUILTY

1. Defendant's name: _____ Age: _____
2. Defendant's attorney's full name: _____
3. Have you told your attorney all the facts about your case(s)? _____
4. Do you want more time to talk to your attorney? _____
5. Can you read and write? _____ What is the highest grade you attended in school? _____
6. Do you understand you are charged with: _____

7. Do you understand the minimum sentence is: _____?
8. Do you understand the maximum sentence is: _____?
9. Do you understand the maximum fine of _____ plus court costs and peace officer's fees may be imposed? _____
10. Do you want the Court to read the indictment to you or explain anything contained in it? _____
11. Are you under the influence of any alcoholic beverages, narcotics or drugs? _____
12. Has the District Attorney (or an Assistant), your lawyer, policeman, law enforcement officer or anyone else, including the judge, made any promises, threats or coerced you or brought any pressure upon you or any member of your family, to get you to plead guilty? _____
13. Has anyone promised you any easier treatment or a lesser sentence if you plead guilty? _____
14. Has your attorney been furnished with a copy of the indictment and a list of witnesses? _____
15. Mr./Ms. Attorney, do you feel your client fully understands each charge against him/her? _____
16. Mr./Ms. Defendant, to these charge(s) you have the legal right to plead not guilty, and, in the discretion of the Court you have the right to plead guilty. Do you understand that? _____
17. If you plead not guilty of the offense(s), then you have the following Constitutional rights:
 - a. The right to a presumption of innocence.
 - b. The right to a trial by jury.
 - c. The right to a speedy and public trial.
 - d. The right to see, hear and question all witnesses against you.
 - e. The right to have a qualified lawyer defend you before, during and after the trial.
 - f. The right to have the trial judge order into court all the witnesses in your favor.
 - g. The right at trial to present evidence in your favor and you may testify for yourself, or if you wish, you may remain silent.
 - h. The right to have the State prove your guilt to a moral and reasonable certainty and beyond a reasonable doubt.
18. Mr./Ms. Defendant, do you understand these rights? _____
19. Mr./Ms. Lawyer, in your opinion does your client understand these rights? _____
20. Do you understand that if you plead guilty, you will give up all the Constitutional rights just outlined to you and you will also give up any defenses to the charges? _____
21. If you plead not guilty, but the jury finds you guilty, the jury would not fix your sentence. The sentence would be fixed by the trial judge. If you plead guilty to this offense then the judge could impose any sentence that could be imposed if found guilty by the jury. Do you understand that? _____

22. Do you understand that the judge could sentence you to consecutive sentence(s) to any sentence you may now be serving or consecutive sentence(s) in these charge(s)? _____
23. Is there anything about these proceedings that you do not understand or wish to have explained further, or do you have any other questions? _____
24. What plea negotiations have you had with the District Attorney and what does the State's counsel recommend in this case(s)?

25. Mr./Ms. Defendant, do you understand and realize that the Court is not bound to follow this recommendation by the State? _____
26. Mr./Ms. Defendant, do you understand that the Court has no control over any issue regarding the possibility of parole or early release? _____
27. Mr./Ms. Defendant, outside of this recommendation by the State, has anyone offered you any benefit, hope or reward to get you to plead guilty or not guilty? _____
28. Do you understand that if you are not a citizen of the United States, this proceeding may have an impact on your immigration status? _____
29. How do you plead to the charge(s), guilty or not guilty? _____
30. Is your plea of guilty freely and voluntarily made? _____
31. Are you in fact guilty of the offense charged in this indictment? _____
32. Do you understand you have a right to appeal this guilty plea (provided you do so within 30 days) and if you cannot afford a lawyer one will be appointed for you? _____
33. If applicable, have you reviewed and do you understand the general conditions of probation? _____
- a. Do not violate the criminal laws of any governmental unit.
 - b. Avoid injurious and vicious habits- especially alcoholic intoxication.
 - c. Avoid persons or places of disreputable or harmful character.
 - d. Report to the Probation Officer as directed and permit such officer to visit you at your home, place of work or elsewhere.
 - e. Work faithfully at suitable employment insofar as may be possible.
 - f. Do not change your place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time or travel to another State, unless permitted to do so by the Probation Officer and waive extradition from anywhere you may be found and not contest any effort by any jurisdiction to return you to this State.
 - g. Support your legal dependants to the best of your ability.
 - h. Upon request by any Probation Officer or law enforcement officer, produce a breath, urine, and/or blood specimen for analysis for the possible presence of a prohibited substance and consent to the use of any findings as evidence.
 - i. Upon request by any Probation Officer or law enforcement officer, submit to a search of your person, residence, vehicle or effects, with or without a search warrant and consent to the use of the fruits as evidence.
 - j. Upon failure to report as ordered by the Probation Officer, your probation shall be automatically tolled until you report.
 - k. Submit to evaluations and testing related to rehabilitation and participate in and successfully complete rehabilitative programming as directed.
34. Do you understand that if you file any type of Habeas Corpus petition, you must file within one year for misdemeanors and four years for felonies? _____

This _____ day of _____, 20_____.

Defendant

Attorney for Defendant