

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

STATE OF GEORGIA	}	CASE NO(S): _____
	}	_____
-versus-	}	_____
_____ ,	}	
DEFENDANT.	}	

AFFIDAVIT - PLEA OF GUILTY

1. Your name: _____ Age: _____
2. Your 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 with your attorney? _____
5. Can you read and write? _____ Highest grade attended in school? _____
6. Do you understand that you are charged with: _____

7. I understand the minimum sentence is : _____
8. I understand the maximum sentence is : _____
9. I understand the maximum fine is _____ and that court costs and surcharges may be imposed.
10. Do you want the court to read the indictment/accusation or explain anything that is contained therein? _____
11. Are you now under the influence of any alcoholic beverages, narcotics or drugs? _____
12. Has the (Assistant) District Attorney, your lawyer, any 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 easier treatment or a lesser sentence if you pleaded guilty? _____
14. Has your attorney been furnished with a copy of the indictment/accusation? _____
15. Mr./Ms. Attorney, do you feel that your client fully understands each charge? _____
16. Mr./Ms. Defendant, do you understand you have the legal right to plead not guilty, and, in the discretion of the Court you have the right to plead guilty to the charge(s)? _____
17. If you tell the Judge you are not guilty of the charges(s), then you have the following Constitutional rights:
 - A. The right to the presumption of innocence.
 - B. The right to trial by jury.
 - C. The right to a speedy and public trial.
 - D. The right to see, hear and question all the 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 the 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. Attorney, 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 and also any defenses to the charges?

21. Do you understand that 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? _____

Do you understand that if you plead guilty, the judge could impose any sentence that could be imposed if you were found guilty by the jury? _____

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 cases(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 does the State's counsel recommend? _____

25. Mr./Ms. Defendant, do you understand 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, if applicable?

27. Mr./Ms. Defendant, outside of this recommendation by the State, has anyone offered you any benefit, hope or reward 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 charges(s), guilty or not guilty?

30. Is your plea of guilty freely and voluntarily made? _____

31. Are you in fact guilty of the offense(s)? _____

32. Do you understand you have the right to appeal provided you do so within 30 days and if you cannot afford a lawyer, one would be appointed to represent you?

33. Do you understand that if your sentence is served on probation that you will at a minimum be subject to the general conditions of probation which are attached to this form as Exhibit A?

34. Do you understand if you file any type of habeas corpus petition, you must file it within one year of this date if the offense is a misdemeanor and four years if it is a felony? _____

This _____ day of _____, 2007.

Defendant.

Attorney for Defendant.

Exhibit A.

CONDITIONS OF PROBATION UNDER O.C.G.A. 42-8-34.1

- 1) Do not violate the criminal laws of any governmental unit.
- 2) Avoid injurious and vicious habits - especially alcoholic intoxication.
- 3) Avoid persons or places of disreputable or harmful character.
- 4) Report to the Probation Officer as directed and permit such Officer to visit you at your home, place of work, or elsewhere.
- 5) Work faithfully at suitable employment insofar as may be possible.
- 6) 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.
- 7) Support your legal dependents to the best of your ability.
- 8) 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.
- 9) 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.
- 10) Upon failure to report as ordered by the Probation Officer, your probation shall be automatically tolled until you report.
- 11) Submit to evaluations and testing related to rehabilitation and participate in and successfully complete rehabilitative programming as directed.