

IN THE SUPERIOR COURT OF WALKER COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA, \*  
-VS- \* CASE NO. \_\_\_\_\_  
\_\_\_\_\_, \*  
DEFENDANT. \*

**NOTICE REGARDING FIRST OFFENDER SENTENCING  
PURSUANT TO OCGA SECTION 42-8-61**

The Defendant is hereby notified of the provisions of Georgia law regarding first offender sentencing:

**Eligibility.** You may qualify for first offender sentencing if you have not previously been convicted of a felony or previously been sentenced as a first offender under OCGA § 42-8-60.

**Court's discretion.** The Court has the discretion to accept or reject any Defendant's request for first offender sentencing.

**Effect, generally.** A first offender sentence prevents you from having a criminal conviction, unless you violate the conditions of the sentence or commit a new offense during the period of the sentence. Upon successful completion of your sentence, the Court will enter an order discharging you from the offense(s) without an adjudication of guilt. The discharge will completely exonerate you of any criminal purpose and will not affect any of your civil rights or liberties, and you will not be considered to have a criminal conviction.

**Effect on future employment or appointment.** The discharge may not be used to disqualify you in any application for employment or appointment to office in either the public or private sector except that certain sex offenses may disqualify you from employment in a school or facilities offering care of the elderly, mentally ill, or developmentally disabled; and discharge pertaining to a crime involving a dishonest or immoral act may be used to disqualify you from peace officer certification or employment.

**Future first offender treatment.** No one may be sentenced as a first offender more than once. If you have previously been sentenced as a first offender under OCGA § 42-8-60, you can't request first offender sentencing in this case. If you are sentenced as a first offender in this case, you can't request first offender treatment under OCGA § 42-8-60 in any other case.

**Adjudication of guilt.** Your first offender status may be revoked and the Court may enter adjudication of guilt should you violate the terms of probation or commit another crime during the period of probation, or should the Court determine that you are or were not eligible for first offender sentencing. The Court may then resentence you up to the maximum sentence for the offense charged, with credit for time previously served in custody or on probation.

**Legal advice.** The Court can't give you legal advice about whether or not to ask for first offender sentencing; that's a strategic decision you should make considering all of your life circumstances, including the possibility of future felony charges where first offender sentencing might be more advantageous. The Court encourages you to seek legal advice on this and all other decisions relating to your charges and plea from a licensed Georgia attorney.

**DEFENDANT'S ELECTION REGARDING FIRST OFFENDER SENTENCING**

I have read the above notice regarding first offender sentencing and hereby advise the

Court:

\_\_\_\_\_ I am not qualified to request first offender sentencing because I am a convicted felon or have previously been sentenced as a first offender under OCGA § 42-8-60.

\_\_\_\_\_ I do not desire to be sentenced in this case as a first offender under OCGA § 42-8-60.

\_\_\_\_\_ I request sentencing in this case as a first offender under OCGA § 42-8-60.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant