

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA,

\*

-VS-

\* CASE NO. \_\_\_\_\_

\*

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 court costs and surcharges may be imposed.
10. Do you want the court to read the indictment/accusation or explain anything 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 plead 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 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? \_\_\_\_\_
22. 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? \_\_\_\_\_

23. 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 case(s)? \_\_\_\_\_

24. Is there anything about these proceedings that you do not understand or wish to have explained further, or do you have any other questions? \_\_\_\_\_

25. What does State's counsel recommend? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

26. Mr./Ms. Defendant, do you understand that the Court is not bound to follow this recommendation by the State? \_\_\_\_\_

27. Mr./Ms. Defendant, do you understand that the Court has no control over any issue regarding the possibility of parole, if applicable? \_\_\_\_\_

28. 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? \_\_\_\_\_

29. Do you understand that if you are not a citizen of the United States, this proceeding may have an impact on your immigration status? \_\_\_\_\_

30. How do you plead to the charge(s), guilty or not guilty? \_\_\_\_\_

31. Is your plea of guilty freely and voluntarily made? \_\_\_\_\_

32. Are you in fact guilty of the offense(s)? \_\_\_\_\_

33. 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 on appeal? \_\_\_\_\_

34. If applicable, do you understand the general conditions of probation below? \_\_\_\_\_

1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home 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 Georgia without permission of the Probation Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where 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) When directed, in the discretion of the Probation Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 10) Make restitution as ordered by the Court. 11) Upon request by any Probation Officer or law enforcement officer, submit to a search of your person, residence, vehicle or effects, without a search warrant and consent to the use of the fruits as evidence. 12) Upon failure to report as ordered by the Probation Officer, your probation shall be automatically tolled until you report.

35. Do you understand that Probations Options Management may apply and, in the event of non-violent misdemeanor or technical violations of probation, administrative sanctions, if any, would be determined by the probation office in lieu of judicial sanctions by the court and the sanctions could include, at the maximum, time to be served in the probation detention center? \_\_\_\_\_

36. 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? \_\_\_\_\_

37. Are you the holder of a weapons carry license? \_\_\_\_ If so, name the issuing court: \_\_\_\_\_

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

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
DEFENSE ATTORNEY