

STATE OF GEORGIA,

*

CASE NO(S): _____

-versus-

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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 cases(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 the 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 charges(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? _____
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| 1. Do not violate the criminal laws of any governmental unit. | 7. Support your legal dependants to the best of your ability. |
| 2. Avoid injurious and vicious habits – especially alcoholic intoxication. | 8. Upon request by any Probation Officer or law enforcement 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. |
| 3. Avoid persons or places of disreputable or harmful character. | 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. |
| 4. Report to the Probation officer as directed and permit such Officer to visit your home, place of work, or elsewhere. | 10. Upon failure to report as ordered by the Probation Officer, your probation shall be automatically tolled until you report. |
| 5. Work faithfully at suitable employment insofar as may be possible. | 11. Submit to evaluations and testing related to rehabilitation and participate in and successfully complete rehabilitative programming as directed. |
| 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 to this State. | |
35. 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 _____, 20____.

Defendant

Attorney for Defendant