

IN THE SUPERIOR COURT OF FLOYD COUNTY, GEORGIA

STATE OF GEORGIA : CASE NO. _____
VS. : OFFENSE(S) _____
DEFENDANT _____

WAIVER OF CONSTITUTIONAL RIGHTS AND PLEA OF GUILTY

I UNDERSTAND WHAT I AM CHARGED WITH IN THIS CASE AND I HAVE BEEN INFORMED OF THE FOLLOWING CONSTITUTIONAL AND LEGISLATIVE RIGHTS I HAVE AS A DEFENDANT:

- (1) TO OBTAIN THE ASSISTANCE OF AN ATTORNEY IF I WANT ONE OR TO HAVE THE COURT APPOINT AN ATTORNEY FOR ME IF I CANNOT AFFORD ONE.
- (2) THE RIGHT TO A JURY TRIAL AND THAT I CANNOT BE COMPELLED TO GIVE EVIDENCE AGAINST MYSELF, BUT I ALSO HAVE THE RIGHT TO TESTIFY AND OFFER ANY OTHER EVIDENCE I WISH TO OFFER.
- (3) THE RIGHT TO SUBPOENA WITNESSES IF I WANT THEM AND THE RIGHT TO CONFRONT AND CROSS-EXAMINE ANY WITNESSES WHO MAY TESTIFY AGAINST ME.
- (4) TO BE PRESUMED INNOCENT UNTIL PROVEN GUILTY.
- (5) THAT IF I AM NOT A CITIZEN OF THE UNITED STATES A PLEA OF GUILTY MAY HAVE AN IMPACT ON MY IMMIGRATION STATUS.

I UNDERSTAND THAT IF I AM PLACED ON PROBATION AND DURING THE PERIOD OF PROBATION I VIOLATE THE CONDITIONS OF PROBATION THE COURT WILL HAVE THE AUTHORITY TO SENTENCE ME TO JAIL FOR THE BALANCE OF MY TERM OF PROBATION.

I UNDERSTAND THAT THE POSSIBLE PENALTY FOR A MISDEMEANOR OFFENSE IS 12 MONTHS IN JAIL AND A \$1,000 FINE.

I UNDERSTAND THAT THE STATUTE OF LIMITATION TO FILE A HABEAS CORPUS PETITION FOR A MISDEMEANOR CONVICTION IS ONE YEAR.

I HAVE BEEN MADE AWARE OF THE RECOMMENDATION WHICH THE DISTRICT ATTORNEY WILL MAKE TO THE COURT IN THIS MATTER AND UNDERSTAND THAT IF THE COURT DOES NOT ACCEPT THE RECOMMENDATION I WILL BE PERMITTED TO WITHDRAW MY PLEA OF GUILTY.

I DO FURTHER UNDERSTAND THAT I HAVE THE RIGHT TO REPRESENT MYSELF IF I ELECT TO DO SO.

I STATE TO THE COURT I HAVE GIVEN CONSIDERATION TO THE POSSIBLE DEFENSES TO THE CHARGES MADE AGAINST ME AND I DO HEREBY PLEAD GUILTY. I UNDERSTAND THAT BY PLEADING GUILTY I AM WAIVING MY CONSTITUTIONAL AND LEGISLATIVE RIGHTS SET FORTH ABOVE.

DATE _____ DEFENDANT _____

THE UNDERSIGNED PRESIDING JUDGE HEREBY CERTIFIES THAT THE ABOVE-NAMED DEFENDANT APPEARED BEFORE ME IN OPEN COURT AND ACKNOWLEDGED THAT THEY HAD READ, OR HAD READ TO THEM, THE ABOVE PLEA OF GUILTY AND WAIVER OF CONSTITUTIONAL AND LEGISLATIVE RIGHTS, THAT THEY SIGNED SAID PLEA AND THAT THE PLEA WAS BEING ENTERED FREELY AND VOLUNTARILY AND THEY UNDERSTOOD THEY WERE WAIVING THE RIGHTS CONTAINED THEREIN BY ENTERING SAID PLEA. THE DEFENDANT WAS GIVEN SUFFICIENT INFORMATION AND GUIDANCE TO MAKE A KNOWING AND INTELLIGENT DECISION AS TO WHETHER OR NOT TO PROCEED PRO SE. THE PLEA OF GUILTY IS ACCEPTED AND SHALL BE ENTERED ON THE MINUTES OF THIS COURT AND THE PLEA AND WAIVER OF RIGHTS, TOGETHER WITH THIS CERTIFICATION, SHALL BE FILED AS PLEADINGS IN THIS MATTER.

THIS _____ DAY OF _____, 20_____.

PRESIDING JUDGE, FLOYD SUPERIOR COURT

FILED AT _____ M., THIS _____ DAY OF _____.

DEPUTY CLERK, FLOYD SUPERIOR COURT