

IN THE SUPERIOR COURT OF FLOYD COUNTY, GEORGIA

STATE OF GEORGIA

-vs.-

CASE NO. _____
OFFENSE(S) _____

TRANSCRIPT

THE DEFENDANT, BEING SWORN, MAKES THE FOLLOWING ANSWERS TO THE COURT:

1. ARE YOU ABLE TO HEAR AND UNDERSTAND MY STATEMENTS AND QUESTIONS? ANSWER _____
2. ARE YOU NOW UNDER THE INFLUENCE OF ANY ALCOHOL, DRUGS, NARCOTICS OR OTHER PILLS? ANSWER _____
3. DO YOU UNDERSTAND WHAT YOU ARE CHARGED WITH IN THIS CASE? ANSWER _____
4. DO YOU UNDERSTAND THAT UPON YOUR PLEA OF GUILTY YOU COULD BE IMPRISONED FOR AS MUCH AS _____ YEARS?
ANSWER _____
5. DO YOU UNDERSTAND THAT THERE IS A STATUTE OF LIMITATION OF ONE YEAR FOR A MISDEMEANOR CONVICTION AND FOUR
YEARS FOR A FELONY CONVICTION IN WHICH TO FILE A NON-CAPITOL HABEAS CORPUS PETITION? ANSWER _____
6. DO YOU UNDERSTAND THAT EVEN THOUGH THE DISTRICT ATTORNEY OR ANYONE ELSE MAY MAKE A RECOMMENDATION
CONCERNING YOUR SENTENCE, THE COURT IS NOT BOUND TO ACCEPT THAT RECOMMENDATION, BUT THE COURT MAY REJECT
ANY RECOMMENDATION AND ALLOW YOU TO WITHDRAW YOUR PLEA? ANSWER _____
7. HAS THE DISTRICT ATTORNEY, YOUR ATTORNEY, OR ANYONE ELSE MADE ANY THREAT OR PROMISE TO YOU TO MAKE YOU PLEAD
GUILTY IN THIS CASE? ANSWER _____
8. YOU HAVE THE RIGHT TO HAVE AN ATTORNEY PRESENT WITH YOU IF YOU WANT ONE. HAVE YOU HAD THE TIME TO DO THIS AND
TO TALK WITH THEM ABOUT THIS CASE? ANSWER _____ WHO IS YOUR ATTORNEY? _____
9. YOU HAVE THE RIGHT TO SUBPOENA ANY WITNESSES THAT YOU MAY WANT. HAVE YOU HAD TIME TO DO THIS? ANSWER _____
10. DO YOU UNDERSTAND THAT YOU HAVE THE RIGHT TO A JURY TRIAL AND YOU CANNOT BE COMPELLED TO GIVE EVIDENCE
AGAINST YOURSELF? ANSWER _____
11. DO YOU UNDERSTAND THAT YOU HAVE THE RIGHT TO TESTIFY AND TO OFFER ANY OTHER EVIDENCE IF YOU DESIRE TO DO SO.
ANSWER _____
12. DO YOU UNDERSTAND THAT YOU HAVE THE RIGHT TO CONFRONT AND CROSS EXAMINE ANY WITNESS WHO MAY TESTIFY
AGAINST YOU. ANSWER _____
13. DO YOU UNDERSTAND THAT YOU ARE PRESUMED INNOCENT UNTIL PROVEN GUILTY. ANSWER _____
14. DO YOU UNDERSTAND THAT BY ENTERING YOUR PLEA OF GUILTY YOU ARE WAIVING AND GIVING UP THESE RIGHTS?
ANSWER _____
15. HAVE YOU HAD AN OPPORTUNITY TO READ AND DO YOU UNDERSTAND THE CONDITIONS OF PROBATION? ANSWER _____
16. ARE YOU A CITIZEN OF THE UNITED STATES? ANSWER _____
17. DO YOU AUTHORIZE AND INSTRUCT YOUR ATTORNEY TO ENTER YOUR PLEA OF GUILTY? ANSWER _____
18. HOW DO YOU PLEAD TO THE CHARGE, GUILTY OR NOT GUILTY? ANSWER _____
19. ARE YOU SATISFIED WITH THE SERVICES OF YOUR ATTORNEY AS RENDERED IN YOUR BEHALF? ANSWER _____
20. ARE YOU, IN FACT, GUILTY? ANSWER _____
21. HAVE THESE QUESTIONS BEEN READ AND EXPLAINED TO YOU? ANSWER _____

I HAVE READ OR HEARD READ ALL OF THE ABOVE QUESTIONS AND ANSWERS AND UNDERSTAND THEM, AND THE ANSWERS SHOWN ARE
THE ONES I GAVE IN OPEN COURT, AND THEY ARE TRUE AND CORRECT.

DEFENDANT

Sworn to and subscribed before me this _____ Day of _____, 20____.

DEPUTY CLERK, FLOYD SUPERIOR COURT

CRIMINAL ACTION NO. _____

CERTIFICATION

THE UNDERSIGNED PRESIDING JUDGE HEREBY CERTIFIES:

- I. The defendant named in the transcript in the above case appeared before me, was sworn in open court, entered a plea to the charges as shown thereon, and made answers to the questions on said transcript.
- II. The defendant was represented by counsel if shown or the Court found on the record that the defendant was competent to proceed pro se.
- III. The defendant has been fully advised of their rights, the charges against them and those to which they pled guilty and the maximum punishment for said offense(s).
- IV. The questions asked were fully understood by the defendant, the plea and the answers given were freely and voluntarily made without undue influence, compulsion or duress, and without promise of leniency.

IT IS THEREFORE ORDERED that the plea of the defendant is accepted and shall be entered on the minutes of this court and that the transcript and this certification shall be filed as pleadings in this matter.

THIS _____ day of _____, _____

Presiding Judge, Floyd Superior Court

Filed at _____ .M., this _____ day of _____, _____

Deputy Clerk, Floyd Superior Court

Note to Clerk:

This transcript and certification are to be placed in the case file and noted on the criminal docket only; not to be entered on minutes of the court.

PLEA OF GUILTY

STATE OF GEORGIA : CASE NO. _____

vs. : CHARGE(S) _____

_____ : _____

GEORGIA, FLOYD COUNTY:

I, _____, AM THE DEFENDANT IN THE ABOVE CASE AND FULLY UNDERSTAND THE CHARGES AGAINST ME. I CAN READ AND WRITE AND HAVE CONSULTED WITH A LAWYER ABOUT MY CASE. I UNDERSTAND THAT I HAVE A RIGHT TO PLEAD EITHER "GUILTY" OR "NOT GUILTY" AND IF I PLEAD "NOT GUILTY" I WILL BE ENTITLED TO A TRIAL BEFORE A JURY. I DO HEREBY PLEAD GUILTY TO THE CHARGES AGAINST ME IN THE ABOVE STATED CASE. I KNOW THE MEANING AND CONSEQUENCES OF A GUILTY PLEA. NO THREATS HAVE BEEN MADE TO ME AND I HAVE NOT BEEN PROMISED A LESSER SENTENCE OR EASIER TREATMENT IN ORDER TO MAKE ME ENTER A GUILTY PLEA, AND I AM ENTERING THIS GUILTY PLEA FREELY AND VOLUNTARILY.

THIS ____ DAY OF _____, 200__.

DEFENDANT

GEORGIA, FLOYD COUNTY:

I HAVE CONSULTED WITH THE ABOVE NAMED DEFENDANT PRIOR TO THEM ENTERING THE ABOVE PLEA OF GUILTY AND HAVE EXPLAINED TO THEM THEIR LEGAL AND CONSTITUTIONAL RIGHTS AND HAVE DISCUSSED AND EXPLAINED TO THEM THE CHARGES AGAINST THEM AND THE CONSEQUENCES OF A GUILTY PLEA. I KNOW OF NO MATTER WHICH COULD OR SHOULD NOT ACT TO PREVENT THE DEFENDANT FROM ENTERING A PLEA OF GUILTY OR THE COURT FROM ACCEPTING SUCH A PLEA.

THIS ____ DAY OF _____, 200__.

DEFENDANT'S ATTORNEY

GEORGIA, FLOYD COUNTY:

I, DEPUTY CLERK OF THE SUPERIOR COURT OF FLOYD COUNTY, CERTIFY THAT THE ABOVE NAMED DEFENDANT ENTERED THE ABOVE PLEA OF GUILTY IN OPEN COURT AND THEY WERE AT THE TIME REPRESENTED IN THIS COURT BY THE ABOVE NAMED COUNSEL AND THAT SAID PLEA OF GUILTY WAS ACCEPTED BY THE COURT.

THIS ____ DAY OF _____, 200__.

CLERK, SUPERIOR COURT
FLOYD COUNTY, GEORGIA

IN THE SUPERIOR COURT
COUNTY OF FLOYD, STATE OF GEORGIA

STATE OF GEORGIA,

VS.

CRIMINAL NO. _____

ACKNOWLEDGMENT OF GENERAL/ADDITIONAL CONDITIONS OF PROBATION

I, _____, defendant hereinabove named, do certify by my signature below that I have read and understand this Court's "GENERAL CONDITIONS OF PROBATION" and "ADDITIONAL CONDITIONS OF PROBATION" being Rules number (1) through (18) as variously found on this Court's Sentence Form (Final Disposition Form) (SC-6) and the standard Additional Conditions of Probation Acknowledgment Form which are incorporated in this document and acknowledgment as follows:

- (1) Do not violate the criminal laws of any governmental unit.
- (2) Avoid injurious and vicious habits-especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
- (3) Avoid persons or places of disreputable or harmful character.
- (4) Report to the Probation-Parole Supervisor as directed and permit such Supervisor to visit him/her at home or elsewhere.
- (5) Work faithfully at suitable employment insofar as may be possible.
- (6) Do not change his(her) present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
- (7) Support his(her) legal dependents to the best of his(her) ability.
- (8) Probationer shall, from time to time upon oral or written request by any Probation Officer, produce a breath, urine, and/or blood specimen for analysis for the possible presence of a substance prohibited or controlled by any law of the State of Georgia or of the United States.
- (9) Do not purchase or consume beer, wine or any substance containing alcohol at any private or public facility or residence.
- (10) Submit to search of his/her person, house, papers, automobile and/or effects at any time of the day or night without a search warrant whenever requested to do so by a Probation Officer and to consent to the use of anything seized as the result of said search as evidence in a proceeding to revoke this Sentence of probation.
- (11) Do not perform any undercover work for police agencies without permission of the Court.
- (12) Shall not receive, possess, or transport any firearm or other offensive weapon.
- (13) Submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the department.
- (14) Shall abide by curfews as directed by Probation Officer.
- (15) Must report to your Probation Officer any arrest during your sentence of probation within 24 hours of your arrest.
- (16) Pay a probation maintenance fee of \$_____ per month beginning as directed by the Probation Office to said Probation Office during the term of probation. Pay a crime lab fee to the assigned Probation Office as directed.
- (17) Pay as directed by the Court in any sentence any fine, training fee, 10% surcharge of such fine, 5% surcharge of such fine and any drug fee and surcharges, plus any DUI surcharges, photo fees, attorney's fees, or restitution as directed by the Court, and by law pay a 10% BSI fee at a rate to be determined per month beginning all as directed by the Court or the Probation Office and payable to the Floyd Superior Court Receiver and Jury Management Office, Floyd County Courthouse, P.O. Box 6193, Rome, Georgia 30162-6193. All restitution to be paid by the Floyd Superior Court Receiver and Jury Management Office shall be paid to any victims as directed by the Probation Office.

SPECIAL NOTE: There may be Additional and/or other Special conditions of probation imposed by the Court under the terms of a negotiated plea, or on the Court's own volition, or by operation of law or required by any sentence whether the same be by negotiated plea, imposition of the sentencing Court or by operation of law which may be specific to such offense, inclusive of but not limited to those special conditions of probation required by O.C.G.A. § 42-1-2 for Sex Offenders (attach sex offender's supplement if applicable) and as well for DUI's such as O.C.G.A. §§ 15-21-70 and 40-5-1 inclusive of but not limited to community service, DUI ALCOHOL AND DRUG RISK REDUCTION PROGRAMS (at expense of probationer), clinical evaluation and complete substance abuse treatment program as directed by Probation Office. As to second DUI offenders, in addition to the requirements of probation set out above, defendant shall also be required at his/her own expense to equip his/her car with an ignition interlock device approved by the Probation Supervisor for the first six months of the sentence.

The Undersigned does hereby acknowledge receipt and review of the above and foregoing Acknowledgment of General/Additional Conditions of Probation at and/or prior to the entry of the plea on the above-referenced criminal action, and that the undersigned has read or heard read said Conditions of Probation, and that the same have been fully explained to him/her to his/her satisfaction, and that the Undersigned fully understands them.

DEFENDANT

DATE

Revised 4/2006