IN THE SUPERIOR COURT
COBB JUDICIAL CIRCUIT
STATE OF GEORGIA

_____TERM, 20____

CASE NO._____

STATE OF GEORGIA

VS.

OFFENSE(S)_____

_____

_____

_____

The Defendant, being sworn, makes the following answers to the Court's questions:

Answer:

_____ 1. What is your true and correct legal name? _____

_____ 2. Are you now under the influence of any alcohol, drugs, narcotics, or pills?

_____ 3. How old are you?

_____ 4. How far have you gone in school?

_____ 5. Can you read and write English?

_____ 6. Have you ever been a patient in a mental institution or under the care of a psychiatrist or psychologist?

_____ 6(a). <u>If YES</u>, do you understand what is occurring at this moment?

_____ 7. Are you a citizen of the United States?

_____ 7(a). If you are not a citizen of the United States, do you understand that your entry of a plea—even a plea under Georgia's First Offender or Conditional Discharge Acts—will, in all likelihood, have adverse immigration consequences, including deportation, exclusion from this country or denial of naturalization?

_____ 7(b). Has your attorney discussed with you the impact of entering this plea on your immigration status?

_____ 7(c). Having been advised of the adverse consequences and having discussed them with your attorney, do you still wish to proceed with the entry of this plea?

_____ 8. Have you had time to confer, and have you conferred with your attorney about this case?

And who is your attorney? _____

_____ 9. Is this plea of guilty made upon your own free decision after discussing it with your attorney?

_____ 10. Has your attorney discussed with you how this plea could impact your eligibility for parole?

_____ 11. Are you satisfied with the services your attorney has rendered on your behalf?

_____ 12. Do you authorize and instruct your attorney to enter a plea of guilty?

_____ 13. <u>If requesting First Offender or Conditional Discharge</u>: Do you understand that if you successfully complete the terms of your sentence no adjudication of guilt will be entered against you?

_____ 13(a). Do you also understand that if you are found to have violated the terms of your probation, or to have committed another crime, then the Court may adjudicate you guilty, making you a convicted felon, and resentence you to the maximum punishment provided by law, although you would receive credit for the time that you have successfully completed on probation?

14. Do you understand what you are charged with in this case?

_____ 15. Do you understand that upon your plea of guilty that you could be imprisoned for a maximum of _____years and/or _____ months; and a fine of up to $_____could be imposed; and that, if applicable, the mandatory minimum sentence is _____?

16. Do you understand that you can either plead "guilty" or "not guilty" to the charge(s)?

_____ 17. Do you understand that all convictions, including the plea of guilty which you are now entering, may be used against you in sentence determination should you ever again plead guilty or be found guilty of another crime?

18. Has anyone made any promise or threat to you to influence you to plead guilty in this case?

_____ 19. Do you understand that by pleading "not guilty," or remaining silent and not entering a plea, you would obtain a jury trial?

_____ 20. Do you understand that you may plead "Not Guilty" to the offense(s) with which you have been charged; and that if you should choose to plead "Not Guilty," the Constitution guarantees you the right to a speedy and public trial by jury; the right to see, hear and cross- examine all witnesses called to testify against you; the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in your favor; the right to have the assistance of an attorney at all stages of the proceedings; the right to testify and offer other evidence; the right not to be forced to incriminate yourself; you would be presumed innocent; and you have the right to make the State prove your guilt beyond a reasonable doubt as to every essential element of the crime?

21. Do you understand that you are giving up all of those rights by entering this plea?

_____ 22. Do you waive your right to a jury trial?

_____ 23. How do you plead to the charge(s)—"guilty," or "not guilty?"

_____ 24. Are you in fact guilty?

_____ 25. Do you acknowledge that there is a factual basis to support the entry of the plea?

_____ 26. Do you understand that, even if this is a negotiated plea with a sentencing recommendation, that the Court is not bound to accept that recommendation?

_____ 27. Do you also understand that if the Court rejects the negotiated plea agreement, you would have the right to withdraw your plea before sentence is pronounced and if you do not withdraw your plea, the Court will proceed with sentencing in a similar manner as if you had pled not guilty, stood trial and been convicted by a jury?

_____ 28. Have you been issued a Georgia Weapons Carry License or Concealed Carry Permit by any Probate Court of this State? If so, in what County was it issued? _____

_____ 29. Have these questions been read to you and explained to you?

The Defendant's attorney makes the following answers to the Court's questions:

_____ 1. Has the Defendant been informed of his/her rights and have they been explained to him/her?

_____ 2. Do you believe he/she understands the consequences of a guilty plea?

CERTIFICATION

I have read all of the above questions and answers or have heard them read, and I understand them, and the answers are the ones given in open court, and they are true and correct.

I further certify that I have discussed with my attorney, and I understand, my right to challenge these proceedings by having my attorney file an appeal via application for discretionary review within 30 days of sentencing, or a motion to withdraw this plea within 30 days of sentencing or until the end of this term of court, whichever is later. I also understand that I have a right to file any action for habeas corpus pursuant to O.C.G.A. §§ 9-14-42 & 40-13-33, which must be filed within 180 days from the judgment of conviction on traffic misdemeanors, one year from the judgment of conviction on all other misdemeanors, and four years from the judgment of conviction on felonies becoming final by the conclusion of direct review or the expiration of the time for seeking such review.

_____
Defendant

_____
Attorney for Defendant State Bar No.

Witnessed by me, this _____day of _____, 20_____.

_____
Deputy Clerk

The undersigned Presiding Judge hereby certifies:

1. That the above-named defendant while under oath in open court was asked the questions set forth in the foregoing transcript, and answered them as set forth therein.

2. That the defendant being represented by the above-named attorney at law entered a plea of _____to said charge, and in open court, under oath, further informs the Court that he/she is and has been fully advised of his rights and the charges against him/her.

The Court is satisfied that there is a factual basis to support the entry of this defendant's plea. The Court further ascertains, determines and adjudges that the plea by the defendant is freely, understandingly, and voluntarily made, and was made without undue influence, compulsion or duress, and without promise of leniency or hope of reward. It is therefore ordered that the plea be entered on the minutes and that this transcript and certificate be filed with the above case in the Clerk of Superior Court's Office.

This the _____day of _____, 20_____.

_____
Judge Kimberly A. Childs, Superior Court
Cobb Judicial Circuit