

IN THE STATE COURT OF ATHENS-CLARKE COUNTY, STATE OF GEORGIA
DEFENDANT'S PLEA STATEMENT

STATE v. _____

Case No. ST-_____-CR-_____

My full name is _____, and I am entering my plea of guilty / nolo contendere to the charge(s) of _____

I understand that the acceptance of such plea is deferred until such time as the Court determines that the interests of the public in the effective administration of criminal justice are served by the acceptance of my plea. I understand that I have the right to plead not guilty to any offense charged against me. I understand that if I plead not guilty that I have the following rights under the law:

- 1) The right to a speedy and public trial by jury.
- 2) The right to be presumed innocent of the charge(s) against me.
- 3) The right to make the State prove the charge(s) against me beyond a reasonable doubt.
- 4) The right to confront, see, hear, and cross-examine all witnesses called to testify against me.
- 5) The right to use the power and process of the Court to compel the production of evidence and to subpoena witnesses on my behalf.
- 6) The right to testify if I choose to do so, to call witnesses to testify on my behalf, and to present other evidence on my behalf.
- 7) The right to not incriminate myself and to remain silent at trial. I understand that if I remain silent and do not testify at trial, my silence cannot be held against me or used as evidence against me.
- 8) The right to have the assistance of a lawyer at all stages of the proceedings. I understand that if I cannot afford a lawyer, the court may appoint a lawyer to represent me.

I understand that by pleading guilty or nolo contendere, I am waiving, or giving up, each of the rights listed above and that the Court may sentence me to the same punishment as if I had plead not guilty, stood trial, and been convicted by a jury.

I understand that the maximum sentence under the law for each misdemeanor charge is twelve (12) months confinement and a fine of \$1000, unless otherwise specified by statute. I understand that the maximum sentence for a misdemeanor of a high and aggravated nature is twelve (12) months confinement and a fine of \$5000, unless otherwise specified by statute. I understand that the maximum sentence for each ordinance violation is six (6) months confinement and a fine of \$1000. I understand that if I am not a citizen of the United States, my plea of guilty or nolo contendere may have an impact on my immigration status. I understand that any action for habeas corpus relating to my plea must be filed within 180 days for a misdemeanor traffic offense and within one year for a non-traffic misdemeanor offense.

(_____) I understand that a lawyer may be able to discover a defense to the charge(s) pending against me or offer evidence that may be beneficial with respect to the sentence imposed by the Court. However, I am proceeding without an attorney to represent me. I have read the accusation against me, and I understand the nature of the charge(s) against me and the consequences of my plea. I am freely and voluntarily waiving my right to have a lawyer represent me in this case.

(_____) I am represented by a lawyer, whose name is _____. I have told my lawyer all the facts and circumstances known to me about the charge(s) against me, and I believe that my lawyer is fully informed on these matters. My lawyer has advised me on the nature of the charge(s) and any possible defenses. I believe my lawyer has represented me in a competent manner, and I am satisfied with the advice and guidance that my lawyer has given me.

In entering my plea of guilty or nolo contendere, I state that no one has made any promise of any kind to me regarding any leniency if I enter a guilty plea. I am not under the influence of any alcohol, drugs or intoxicants at this time. No one has threatened or forced me to enter a plea of guilty or nolo contendere. My decision to enter this plea of guilty or nolo contendere is free and voluntary, with full understanding of the nature of the charge(s) pending against me.

Defendant

Solicitor

Attorney for Defendant

The above plea having been tendered by the Defendant in the presence of the Court, the Court is satisfied that the Defendant understands the nature of the charges, understands the consequences of entering a plea, and is entering his/her plea freely and voluntarily. The Court further finds that acceptance of the Defendant's plea would serve the interests of justice, and the Court accepts the Defendant's plea.

This _____ day of _____, 20_____.

Judge, State Court of Athens-Clarke County