

IN THE SUPERIOR COURT OF _____ COUNTY, GEORGIA

STATE OF GEORGIA

v.

_____,
Defendant.

* INDICTMENT NO.: _____
*
* OFFENSES CHARGED IN INDICTMENT:
* _____
* _____
* _____
* _____

**PLEA OF GUILTY (NOLO CONTENDERE)
ACKNOWLEDGMENT AND WAIVER OF RIGHTS**

My name is _____.

I am _____ years of age. I have completed _____ years of education.

I want to plead GUILTY (nolo contendere) to the offense(s) of:

1. To your knowledge, do you now suffer from any mental illness or psychological disorder?

Yes _____ No _____

2. Are you now under the influence of any drug, medicine, or alcohol?

Yes _____ No _____

3. Has anyone made any promise to you to cause you to plead GUILTY (nolo contendere)?

Yes _____ No _____

4. Has anyone used any threats, force, pressure, or intimidation to make you plead GUILTY (nolo contendere)?

Yes _____ No _____

5. Has anyone suggested to you or led you to believe that you will be given a lighter sentence or otherwise rewarded for pleading GUILTY?

Yes _____ No _____

6. Do you understand that the maximum sentence(s) for the offense(s) to which you are pleading GUILTY (nolo contendere) are as follows:

_____	_____ years
_____	_____ years
_____	_____ years
_____	_____ years
_____	_____ years
_____	_____ years
_____	_____ years
_____	_____ years
_____	_____ years
_____	_____ years
_____	_____ years
_____	_____ years
_____	_____ years
_____	_____ years
_____	_____ years

Yes _____ No _____

7. Has any plea agreement been made by you with anyone which causes you to plead GUILTY (nolo contendere)?

Yes _____ No _____

If so, exactly what is the plea agreement as you understand it?

8. Do you understand that the sentence you will receive is solely a matter for the judge to decide?

Yes _____ No _____

9. Do you realize that if you plead GUILTY (nolo contendere) the court may sentence you to the maximum punishment authorized by law for each offense, and order that they be served consecutively, that is, one after the other?
Yes _____ No _____
10. Do you know and understand that whatever sentence the court imposes in this case can be made to start after any sentences you are now serving?
Yes _____ No _____
11. Do you understand that if you plead GUILTY (nolo contendere), the court may impose the same punishment as if you had pled NOT GUILTY and been convicted?
Yes _____ No _____
12. Do you know and understand that if you are on probation or parole your plea of GUILTY (nolo contendere) to this offense may cause your probation or parole to be revoked and you may be required to serve time in that case in addition to the sentence imposed in this case?
Yes _____ No _____
13. Are you able to read, write, speak, and understand the English language?
Yes _____ No _____
14. Have you received a copy of the indictment or accusation in this case?
Yes _____ No _____
15. Have you read it or had it read and explained to you?
Yes _____ No _____
16. Do you fully understand the charges against you?
Yes _____ No _____
17. Do you understand that you have the right to plead NOT GUILTY to every crime charged against you in the indictment or accusation?
Yes _____ No _____
18. Do you understand that if you plead NOT GUILTY you have the right to a speedy and public trial by a jury?
Yes _____ No _____
19. Do you understand that if you plead NOT GUILTY, you have the right to see, hear, question, and cross examine the witnesses called to testify against you at trial?
Yes _____ No _____
20. Do you understand that if you plead NOT GUILTY you have the right to use the subpoena power of the court to make the witnesses who you feel will testify on your behalf come to court, whether they want to come or not?

Yes _____ No _____

21. Do you understand that if you plead NOT GUILTY you have the right to testify or not testify and the jury will be instructed that they cannot use that choice against you?

Yes _____ No _____

22. Do you understand that if you plead NOT GUILTY you will be presumed to be innocent and that before you can be convicted the State will have the duty of proving your guilt beyond a reasonable doubt?

Yes _____ No _____

23. Do you understand that if you plead guilty, you will have waived, that is, given up each of the rights mentioned in questions 17 through 22?

Yes _____ No _____

24. Have you had enough time to talk with your lawyer about your case?

Yes _____ No _____

25. Have you discussed your case fully, and explained everything you know about it to your lawyer?

Yes _____ No _____

26. Has your lawyer advised you of the nature of the charges against you and all possible defenses you may have, including the right to challenge the legality of any statement, confession, or evidence obtained or taken from you?

Yes _____ No _____

27. Are you satisfied with what your lawyer has done for you in this case?

Yes _____ No _____

28. Do you understand all the questions you have answered so far and initialed?

Yes _____ No _____

29. Has your lawyer gone over all these questions and your answers with you?

Yes _____ No _____

30. Did you in fact commit the unlawful acts set forth in the indictment to which you are pleading GUILTY (nolo contendere)?

Yes _____ No _____

31. Specifically, what unlawful acts did you commit?

32. Do you understand that if you plead GUILTY, the court may place you under oath and ask you questions about the offenses to which you have pled GUILTY?

Yes _____ No _____

33. Do you understand that if you have made false statements in answers to these questions, and later challenge the entry of your plea of GUILTY (nolo contendere), your preceding answers may be used against you in a further/additional prosecution.

Yes _____ No _____

34. Do you understand that if you are not a citizen of the United States, the plea of GUILTY (nolo contendere) may have an adverse impact on your immigration status and may result in your deportation from the United States?

Yes _____ No _____

35. Is your decision to plead GUILTY (nolo contendere) made freely and voluntarily?

Yes _____ No _____

36. Do you now want to plead GUILTY?

Yes _____ No _____

PETITION FOR ACCEPTANCE OF GUILTY (NOLO CONTENDRE) PLEA

I, the undersigned defendant, understand all the questions above. I have shown that I know and understand my rights and waive them by putting my initials in the correct blank after each question. After reading and answering each question, I enter my plea of GUILTY (nolo contendre) freely and voluntarily, and hereby petition the court to accept my plea of GUILTY (nolo contendre).

Date: _____
_____ Defendant

CERTIFICATE OF LAWYER FOR DEFENDANT

I am counsel for the defendant in the above case. I hereby certify:

- 1) That I have investigated the facts of this case and the evidence available to the State.
- 2) I have discussed the facts and the elements of the crimes which the State must prove and any defenses that may be available to the charges.
- 3) I have explained to the defendant the maximum penalties provided by law for each crime, and all possible consequences of a guilty plea.
- 4) I believe that it is in the best interests of the defendant to plead guilty (nolo contendere) to the offense(s) specified or indicated.
- 5) In my opinion the plea of guilty is knowingly, freely, and voluntarily made.
- 6) I do not know of any reason why the court should not accept the plea of guilty.

I further certify that I have reviewed all the above questions with the defendant and have assured myself that (s)he knows and understands them, and that (s)he has indicated his (her) rights and his (her) waiver of them by initialing the appropriate blank after each question.

Date: _____
_____ SEAN GAMBLE, Counsel for Defendant

CERTIFICATE OF (ASSISTANT) DISTRICT ATTORNEY

I hereby certify that I have carefully examined the foregoing plea, and I further certify that all the required and appropriate blanks thereon have been filled correctly to enable the Court to accept the plea and impose sentence.

Dated this _____ day of _____, _____.

(Assistant) District Attorney