

Negotiated Plea

Non-negotiated Plea

**IN THE STATE COURT OF FORSYTH COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA

vs.

Case No. _____

*
*
*
*
*
*

Defendant

WAIVER OF RIGHTS AND PETITION TO ENTER PLEA OF GUILTY / NOLO CONTENDERE

I, the above-named and undersigned defendant, being duly sworn, hereby state to the Court as follows:

I am not under the influence of any alcohol, drugs, narcotics, pills or intoxicants of any kind and I am not suffering from any mental or physical disability.

My date of birth is _____ and I have _____ years of education.

I understand that I have the right to plead NOT GUILTY to every charge against me. I understand that if I plead NOT GUILTY, I have the following rights: (1) the right to a speedy and public trial by jury; (2) the right to confront – that is to see, hear, question, and cross-examine – all witnesses called to testify against me at trial; (3) the right to use the subpoena power of the court to compel the appearance of witnesses and production of evidence to be used in my defense; (4) the right to be represented by a lawyer at all stages of the proceedings; (5) the right to testify and to offer other evidence; (6) the right to be presumed innocent; (7) the right to require the State to prove my guilt beyond a reasonable doubt; and (8) the right not incriminate myself. I understand that if I cannot afford to hire an attorney, the Court may appoint an attorney to represent me without cost to me. I understand that if I plead Not Guilty, I will get a trial by judge or jury. If I remain silent and not enter a plea, a plea of Not Guilty will be entered for me, and I will get a jury trial.

I now desire to enter a plea of GUILTY / NOLO CONTENDERE to the charge(s) against me. I hereby freely and voluntarily waive my right to a jury trial. No one has used any threats, force, pressure or intimidation to make me plead Guilty or Nolo Contendere. No one has made any promise of any kind to me, or to anyone else within my knowledge, that I will receive a lesser sentence, or probation, or any form of leniency if I enter this plea. I understand that the judge is not bound by any recommendation or negotiations. The judge may impose a lesser sentence, a greater sentence, or may accept the recommendation. I understand that if I am not a United States citizen, this plea may affect my immigration status.

_____ I understand that a lawyer may discover a defense to the charge(s) pending against me, defenses such as defects in the charging instrument, misidentification, alibi or reliance on the presumption of innocence or could offer evidence which may aid me insofar as sentencing is concerned. Nevertheless, I have read the accusation against me, understand the nature of the charges against me and the consequences of my plea, and I freely and voluntarily waive my right to be represented by an attorney.

_____ I am represented by _____, Attorney-at-Law. I have told my lawyer all the facts and circumstances that I know about the charges in this accusation. I believe that my lawyer is fully informed in all such matters. My lawyer has counseled me and advised me on the nature of these charges and all possible defenses that I may have in this case. I believe that my lawyer has competently done all that anyone could to counsel and assist me, AND I AM SATISFIED WITH THE ADVICE AND COUNSEL HE OR SHE HAS GIVEN ME.

I am entering this plea freely and voluntarily, of my own accord, and with full understanding of the matters set out in the accusation and in this waiver and petition, and this plea is being entered with the advice and counsel of my attorney, if any. I am in fact guilty of the unlawful acts set forth in the accusation or on the citation.

I have read and understand the above waiver and petition. I swear under penalties of perjury that these statements are true.

CERTIFICATION OF COUNSEL

This ____ day of _____, 20____

Defendant

Solicitor/Witness

I am counsel for the Defendant in this case. By my signature below, I certify that I have reviewed with the Defendant this form, all of the facts of this case, and all of the Defendant's rights (including habeas corpus) and possible defenses in this case, that I have answered all of the Defendant's questions, and that I know of no reason why the Defendant's tendered plea should not be accepted by the Court.

Defense Attorney

ACCEPTANCE OF PLEA

I have satisfied myself that this Defendant's plea is free and voluntary and that he/she is in possession of his/her faculties and is able to understand the nature and consequences of his/her plea. I have also determined that this Defendant understands he/she has the right to the assistance of counsel at this plea proceeding and knowingly, voluntarily, and intelligently waives the right to counsel if not represented by counsel. The court is further satisfied that there is a sufficient factual basis for the acceptance of this plea, and that the Defendant understands the consequences of this plea. IT IS HEREBY ORDERED that the Defendant's plea(s) be accepted.

This ____ day of _____, 20____.

Judge, State Court