

**IN THE SUPERIOR COURT OF FLOYD COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA

*
* **CASE NO.** _____
*
* **OFFENSE(S)** _____
* _____
* _____
*

VS.

DEFENDANT

WAIVER OF CONSTITUTIONAL RIGHTS AND PLEA OF GUILTY

I, the Defendant herein, understand what I am charged with in this case, and I have been informed of the following constitutional and legislative rights I have as a Defendant:

- (1) The right to obtain the assistance of an Attorney if I want or have the Court appoint an Attorney for me if I cannot afford one.
- (2) The right to a jury trial and that I cannot be compelled to give evidence against myself but the right to testify and offer any other evidence I wish to offer.
- (3) The right to subpoena witnesses if I want and the right to confront and cross-examine any witnesses who testify against me.
- (4) The right to be presumed innocent until proven guilty.
- (5) The right to know that if I am not a citizen of the United States, then a plea of guilty may impact my immigration status.
- (6) I understand if I am placed on probation as part of my sentence that during the period of probation if I violate a condition of probation, then the Court will have the authority to sentence me to jail for the balance of my term of probation.
- (7) I understand the possible penalty or sentence for a misdemeanor offense is 12 months in jail and \$1,000 fine.
- (8) I understand the statute of limitations to file a habeas corpus petition for a non-traffic misdemeanor offense is 1 year and 180 days for a misdemeanor traffic offense.
- (9) I understand the recommendation that the District Attorney will make to the Court in this matter and that if the Court does not accept the recommendation then I will be permitted to withdraw my plea of guilty.
- (10) I understand I have the right to represent myself or proceed pro se if I elect or choose to do so.
- (11) I understand and have considered the possible defenses to the charges made against me and do hereby plead guilty.
- (12) I understand that by pleading guilty then I am waiving my constitutional and legislative rights set forth herein.

So freely, knowingly, and voluntarily done this _____ day of _____, 20_____.

DEFENDANT

The Undersigned Presiding Judge hereby certifies that the above-named Defendant appeared before me in open court and acknowledged that the Defendant read or had read to the Defendant the above waiver of constitutional rights and plea of guilty and that the Defendant has signed said plea and the plea was being entered freely and voluntarily and the Defendant understood the Defendant was waiving the rights contained therein by entering said plea. The Defendant was given sufficient information and guidance to make a knowing and intelligent decision and whether or not to proceed pro se. The plea of guilty is accepted and shall be entered on the minutes of this Court and the plea and waiver of rights, together with this certification, shall be filed in this matter. So found this _____ day _____, 20_____.

JUDGE, FLOYD COUNTY SUPERIOR COURT

Filed at _____ am/pm, this _____ day of _____, 20_____.

DEPUTY CLERK, Floyd Superior Court

IN THE SUPERIOR COURT OF FLOYD COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

*
*
*
*
*
*
*

CASE NO. _____

OFFENSE(S) _____

VS.

DEFENDANT

WAIVER OF RIGHT TO REPRESENTATION BY COUNSEL

Having appeared in the Superior Court of Floyd County and, after having been informed of the nature of the charges(s) against me and the maximum possible sentence on said charge(s), I hereby plead _____ to said charge(s), and waive my right to representation to counsel and represent myself or proceed *pro se*.

I am telling the Court that I want to waive my right to a lawyer.

It is my intention to voluntarily give up the right to have an attorney who would advise me of my legal rights and speak to the Court on my behalf before I made this decision, or at any other stage of the proceedings. I have been informed and I understand that if I cannot afford to hire an attorney of my choosing, and if I otherwise qualify, the Court will appoint an attorney to represent me.

In giving up my right to representation by an attorney at this time and during any stage of this proceeding, to include the trial itself, I acknowledge the Court has warned me of dangers that could result from my waiver of right to an attorney, to include the following:

- (1) the possibility of a jail sentence if I am found guilty;
- (2) the effect of the strict enforcement by the Court of the rules of evidence and criminal procedure during any proceeding including trial;
- (3) my lack of understanding of strategic decisions in areas such as (a) pre-selection questioning of prospective jurors and the striking of jurors; (b) the subpoenaing or calling or not of witnesses, and the questioning of the same, who could appear and testify for me at trial; (c) cross-examination or impeachment or discrediting of witnesses; (d) my right to testify or not during trial; (e) the phrasing and framing of appropriate objections to the introduction of testimony and evidence or other matters during trial; (f) the making of opening statements and closing arguments during trial; and (g) the creation, preservation, and protection of the record and transcript of the trial for purposes of appeal;
- (4) the possibility that I will fail to take advantage of various defense that may be available to me to include justification or self-defense, alibi, misidentification, reliance on presumption of innocence, improper conduct of law enforcement including improper arrest and search and seizure of evidence against me; and
- (5) that the Court will not continue, postpone, or delay my trial if I change my mind and hire a lawyer or ask for an appointed lawyer.

Having been provided a reasonable time for deliberation after having been informed of my right to counsel, particularly of my right to appointed counsel if I am otherwise unable to afford counsel of my choosing, and after understanding the dangers outlined above of representing myself, I have nevertheless chosen to represent myself or proceed *pro se*.

I read and understand the English language. I have read or had read to me the foregoing paragraphs and understand them. I am not under the influence of any drugs or alcoholic beverages or anything else. No one has threatened me or promised me anything for me to give up my right to a lawyer and represent myself or proceed *pro se*. This is my decision.

So freely, knowingly, and voluntarily done this _____ day of _____, 20_____.

DEFENDANT

The Court finds this Defendant's decision to waive counsel and proceed *pro se* (and waiver of the appointment of counsel if the Defendant is otherwise eligible and unable to afford to hire counsel of the Defendant's own selection) is a freely, knowingly, voluntarily, and willing waiver of the Defendant's right to counsel.

So found this _____ day _____, 20_____.

JUDGE, FLOYD SUPERIOR COURT

IN THE SUPERIOR COURT OF FLOYD COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

VS.

*
*
*
*
*

CASE NO. _____

DEFENDANT

ACKNOWLEDGEMENT OF GENERAL AND ADDITIONAL CONDITIONS OF COMMUNITY SUPERVISION

I, _____, Defendant herein, do certify by my signature below that I have read and understand the GENERAL AND ADDITIONAL CONDITIONS OF COMMUNITY SUPERVISION, as enumerated below, which, along with any other condition of my sentence by the Court, are specifically incorporated and applied to my sentence herein, including the following:

- (1) Do not violate the criminal laws of any governmental unit.
- (2) Avoid injurious and vicious habits-especially alcoholic intoxication and possessing or using any controlled substances or other drugs unless lawfully prescribed.
- (3) Avoid persons and places of disreputable or harmful character.
- (4) Report to the Community Supervision Officer ("Probation or Parole Officer") as directed and permit such Officer to visit you at home or elsewhere.
- (5) Work faithfully at suitable employment insofar as may be possible.
- (6) Do not change your 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 Community Supervision Officer.
- (7) Support your legal dependents to the best of your ability.
- (8) Probationer shall upon oral or written request by a Community Supervision Officer, produce a breath, urine, and blood specimen for analysis for the possible presence of a substances prohibited or controlled by any Federal or State law.
- (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 your person, house, papers, automobile, and effects at any time of the day or night without a search warrant whenever requested to do so by a Community Supervision 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 and firearm or other offensive weapon.
- (13) Submit to evaluations and testing and participate in and successfully complete rehabilitative programming as directed by the Department.
- (14) Shall abide by curfews as directed by a Community Supervision Officer.
- (15) Must report to your Community Supervision 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 Community Supervision Office to said Office during the term of probation. Pay a crime lab fee to the assigned Community Supervision 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 Community Supervision 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 Community Supervision Office.

Special Note: There may be Additional and 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 Community Supervision Officer. As to second DUI offenders, in addition to the requirements of probation set out above, the Defendant shall also be required at the Defendant's own expense to equip the Defendant's car with an ignition interlock device approved by the Community Supervision Office for the first six months of the sentence.

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

THIS _____ DAY OF _____, _____

DEFENDANT