

: PLEA TRANSCRIPT

:

: CASE NUMBER:

:

: OFFENSE(S) Charged:

COUNTY OF.....

STATE OF GEORGIA

VS.

Ct. I: _____
Ct. II: _____
Ct. III: _____
Ct. IV: _____
Ct. V: _____
Ct. VI: _____
Ct. VII: _____

The defendant, being first sworn, makes the answers following answers to the Court, orally:

- 1) Are you able to hear and understand my Statements and questions?
Answer.....
- 2) What is your full name?
Answer.....
- 3) How old are you? Answer.....
- 4) Are you a citizen of the United States of America? Answer.....
 A. If you are **NOT** a citizen of the United States of America, do you understand a nolo contendere or guilty plea **will have an impact on your immigration status** and you will face deportation? Answer.....
 B. **PLEASE NOTE:** Pursuant 8 U.S.C.A. §§ 1101(a)(43); 1227, offenses which are **absolute deportation offenses** following conviction include, but are not limited to, the following: 1) crimes of moral turpitude where the sentence is for more than one year; 2) multiple crimes of moral turpitude; 3) aggravated felony; 4) failure to register as sex offender; 5) drug offenses (except for possession of marijuana less than thirty ounces); 6) crimes involving possession of a firearm; 7) domestic violence, including but not limited to child abuse and stalking. (The statutory definitions of terms can be found at 8 U.S.C.A. §1101(a)(43).) If the charge meets one of the mandatory deportation offenses listed above, do you understand that a plea to one of those charges **WILL result in deportation and/or removal?** Answer.....
- 5) What is the highest grade you completed? Answer.....
- 6) Do you have a Weapons Carry License? Answer.....
 A. If you have a Weapons Carry License, what county/state last issued the license? Answer.....
- 7) Are you under the influence of any alcohol, drugs, narcotics, or other pills? Answer.....
- 8) Are you now under the care of a psychiatrist? Answer.....
- 9) Do you understand that you are charged with offense(s) shown in caption above? Answer.....
- 10) Do you desire the Court to read the indictment/accusation to you? Answer.....
- 11) Do you have any questions about the nature of the charge(s), or what the charge(s) means? Answer
- 12) Do you understand that upon your plea of guilty to the following offense(s), you could be sentenced as shown in the box below?
Answer.....

Offense(s)	Code Section	Minimum Sentence	Max Sentence	Fine
CT. I: _____				
CT. II: _____				
CT. III: _____				
CT. IV: _____				
CT. V: _____				
CT. VI: _____				
CT. VII: _____				

- 13) Other than any recommendation made as a result of discussions between you and your attorney and the District Attorney or any combination thereof, has the District Attorney, or your lawyer, or any policeman, law officer, or anyone else made any promises to influence you to plead guilty in the case? Answer.....
- 14) Has anyone promised you easier treatment or a lesser sentence if you plead guilty? Answer.....
- 15) Do you understand that any **recommendation regarding sentence is not binding on this Court**, including any recommendation made as result of discussions between you and your attorney and the District Attorney or any combination thereof, and that it is solely up to this Court to determine the sentence if you plead guilty? Answer.....
- 16) Has the District Attorney, or your lawyer, or any policeman, law officer, or anyone else made any threat(s) to you to influence you to plead guilty in this case? Answer.....
- 17) Is anyone forcing you or compelling you to plead guilty? Answer.....
- 18) Have you had enough time to confer, and have you conferred with your lawyer about this case? Answer.....
- 19) Who is your lawyer? Answer.....

- 20) Do you understand that you do not have to plead guilty, but that you have a right to plead not guilty? Answer.....
- 21) Do you understand that if you plead not guilty, you have a right to trial by jury? Answer.....
- 22) Do you understand that if you plead not guilty, you have a right to be represented by counsel at such trial, and, if you cannot afford to hire counsel, counsel will be appointed to you at no cost to you, if you should qualify? Answer.....
- 23) Do you understand that you have the right to plead not guilty, remain silent at trial, and not incriminate yourself in anyway? Answer.....
- 24) Do you understand that you have the right to plead not guilty, to confront your accusers, cross-examine them at trial, to subpoena witnesses, and to require the State to prove you are guilty of these offense(s) charged beyond a reasonable doubt? Answer.....
- 25) Do you understand that upon the entry of a plea you waive each of these rights and also waive all defenses, both known and unknown to your or your attorney (you may not thereafter rely on these rights or on any defenses)? Answer.....
- 26) Are you satisfied with the counsel and services of your attorney as rendered in your behalf? Answer.....
- 27) Do you authorize and instruct your lawyer to enter a plea on your behalf? Answer.....**
- 28) How do you plead to the charge(s)? Answer.....**
- 29) Are you in fact guilty of the offense(s) charged? Answer.....**
- 30) Do you understand that you have a right to appeal this case to the Georgia Supreme Court or Georgia Court of Appeals by filing notice of appeal with the clerk of the superior court in the county which you are sentenced within thirty (30) days of the sentence of the court? Answer.....**
- 31) Have all of the foregoing questions been read and explained to you? Answer.....**
- 32) I have read or (have had read) all of the above questions (and answers) to me and I understand them, and the answers shown are the ones I gave in open court, and they are true and correct.

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Defendant's Signature

Pursuant to O.C.G.A. § 9-14-42, from the date of the final order in your case, you are hereby advised that the statute of limitations for filing a habeas corpus action is the following: 1) four years in a felony case; 2) one year in a misdemeanor case; and 3) 180 days for traffic law violations.

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Defendant's Signature

Sworn to and subscribed before me this.....day of.....,20.....

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Clerk of Superior Court

CERTIFICATE OF COUNSEL

Counsel, being first sworn, makes the following statement:

The above transcripts evidences proceedings which occurred in my presence. I have previously consulted satisfactorily with the Defendant, have explained Defendant's statutory and constitutional rights, have advised Defendant of the nature of the charge(s) and possible consequences and I know of nothing which should prevent the Defendant from entering a plea of guilty or this Court from accepting such plea.

Sworn to and subscribed before me this.....day of.....,20..... **Attorney for Defendant**

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Clerk of Superior Court

CERTIFICATE OF PRESIDING JUDGE

The undersigned presiding Judge hereby certifies:

- (1) That the above named Defendant was sworn in open court and the questions were asked defendant as set forth in the foregoing transcript, the answers given thereto by said Defendant are as set forth therein.
- (2) That the Defendant was represented by attorney.....who is with the (Office of the Public Defender)(conflict attorney) (employed attorney) and was present throughout the proceedings.
- (3) That the Defendant plead guilty (nolo contendere) as charged in the (bill of indictment)(accusation) as shown in item fourteen herein.

And, upon examination evidence in the transcript and hearing, all having been conducted by this Court, this Court ascertains, determines, and adjudges that Defendant fully understands the nature of the charges(s) against Defendant and the consequences of the plea of guilty (nolo contendere) and the Court further ascertains, determines and adjudges that the plea of guilty (nolo contendere) is voluntarily, freely, knowingly, intelligently, and understandingly made and is made with undue influence, compulsion or duress, and without promise of leniency, this Court therefore adjudges that the plea of guilty (nolo contendere) is accepted. It is ordered that the plea of guilty (nolo contendere) be entered on the minutes, and that this Transcript and Certificate be filed with the (indictment)(accusation).

DATE..... **Judge, South Georgia Judicial Circuit**