In the SELECT COURT Court of SELECT COUNTY County

State of Georgia

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| --- | --- |
| State of Georgia  -vs.-  First Middle Last,  Defendant. | )  ) ) CASE NO.: Case Number  ) |

**Defendant's Change of Plea**

(use a separate change of plea for each individual case)

NOW COMES the defendant in the above styled case and changes the defendant's plea from not guilty to guilty as indicated below. In consideration for the resolution set forth below, the defendant waives any demand for speedy trial in this case. The defendant waives any right to modify this sentence and agrees not to seek modification of this sentence. The defendant expressly waives any defense under the applicable Statute of Limitations. The defendant waives all rights of appeal to the process and procedure, the entry of the plea of guilty, the entry of judgment, and the sentence of the Court in this case.

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| --- | --- | --- |
| **Count** | **Charge in Accusation or Indictment** | **Disposition / Plea**  (Enter Code Section if different than Charged Offense) |
|  | Enter Criminal Offense(s) by title and Code Section | Choose an item. |

This the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant's Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Your Name  
Counsel for First Middle Last

In the SELECT COURT Court of SELECT COUNTY County

State of Georgia

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| --- | --- | --- | --- |
| State of Georgia | \* | Case No. | Case Number |
| v.  First Middle Last  Defendant | \*  \*  \*  \* | Charges: | 1. Enter Criminal Offense(s) by title and Code Section |

**PETITION TO PLEAD GUILTY /**

**TRANSCRIPT OF PLEA OF GUILTY PLEA (NOLO CONTENDERE)**

The Defendant being sworn, makes the following answers to the Court:

I want to plead guilty (nolo contendere) to the offense(s) set forth on my “Change of Plea” form, attached. CIRCLE ONE

|  |  |
| --- | --- |
| 1. Do you understand that you have the constitutional right to remain silent although you have offered a plea of guilty? | Yes No |
| 2. I am going to ask you questions concerning your plea(s) of guilty. Are you willing to answer these questions voluntarily, even though you have the constitutional right to remain silent? | Yes No |
| 3. Are you able to read, write, speak and understand the English language? | Yes No |
| 4. Are you now under the influence of any alcohol, drugs, narcotics, or other pills? | Yes No |
| 5. Do you understand that you are pleading guilty to the offenses set forth in your Change of Plea form, attached? | Yes No |
| 6. Do you understand that the minimum sentence for such charge(s) is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ years imprisonment and the maximum sentence is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ years? | Yes No |
| 7. GUILTY PLEA-OPEN ENDED: Do you understand that upon your plea(s) of guilty, in the absence of a plea agreement, you could be imprisoned for as much as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ years? | Yes No |
| 8. Has the District Attorney, or your lawyer, or any police or law officer, or anyone else, made any promise or threat to you to influence you to plead guilty in this case (except any conversations you may have had with your lawyer concerning a negotiated plea)? | Yes No |
| 9. Have you received a copy of the indictment or accusation in this case? | Yes No |
| 10. Have you had time to talk with your lawyer about this case and the plea(s) you are to enter, any possible defenses you might have, and the minimum and maximum sentences which are possible? | Yes No |
| 11. Do you understand you have absolute right to plead NOT GUILTY and demand a trial by jury in this case, and that by pleading guilty today you are giving up your right to a trial by jury? | Yes No |
| 12. Do you understand that if you were to plead NOT GUILTY and demand a trial by jury in this case, you would have the right to the assistance of a lawyer at that trial, and the right to see, hear, question, confront and cross-examine all of the State's witnesses against you? | Yes No |
| 13. Do you understand that if you were to plead NOT GUILTY and demand a trial by jury in this case, you have the right to testify or not testify, and that if you were to elect not to testify the jury would be instructed that they cannot use that choice against you? | Yes No |
| 14. Do you understand that if you were to plead NOT GUILTY and demand a trial by jury in this case, you would have the right to use the subpoena power of the court to compel or make the witnesses who you feel will testify on your behalf come to court, whether they want to come or not? | Yes No |
| 15. Do you understand that if you were to plead NOT GUILTY and demand a trial by jury in this case, 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 |
| 16. Do you understand that by pleading guilty, you are giving up each of the rights mentioned in questions 11 through 15? | Yes No |
| 17. Are you in fact guilty of the offenses to which you are pleading guilty as set forth in the Change of Plea form, attached? | Yes No |
| 18. Is your decision to plead guilty made freely, knowingly, and voluntarily? | Yes No |
| 19. Have your answers set forth above been truthful? | Yes No |
| 20. Do you understand that if you are not a citizen of the United States, your plea of guilty WILL have an adverse impact on your immigration status and WILL result in your deportation from the United States, even if you are here legally? | Yes No |
| 21. Do you know and understand that if you are on probation or parole your plea of guilty 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 |
| 22. Do you understand that if you believe that, under these Court proceedings, there has been a substantial denial of your rights under the Constitution of the United States or of the Constitution of Georgia, or if you wish to challenge the composition of the grand jury or trial jury in your case, you must do so within the following time limits, or else these issues are waived: four years for felonies; one year for misdemeanors; 180 days for misdemeanor traffic offenses. | Yes No |

We, the undersigned, petition the court for the approval of the following terms on a negotiated plea:

1. Enter Criminal Offense(s) by title and Code Section REDUCED TO: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SENTENCE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CONFINEMENT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ PROBATED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CONCURRENT WITH: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CONSECUTIVE TO: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

FINE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ RESTITUTION: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

COMMUNITY SERVICE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ALTERNATIVE PROGRAM \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

THE FOLLOWING ARE APPLICABLE TO THIS AGREEMENT:  
( ) Credit for time served compute from the time of initial confinement on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
( ) State and Defendant agree to First Offender Status.  
( ) Defendant requests First Offender Status and has had the benefits and risks of First Offender explained by counsel  
( ) Defendant consents to restitution and waives findings of fact and conclusions of law as to the amount of restitution.

SPECIAL CONDITIONS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PETITION FOR ACCEPTANCE OF GUILTY (NOLO CONTENDERE) PLEA**

I, the undersigned defendant, understand all the questions above. I have shown that I know and understand my rights and waive them by circling my answer after each question. After reading and answering each question, I enter my plea of guilty freely, intelligently, knowingly, voluntarily, and hereby petition the court to accept my plea of guilty.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant's Signature Date

**CERTIFICATE OF DEFENSE COUNSEL**

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

(1) I have discussed with the defendant the facts and the elements of the crimes that the State must prove and any defenses that may be available to the charges.

(2) I have explained to the defendant the maximum penalties provided by law for each crime and all possible consequences of a guilty plea.

(3) In my opinion the plea of guilty is freely, intelligently, knowingly, and voluntarily made.

(4) I have advised my client that if he or she is not a United States citizen, this plea of guilty will have a negative impact on his or her immigration status and that he or she will be deported.

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defense Counsel Date

**CERTIFICATE OF PROSECUTOR**

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Assistant) District Attorney Date

In the **SELECT COURT** Court of **SELECT COUNTY** County

State of Georgia

|  |  |
| --- | --- |
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**ORDER FINDING defendant's PLEA VOLUNTARY**

The Court reviewed the plea and acknowledgment and waiver of rights of the defendant and has ascertained that the defendant's understanding and waiver of rights represented thereby is intelligent, knowing, and voluntary. From questioning of the defendant and defense counsel, and from the plea and acknowledgment and waiver, the Court has affirmatively determined that (1) there is a factual basis for the plea; (2) the defendant knows and understands the nature of the charges and the consequences of the plea; (3) the plea is freely and voluntarily entered, uninfluenced by the slightest hope of benefit or the remotest fear of injury; (4) the facts justify the plea; and there has been an intelligent, knowing, voluntary waiver of (5) the right to trial by jury, (6) confrontation of witnesses, and (7) the privilege against self-incrimination.

**WHEREFORE**, the Court accepts the plea and orders that this order and the defendant's plea and acknowledgment and waiver of rights be filed as part of the record herein.

This \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge, Superior Court

NORTHERN Judicial CircuiT

In the **SELECT COURT** Court of **SELECT COUNTY** County

State of Georgia

|  |  |
| --- | --- |
| State of Georgia  -vs.-  First Middle Last,  Defendant. | )  ) ) CASE NO.: Case Number  ) |

**Special Condition of Sentence — Waiver of Fourth Amendment Rights**

I am before the Court for sentencing and have pleaded guilty to a violation of the Laws of the State of Georgia. As a special condition of my sentence, I must waive any and all of my Fourth Amendment rights under the Constitution and Laws of the United States, and any and all similar provisions of the Constitution and Laws of the State of Georgia, that protect against unreasonable searches and seizures. I understand that if I do not agree to this special condition of my sentence, the Court, in its discretion, may require me to serve my sentence in confinement rather than serve all or part of my sentence on probation.

I understand that this special condition of my sentence requires that I consent to any and all searches of my person and my property by law enforcement, any person assisting law enforcement, at any time during the entire time that I am under sentence of this Court when there is reasonable cause to believe that I am violating or attempting to violate any term or condition of my sentence, or otherwise violating or attempting to violate any law of the United States, the State of Georgia, or any subdivision or entity therein.

I hereby consent to any and all searches of my person and my property, including my motor vehicle, my residence, and the immediate area around me upon request by law enforcement. I understand that law enforcement includes not only federal, state, county, and municipal law enforcement personnel, but also includes probation, parole, and department of community supervision officers. I understand that I shall submit to any and all searches of my person and my property at any time of the day or the night. I understand that that no arrest or search warrant, or similar item, is required to search under this waiver.

I understand that I may not withdraw my consent during the time that I am under sentence of this Court. I understand that while I am under sentence of this Court, even if I do not consent to a requested search, law enforcement personnel may search my person and my property anyway. I understand that if I attempt to revoke my consent at any time, my attempt to revoke my consent may be a violation of the conditions or terms of my sentence.

I understand that anything found during any search of my person and my property may be used against me in any legal or court proceeding. I further agree that the results of any drug testing conducted while on probation shall be admissible into evidence at any probation revocation hearing by a copy of the GBI lab report and I waive any objection as to foundation, chain of custody, or hearsay.

I have read or have had read to me this Special Condition of Sentence — Waiver of Fourth Amendment Rights, and I have had the opportunity to discuss this with my attorney.

This special condition of my sentence is executed prior to my being sentenced in this case.

SO ACKNOWLEDGED, this the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  First Middle Last, Defendant | Read with/to and explained to  Defendant by:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Counsel for Defendant |