

IN THE SUPERIOR COURT OF FLOYD COUNTY, GEORGIA

STATE OF GEORGIA

CASE NUMBER: \_\_\_\_\_

COUNT(S): \_\_\_\_\_

VS

OFFENSE (S): \_\_\_\_\_

DEFENDANT

TRANSCRIPT

The Defendant, being sworn, and having read or heard read all of the below questions, understand them and answers them as shown below and further states that the answers are the ones I gave in open court and they are true and correct.

- 1. Are you able to hear and understand my statements and questions? **Answer:** \_\_\_\_\_
- 2. Are you now under the influence of any alcohol, drugs, narcotics or other pills? **Answer:** \_\_\_\_\_
- 3. Do you understand what you are charged with in this case? **Answer:** \_\_\_\_\_
- 4. Do you understand that upon your plea of guilty you could be imprisoned for as much as \_\_\_\_\_ years? **Answer:** \_\_\_\_\_
- 5. Do you hold a weapons carry license? **Answer:** \_\_\_\_\_ if so, in what county was it issued? **Answer:** \_\_\_\_\_
- 6. Do you understand that even if the District Attorney or anyone else makes a sentencing recommendation that the Court is not bound to accept it but may reject it and allow you to withdraw your plea? **Answer:** \_\_\_\_\_
- 7. Has the District Attorney, your Attorney, or anyone made any threat or promise to make you plead guilty in this case? **Answer:** \_\_\_\_\_
- 8. You have the right to have an attorney present with you if you want one. Have you had the time to do this and to talk with them about this case? **Answer:** \_\_\_\_\_. **Who is your Attorney?** \_\_\_\_\_
- 9. You have the right to subpoena any witnesses that you may want. Have you had time to do this? **Answer:** \_\_\_\_\_
- 10. Do you understand that you have the right to a jury trial and cannot be compelled to give evidence against yourself? **Answer:** \_\_\_\_\_
- 11. Do you understand that you have the right to testify and to offer any other evidence if you desire to do so? **Answer:** \_\_\_\_\_
- 12. Do you understand that you have the right to confront and cross examine any witness who may testify against you? **Answer:** \_\_\_\_\_
- 13. Do you understand that you are presumed innocent until proven guilty? **Answer:** \_\_\_\_\_
- 14. Do you understand that by entering your plea of guilty you are waiving and giving up these rights? **Answer:** \_\_\_\_\_
- 15. Have you read and do you understand the conditions of community supervision? **Answer:** \_\_\_\_\_
- 16. Are you a citizen of the United States? **Answer:** \_\_\_\_\_
- 17. Do you authorize and instruct your Attorney to enter your plea of guilty? **Answer:** \_\_\_\_\_
- 18. How do you plead to the charge, guilty or not guilty? **Answer:** \_\_\_\_\_
- 19. Are you satisfied with the services of your attorney as rendered in your behalf? **Answer:** \_\_\_\_\_
- 20. Are you, in fact, guilty? **Answer:** \_\_\_\_\_
- 21. Have these questions been read and explained to you? **Answer:** \_\_\_\_\_
- 22. Do you understand if you are not a United States citizen then your guilty plea may impact your immigration status? **Answer:** \_\_\_\_\_
- 23. Do you understand if you are on community supervision, that is, probation or parole, your guilty plea may cause your probation or parole to be revoked and you may be required to serve time on that revocation in addition to the sentence in this case? **Answer:** \_\_\_\_\_
- 24. Do you understand that you have the right to direct appeal the adjudication of guilt provided you do so within 30 days from today, and if you cannot afford an attorney, one would be appointed to represent you? **Answer:** \_\_\_\_\_
- 25. Do you understand that if you believe there has been a substantial denial of your Federal or State constitutional rights, or if you wish to challenge the composition of the grand jury or trial jury in your case, you must bring a habeas corpus action within four years for felonies, one year for misdemeanors, and 180 days for misdemeanor traffic offenses. **Answer:** \_\_\_\_\_

DEFENDANT

Sworn and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DEPUTY CLERK, Floyd County Superior Court

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

**CASE NUMBER:** \_\_\_\_\_

**CERTIFICATION**

The Undersigned Presiding Judge Hereby Certifies:

- I. The Defendant named in the transcript in the above case appeared before me, was sworn in open court, entered a plea to the charges as shown thereon, and made answers to the questions on said transcript.
- II. The Defendant was represented by Counsel if shown or the Court found on the record that the Defendant was competent to proceed pro se.
- III. The Defendant has been fully advised of the Defendant's rights, the charges against the Defendant and those to which the Defendant pled guilty and the maximum punishment for said offense(s).
- IV. The questions asked were fully understood by the Defendant, the plea and the answers given were freely and voluntarily made without undue influence, compulsion or duress, and without promise of leniency.

It is therefore ordered that the plea of the Defendant is accepted and shall be entered on the minutes of this court and that the transcript and this certification shall be filed as pleadings in this matter.

**SO DONE THIS** \_\_\_\_\_ day \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**JUDGE, FLOYD SUPERIOR COURT**

Filed at \_\_\_\_\_ am/pm, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**DEPUTY CLERK, Floyd Superior Court**

**NOTE TO CLERK:** This transcript and certification are to be placed in the case file and noted on the criminal docket only; not to be entered on minutes of the court.

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

**STATE OF GEORGIA**

**VS.**

\_\_\_\_\_  
**DEFENDANT**

\* **CASE NO.** \_\_\_\_\_  
\*  
\* **COUNT(S)** \_\_\_\_\_  
\*  
\* **CHARGE(S)** \_\_\_\_\_  
\* \_\_\_\_\_  
\* \_\_\_\_\_  
\* \_\_\_\_\_  
\* \_\_\_\_\_  
\* \_\_\_\_\_

**PLEA OF GUILTY**

**GEORGIA, FLOYD COUNTY:**

I, \_\_\_\_\_, am the Defendant in the above case and fully understand the charges against me. I can read and write and have consulted with a lawyer about my case. I understand that I have a right to plead either "guilty" or "not guilty" and if I plead "not guilty" then I will be entitled to a trial before a jury. I do hereby plead guilty to the charges against me in the above stated case. I know the meaning and the consequences of a guilty plea. No threats have been made to me and I have not been promised a lesser sentence or easier treatment in order to make me enter a guilty plea, and I am entering this guilty plea freely and voluntarily.

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

\_\_\_\_\_  
**DEFENDANT**

**GEORGIA, FLOYD COUNTY:**

I have consulted with the above-named Defendant prior to the Defendant entering the plea of guilty herein and have explained to the Defendant the Defendant's legal and constitutional rights and have discussed and explained to the Defendant the charges against the Defendant and the consequences of a guilty plea. I know of no matter which could or should act to prevent the Defendant from entering a plea of guilty or the Court from accepting such a plea.

So done this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**DEFENSE ATTORNEY**

**GEORGIA, FLOYD COUNTY:**

I, Deputy Clerk of the Superior Court of Floyd County, certify that the above-named Defendant entered the plea of guilty herein in open court and the Defendant was at the time represented in this Court by the above-named Defense Counsel and that said plea of guilty was accepted by the Court.

So done this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**CLERK, FLOYD COUNTY SUPERIOR COURT**

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

**STATE OF GEORGIA**

**VS.**

\_\_\_\_\_  
**DEFENDANT**

\*  
\* **CASE NO.** \_\_\_\_\_  
\* **OFFENSE(S)** \_\_\_\_\_  
\* \_\_\_\_\_  
\* \_\_\_\_\_  
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\* \_\_\_\_\_  
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**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

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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