

IN THE STATE COURT OF CHEROKEE COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

V.

\_\_\_\_\_, DEFENDANT

CASE NO: \_\_\_\_\_

**PETITION TO ENTER PLEA OF GUILTY/NOLO CONTENDRE**

I, the above named defendant, hereby state to the Court that I wish to enter a PLEA of \_\_\_\_\_ to the charge(s) in the above mentioned accusation(s) and request that the Court accept my PLEA.

Further, I hereby state the following:

1. My full name is \_\_\_\_\_.
2. I am \_\_\_\_ years old and have completed \_\_\_\_ years of education.
3. I do not suffer from any emotional or mental disability.
4. I am able to read and write.
5. I am not under the influence of alcohol, any other drug, controlled substance or narcotic.
6. I fully understand the charges against me.
7. I understand that I have the right to plead NOT GUILTY to every charge against me.
8. I understand that if I plead NOT GUILTY I will have a right to a speedy and public trial by Judge or Jury.
9. I understand that if I plead NOT GUILTY, I have a right to confront, that is to see, hear, question and cross-examine the witness called to testify against me at trial and to subpoena witnesses to testify for me, and to use the subpoena power of the Court to compel their attendance.
10. I understand that if I plead NOT GUILTY I will have the right to testify or not testify, as it is my choice and if I choose not to testify, that cannot be used against me.
11. I understand that if I plead NOT GUILTY I am presumed innocent and before I can be convicted the state must prove guilt beyond a reasonable doubt as to the charges against me.
12. I understand in the event I am convicted at trial, I would have the right to appeal my conviction.
13. I understand that I have right to be represented by a lawyer and if I can not afford a lawyer, a lawyer may be appointed by the Court to represent me.
14. I understand if I plead GUILTY/NOLO CONTENDRE, I will have waived, which means given up the rights identified in statements 7-13.
15. I understand that if I feel these court proceedings resulted in a substantial denial of my rights under the Constitution of the United States or Georgia I must exercise my Habeas Corpus rights with in one year of a final judgment for a misdemeanor offense or within 180 days of a misdemeanor traffic offense. See O.C.G.A. §§ 9-14-42 and 40-13-33.
16. I understand that if I do not exercise my Habeas Corpus rights within the time limits mentioned above, my rights to challenge these proceedings are waived, that is given up.
17. I understand if I plead GUILTY/NOLO CONTENDRE, I could be imprisoned for as long as 12 months or fined \$\_\_\_\_\_ or both on EACH charge against me.
18. I understand if I plead GUILTY/NOLO CONTENDRE there may be collateral consequences beyond the control of the Court. Such consequences include, but are not limited to:
  - a. The plea may be used against me and may affect my probation or parole status in this or other courts.
  - b. If I plead GUILTY/NOLO CONTENDRE to any misdemeanor offense involving domestic violence I will PERMANENTLY lose my right to ship, transport, possess or receive any firearm or ammunition. (18 U.S.C. § 922(g)(9)).
  - c. This plea could affect my immigration status.

(CONTINUED ON NEXT PAGE)

19. I understand that as an alien a plea of GUILTY/NOLO CONTENDRE may result in deportation.
20. No person has used any threats, force, pressure or intimidation to make me plead GUILTY/NOLO CONTENDRE.
21. No person has made any promise(s) to cause me to plead GUILTY/NOLO CONTENDRE.
22. I understand by entering a plea of GUILTY/NOLO CONTENDRE I voluntarily waive:
  - a. my right to a speedy and public trial by a Judge or Jury;
  - b. the presumption of innocence;
  - c. my right to have the State prove my guilt beyond a reasonable doubt;
  - d. my right to subpoena witnesses;
  - e. my right to confront the witnesses against me in a trial by a Judge or Jury;
  - f. my right to testify and offer other evidence;
  - g. my right to assistance of counsel at all stages of trial; and
  - h. my right not to incriminate, testify or produce evidence against myself.
23. I have read and fully understand each of the above statements and the rights I am voluntarily waiving.
24. I do not have any question about my rights that appear on the statements made above.
25. I am in fact guilty of the unlawful acts set forth in the accusation(s) herein.
26. I freely and voluntarily enter my plea of \_\_\_\_\_ to the charges(s) against me.

**I THEREFORE PETITION THE COURT TO ACCEPT MY PLEA OF GUILTY/NOLO CONTENDRE**

Sworn and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
DEFENDANT'S SIGNATURE  
DATE:\_\_\_\_\_

**ORDER**

The Court finds the Defendant understands the nature and the consequence of Defendant's action, the Defendant's plea is knowingly and voluntarily entered without undue influence, compulsion or duress. The Court is also satisfied that a sufficient factual basis exists for the acceptance of this plea. The Court further finds that the pro se Defendant understands his right to counsel and has knowingly and voluntarily waived that right. It is therefore ordered that the Defendant's plea of guilty/nolo contender be entered on the minutes and that this Transcript and Certificate be filed with the accusation.

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

\_\_\_\_\_  
Judge, State Court of Cherokee County