

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 PERMANANTLY 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.
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.

(CONTINUED ON NEXT PAGE)

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: \_\_\_\_\_

**CERTIFICATE OF COUNSEL**

\_\_\_\_\_, as attorney for the Defendant, hereby certify that:

1. I have read and fully explained all of the charges contained in the accusation of this case to the Defendant.
2. I have explained and discussed with the Defendant all of the facts and elements which the prosecution must prove and defends available to the charge(s).
3. I have explained to the Defendant the maximum penalty provided by law and possible consequences of a guilty plea for the offenses which the Defendant offers a plea of guilty.
4. The plea of guilty offered by the Defendant for the charge(s) is consistent with my understanding of the facts the Defendant has related to me and with my advice to the Defendant and in my opinion is voluntarily and knowingly made.
5. To the best of my knowledge and belief, the statements, representations and declarations made by the Defendant in the forgoing petition are in all respects accurate and true.
6. I do not know of any reason why the Court should not accept the Defendant's guilty plea.

DATE: \_\_\_\_\_

\_\_\_\_\_  
ATTORNEY FOR THE DEFENDANT

\_\_\_\_\_  
STATE BAR NUMBER

\_\_\_\_\_  
ATTORNEY'S PRINTED NAME

**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

IN THE STATE COURT OF CHEROKEE COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

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

V.

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\_\_\_\_\_

WAIVER OF FOURTH AMENDMENT RIGHTS

COMES NOW, \_\_\_\_\_, Defendant in the above styled case and states to the Court the following:

I understand that I have rights that protect me from unreasonable search and seizure.

I understand that these rights are guaranteed by the Fourth Amendment to the United States Constitution, as well as the Georgia Constitution.

I also understand that I can voluntarily give up these rights as part of a negotiated plea agreement or as part of an alternative of court and as an acceptable alternative to incarceration.

I do hereby waive and give the rights listed above, and do hereby consent to a search of my person, papers, personal effects, residence, vehicle, cell phone, computer, tablets, digital media storage, social media and bodily substances. I further consent that such a search may be conducted by my probation officer, Surveillance officer or by any law enforcement officer. I agree that such a search may be conducted without a warrant and without probable cause, articulable suspicion, or reasonable grounds. In any prosecution that may arise from said search, I consent to the admission of any evidence seized during such a search without further authentication or foundation.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Assistant Solicitor General