

STATE COURT OF CARROLL COUNTY, GEORGIA

NAME \_\_\_\_\_

CASE NO. \_\_\_\_\_

ADVISEMENT OF RIGHTS

You have the right to be represented by an attorney at all stages of these proceedings, including prior to the time you decide what plea to enter, and you also have the right to have counsel appointed for you if you are indigent and cannot afford to hire a lawyer. You also have the right to represent yourself, and the risks of not having a lawyer are set out on side 2 of this document. You do not have to talk to anyone from the Solicitor's Office and there is no penalty for not talking with them. (If you do talk with the Solicitor's Office and later decide you want a trial, anything you said might be repeated as evidence at the trial.)

You have the right to have the charge or charges against you explained and to understand the nature of the offense(s) you are charged with.

You have the right to a jury trial, or a trial by the Court sitting without a jury if you prefer. By pleading not guilty, or by remaining silent and not entering a plea, you will obtain a trial. However, if you plead guilty or nolo contendere (no contest), you will give up certain rights, which include:

- the right to a trial by the judge or jury;**
- the right to confront witnesses against you which means to see, hear, and question them;**
- the right not to testify or incriminate yourself** (if you choose not to testify, that cannot be held against you in any way);
- the right to be represented by counsel during trial;
- the right to be presumed innocent;
- the right to have the State undertake the burden of proving you guilty beyond a reasonable doubt;
- the right to testify and to offer other evidence at trial; and
- the right to subpoena witnesses and to have them compelled to attend the trial if necessary.

Misdemeanor offenses generally carry a maximum punishment of up to 12 months imprisonment and a \$1,000.00 fine, although there are some exceptions which will be explained. If you have more than one charge, the sentences can be made to follow one another. If any minimum sentence is required by law, that will be explained separately. If any sentence recommendation is made, it is not binding on the Court.

If you are given probation or a suspended sentence, it can be revoked and service of the sentence in incarceration required if you fail to comply with any condition of the probated or suspended sentence. The Department of Driver Services or its equivalent may suspend, revoke, or take other action against your driver's license based on a conviction of certain charges. If you are not a citizen of the United States, a plea of guilty may have an impact on your immigration status.

**I (  do ) (  do not ) understand these rights and the information set out above and on the reverse. I am not presently under the influence of alcohol or drugs, and not suffering from any mental or physical disability which interferes with my thinking today. I have not been promised anything or threatened in any way to cause me to enter my plea(s). I freely and voluntarily enter my plea(s) as indicated on the accusation(s) or citation(s) setting out these charge(s). I swear or affirm under penalty of perjury that these statements are true.**

Date: \_\_\_\_\_

X   
Signature

ADDITIONAL INFORMATION REGARDING  
AN ATTORNEY AND/OR TRIAL

You have the right to have a lawyer represent you and if you are deemed indigent the Court will appoint one for you. You may choose instead to proceed without a lawyer and to represent yourself but it is risky to do that.

You should be aware that a lawyer has been trained in the rules of evidence and procedure and that if you represent yourself you will be held to the same legal rules to which a lawyer would be held. There may be possible weaknesses in the State's case or defenses that a lawyer could discover and would know how to assert, such as defects in the citation or accusation, justification, lack of criminal intent, misidentification, alibi, a reliance on the presumption of innocence, or an improper stop, search, or test in some cases. A lawyer would know of any statutory lesser-included offenses that may apply, and how to bring out mitigating circumstances if there are any. If you want a trial, there may be strategy decisions to be made regarding the calling of witnesses and whether you should testify which a lawyer could advise you about, and a lawyer would know how to properly call witnesses to testify and how to properly question witnesses, to impeach witnesses, and to offer exhibits or evidence properly in Court. If you have a jury trial, there may be legal and strategy issues involved in questioning and selecting jurors. You should be aware that issues must be properly preserved and transcribed in court records in order to form the basis for any appeal that you may wish to make at the conclusion of this proceeding. You may not know how to do these things correctly.

1.

I do not want a lawyer and waive (give up) my right to have a lawyer represent me; or

I do want to have a lawyer.

2.

I do not want a trial by the judge or jury and waive (give up) my right to a trial; or

I do want to have a trial.

**I swear or affirm under penalty of perjury that these statements are true.**

X  
Signature

The Court finds that the Defendant knowingly and voluntarily waives the right to a trial by jury and a bench trial, and, if unrepresented by counsel, the right to counsel.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge