

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

STATE OF GEORGIA

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

v.  
\_\_\_\_\_, Defendant.

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**PETITION TO ENTER PLEA OF GUILTY**

I, the above named defendant, hereby state to the Court that I wish to enter a plea of **GUILTY** to the above numbered indictment. In connection with that plea of **GUILTY**, I inform the Court that the answers to the following questions are true:

1. What is your name? \_\_\_\_\_ Age? \_\_\_\_\_
2. How much education have you had? \_\_\_\_\_ Are you able to read and write? **Yes**\_\_ **No**\_\_
3. Are you now under the influence of any alcohol, intoxicants, or any drugs? **Yes**\_\_ **No**\_\_
4. To your knowledge, do you now suffer from any mental or emotional disability? **Yes**\_\_ **No**\_\_
5. Have you received a copy of the charging document (indictment/accusation) in this case? **Yes**\_\_ **No**\_\_
6. Have you read it or had it read and explained to you? **Yes**\_\_ **No**\_\_
7. Do you fully understand the charges against you? **Yes**\_\_ **No**\_\_
8. Have you had enough time to talk with your lawyer about your case? **Yes**\_\_ **No**\_\_
9. Have you discussed your case fully and explained everything you know about it to your lawyer including all of the facts and circumstances surrounding any statement, confession, or other evidence obtained from you by anyone? **Yes**\_\_ **No**\_\_
10. Has your lawyer advised you of the nature of the charges against you and any possible defenses you may have including the right to challenge the legality of any statement, confession, or other evidence obtained or seized from you? **Yes**\_\_ **No**\_\_
11. Has your attorney discussed your eligibility for first offender treatment and the benefits/risks therein? **Yes**\_\_ **No**\_\_
12. Do you understand that you have a right to assistance of counsel during trial? **Yes**\_\_ **No**\_\_
13. Do you understand that you have a right to plead **NOT GUILTY** to every charge filed against you? **Yes**\_\_ **No**\_\_
14. Do you understand that if you plead **NOT GUILTY** you have a right to a speedy and public trial by a judge and jury? **Yes**\_\_ **No**\_\_
15. Do you understand that if you plead **NOT GUILTY** you have a right to confront, that is to see, hear, question, and cross examine, the witnesses called to testify against you at trial? **Yes**\_\_ **No**\_\_
16. Do you understand that if you plead **NOT GUILTY** you have a right to use the subpoena power of the Court to require the attendance of any witnesses on your behalf, whether they want to come or not? **Yes**\_\_ **No**\_\_
17. Do you understand that if you plead **NOT GUILTY** you have the right to testify or not testify, as you choose, that you cannot be required to testify and that if you do not testify the jury cannot take that as evidence against you? **Yes**\_\_ **No**\_\_
18. Do you understand that if you plead **NOT GUILTY** you will be presumed to be innocent and that before you can be convicted the prosecution will have the duty of proving your guilt beyond a reasonable doubt? **Yes**\_\_ **No**\_\_
19. Do you understand that in the event you were convicted in a trial you would have the right to appeal your conviction? **Yes**\_\_ **No**\_\_
20. Do you understand that if you plead **GUILTY** you will have waived, that is, given up, each of the rights mentioned in questions 11 through 18? **Yes**\_\_ **No**\_\_
21. Do you realize that if you plead **GUILTY** the Court may impose the same punishment as if you had pleaded **NOT GUILTY** and been convicted? **Yes**\_\_ **No**\_\_
22. Do you know that the sentence you will receive is solely a matter for the judge to decide? **Yes**\_\_ **No**\_\_
23. Have you been advised of the maximum and mandatory minimum punishment provided by law for the offense or offenses to which you want to plead **GUILTY**? Max: \_\_\_\_\_ Mandatory Minimum: \_\_\_\_\_ **Yes**\_\_ **No**\_\_
24. Do you realize that if you plead **GUILTY** the Court may sentence you to the maximum punishment authorized by law for the offense or offenses to which you plead **GUILTY**? **Yes**\_\_ **No**\_\_
25. No other assurances have been made to me by my attorney or anyone else that I will likely make parole within any designated time. I acknowledge that any discussion with my attorney on the subject is, at most, an estimate, not an assurance, is not binding on the Court nor agency of the government, and is NOT a basis for any plea agreement in this case. Do you understand? **Yes**\_\_ **No**\_\_
26. Has anyone made guarantees to you concerning collateral consequences of your plea? If so, what? \_\_\_\_\_ **Yes**\_\_ **No**\_\_
27. Do you understand that any adverse consequences of your plea shall not be a basis for voiding your conviction? **Yes**\_\_ **No**\_\_
28. If you are now on probation or parole, do you know that by pleading **GUILTY** here your probation or parole may be revoked and that you may be required to serve time in that case in addition to the sentence imposed upon you in this case? **Yes**\_\_ **No**\_\_
29. If you are now serving another sentence, do you know that the sentence in this case could be made to follow the sentence you are now serving? **Yes**\_\_ **No**\_\_
30. Has any person used any threats, force, pressure, or intimidation to make you plead **GUILTY**? **Yes**\_\_ **No**\_\_
31. Has any promise, other than a plea agreement, been made by anyone which causes you to plead **GUILTY**? **Yes**\_\_ **No**\_\_
32. Has any person suggested to you or led you to believe that you will be placed on probation or be given a lighter sentence or otherwise rewarded for pleading **GUILTY**? **Yes**\_\_ **No**\_\_

If so, who made the suggestion and exactly what was suggested? \_\_\_\_\_

33. Has any plea agreement been made by you with anyone which causes you to plead **GUILTY**? **Yes\_\_ No\_\_**  
If so, exactly what is that agreement as you understand it? \_\_\_\_\_
34. Did you commit the unlawful acts set forth in the charge or charges to which you want to plead **GUILTY**? **Yes\_\_ No\_\_**  
Specifically, what unlawful acts did you commit? \_\_\_\_\_
35. Has your lawyer gone over all of these questions and your answers to them with you? **Yes\_\_ No\_\_**
36. Are you satisfied with your lawyer and the way you were represented in the case? **Yes\_\_ No\_\_**
37. Do you understand all the questions? If not, which ones do you not understand? \_\_\_\_\_ **Yes\_\_ No\_\_**
38. Is there any other information or advice you want before you enter a plea of **GUILTY**? **Yes\_\_ No\_\_**
39. Do you understand that if you plead **GUILTY** the Court may place you under oath and ask you questions about the offense or offenses to which you have pled and the answers to these questions may later be used against you in a prosecution for perjury or false statement or in any proceedings challenging the entry of your plea? **Yes\_\_ No\_\_**
40. Is your plea of **GUILTY** given voluntarily and of your free will and accord? **Yes\_\_ No\_\_**
41. Do you now want to plead **GUILTY**? **Yes\_\_ No\_\_**
42. Are you both eligible and requesting sentencing as a **First Offender** (OCGA 42-8-60)? **Yes\_\_ No\_\_**
43. Are you a U.S. Citizen? **Yes\_\_ No\_\_**
44. Do you understand that if you are not a citizen of the United States that your entry of a plea, even a plea under First Offender or Conditional Discharge, **will in all** likelihood, have adverse immigration consequences, including deportation, exclusion from this country and denial of naturalization? **Yes\_\_ No\_\_**
45. Has your attorney discussed with you the impact of entering this plea on your immigration status? **Yes\_\_ No\_\_**
46. Having been advised of the adverse consequences and having discussed them with your attorney, do you still wish to proceed with the entry of this plea of **GUILTY**? **Yes\_\_ No\_\_**

I therefore petition the Court to accept my plea of **GUILTY**.

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

\_\_\_\_\_  
DEFENDANT

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

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

**CERTIFICATE OF COUNSEL**

I, as attorney for the defendant, hereby certify that:

1. I have read and fully explained to the defendant all of the charges contained in the charging document in this case.
2. I have explained and discussed with defendant the facts and elements of the case which the prosecution must prove and the defenses that may be available to the charge or charges.
3. I have explained to the defendant the maximum and minimum penalty provided by law for the offense or offenses to which the defendant offers a plea of guilty and the possible consequences of a plea of guilty (including immigration consequences). I have explained to the defendant all the rights and ramifications listed above in this petition, including First Offender treatment.
4. The plea of guilty offered by the defendant to the charge or charges accords with my understanding of the facts the defendant has related to me, is consistent with my advice to the defendant and in my opinion is voluntarily and understandably made.
5. To the best of my knowledge and belief the statements, representations, and declarations made by the defendant in the foregoing petition are in all respects accurate and true.
6. I do not know of any reason why the Court should not accept the plea of guilty.

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

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

**ORDER**

After examination by the Court, the Court ascertains, determines, and adjudges that the plea of guilty by the defendant is freely, knowingly and voluntarily made and was made without undue influence, compulsion, or duress and without promise of leniency. It is therefore ordered that his/her plea of guilty be entered on the minutes and that this Transcript and Certificate be filed with the Charging Document.

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

\_\_\_\_\_  
JUDGE, SUPERIOR COURT  
BLUE RIDGE JUDICIAL CIRCUIT