

JUDGE KELLIE S. HILL

IN THE SUPERIOR COURT
COBB JUDICIAL CIRCUIT
STATE OF GEORGIA

_____ TERM, 20____

CASE NO. _____

STATE OF GEORGIA

OFFENSE(S):

VS.

The Defendant, being sworn, answers as follows to the Court's questions:

Answer:

- _____ 1. Are you able to hear and understand my statements and questions?
- _____ 2. Do you understand that you have the right to remain silent during this proceeding?
- _____ 3. Are you now under the influence of any alcohol, drugs, narcotics, or pills?
- _____ 4. How old are you?
- _____ 5. Are you a citizen of the United States?
- _____ 6. If NO, do you understand that your entry of a plea—even a plea under Georgia's First Offender Act—will, in all likelihood, have adverse immigration consequences, including, deportation, exclusion from this country or denial of naturalization?

[The 11th Circuit has held that a plea of guilty under Georgia's First Offender Act counts as a "conviction" for federal immigration purposes. See Ali v. U.S. Atty. Gen., 443 F.3d 804, 809-10 (11th Cir. 2006)].

- _____ 7. Have you ever been a patient in a mental institution or under the care of a psychiatrist or psychologist?
- _____ 8. If YES, do you understand what is occurring at this moment?
- _____ 9. How far have you gone in school?

- _____ 10. Do you understand what you are charged with in this case?
- _____ 11. Do you understand that upon your plea of guilty that you could be imprisoned for a maximum of _____ years and/or _____ months; and a fine of up to \$_____ could be imposed?
- _____ 12. Do you understand that you can either plead guilty or not guilty to this charge?
- _____ 13. Do you understand that all convictions, including the plea of guilty which you are now entering, may be used against you in sentence determination should you ever again plead guilty or be found guilty of another crime?
- _____ 14. Has anyone made any promise or threat to you to influence you to plead guilty in this case?
- _____ 15. Do you understand that if you plead not guilty you would be entitled to have a jury trial?
- _____ 16. Have you had time to confer, and have you conferred with your attorney about this case?

And who is your attorney? _____

- _____ 17. Are you satisfied with the services your attorney has rendered on your behalf?
- _____ 18. Do you authorize and instruct your attorney to enter a plea of guilty?
- _____ 19. Do you understand that you may plead "Not Guilty" to the offense(s) with which you have been charged; and that if you should choose to plead "Not Guilty," the Constitution guarantees you the right to a speedy and public trial by jury; the right to see, hear and cross-examine all witnesses called to testify against you; the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in your favor; the right to have the assistance of an attorney at all stages of the proceedings; that you do not have to testify against yourself; that you are presumed innocent; and you have the right to make the State prove your guilt beyond a reasonable doubt?
- _____ 20. Do you understand that upon a plea of guilty you give up all these rights?
- _____ 21. Do you understand that if you do not have enough money and cannot obtain funds to hire an attorney, the Court will appoint an attorney to represent you?

- _____ 22. Do you waive your right to a jury trial in this case?
- _____ 23. How do you plead to the charge—guilty, or not guilty?
- _____ 24. Are you in fact guilty?
- _____ 25. Do you understand that, even if this is a negotiated plea with a sentencing recommendation, I am not bound by that recommendation?
- _____ 26. Have these questions been read and explained to you?
- _____ 27. Do you have any type of weapons permit? If yes, what county was license issued in_____

The Defendant's attorney makes the following answers to the Court's questions:

- _____ 1. Has the Defendant been informed of his/her rights?
- _____ 2. Has the Defendant been informed of his/her rights for post-plea review, appellate review and all applicable filing deadlines?
- _____ 3. Have these rights been explained to him/her?
- _____ 4. Does he/she understand the consequences of a guilty plea?

I have read all of the above questions and answers or have heard them read, and I understand them, and the answers are the ones given in open court, and they are true and correct.

Defendant

Attorney for Defendant

HABEAS CORPUS ADVISEMENT

I further certify that I have a right to file any action for habeas corpus brought pursuant to Title 9, Chapter 14, Article 2 of the Official Code of Georgia. I understand it must be filed within **180 days** from the judgment of conviction on traffic misdemeanors, **one year** from the judgment of conviction on all other misdemeanors and **four years** from the judgment of conviction on felonies becoming final by the conclusion of direct review or the expiration of the time for seeking such review.

Defendant

Attorney for Defendant

Witnessed by me, this _____ day of _____, 20 _____.

Deputy Clerk

CERTIFICATE

The undersigned Superior Court Judge hereby certifies:

1. That the above-named defendant while under oath in open court was asked the questions set forth in the foregoing transcript, and answered them as set forth therein.
2. That the above-named defendant being represented by the above-named attorney at law entered a plea of GUILTY or _____ to said charge, and in open court, under oath, further informs the Court that he/she is and has been fully advised of his/her rights and the charges against him.

The Court ascertains, determines and adjudges that the plea by the defendant is freely, understandingly, knowingly and voluntarily made, and was made without undue influence, compulsion or duress, and without promise of leniency or hope of reward. It is therefore ordered that the plea be entered on the minutes and that this transcript and certificate be filed with the above case in the Clerk of Superior Court's Office.

This the _____ day of _____, 20_____.

Kellie S. Hill
Judge, Superior Court
Cobb Judicial Circuit