

**IN THE MUNICIPAL COURT OF THE CITY OF CHAMBLEE
STATE OF GEORGIA**

THE CITY OF CHAMBLEE

CITATION #(S) _____

Vs

DEFENDANT

_____ **PLEA OF GUILTY** _____ **PLEA OF NOT GUILTY** _____ **NOLO CONTENDERE**

I HAVE READ AND UNDERSTAND THE FOLLOWING:

ADVICE OF RIGHTS

I have a right to have the charge or charges against me explained and understand the nature of the offense with which I am charged.

I have a right to a trial, and if I am charged with a traffic violation, to have my case tried by a jury.

I have a right to confront the witnesses against me; that is, to see, hear and question all witnesses against me.

I have a right to remain silent and not incriminate myself and know that I can not be made to plead guilty or testify against myself. I understand that I have the right to have the Court make witnesses on my behalf attend a trial.

I have a right to testify on my own behalf at trial, and understand that if I exercise this right I could be asked questions by the prosecutor and what I say could be used against me.

I understand that if I AM NOT a citizen of the United States, any plea which I may enter in this case may have an impact upon my immigration status.

I understand that if I have a trial and I am convicted, I would have (30) days to seek a review of that decision in a higher court if I am dissatisfied with said decision.

I understand that if I am on probation or parole, a plea of guilty to the charges in this court could be used against me to revoke, that is take away, all or part of my probated or my parole sentence and could result in my serving all or part of that sentence in jail or prison.

I understand that in most cases, the maximum penalty that can be imposed for a violation of a traffic law is a fine of up to One Thousand Dollars (\$1,000.00) and up to twelve (12) months in jail or prison and that the maximum penalty for a violation of a non-traffic city ordinance is a fine up to One Thousand Dollars (\$1,000.00) and up to six (6) months to be served in jail; however, there are certain cases where the maximum penalty could be five (5) years in prison and/or a Five Thousand Dollars (\$5,000.00) fine.

I understand that the Court or the Department of Public Safety may suspend my license based on the charges, which have been brought against me.

I understand that for certain offenses there are minimum punishments including minimum fines and minimum jail sentences, and that the Court will explain these minimum sentences to me if my case is one where such might be imposed.

I understand that the Court does not have to accept a plea of nolo contendere (no contest).

I understand that if I am placed on probation by this Court, I would have to comply with the terms and conditions of the sentence of probation, including the payment of any fine, during the period or until the sentence of probation was terminated by an Order of the Court.

My decision to enter this plea of guilty, nolo contendere or not guilty has been made freely and voluntarily without threat or fear to me or to anyone closely related or associated with me. No promises have been made to me in the connection with this plea other than any plea bargain stated by the prosecutor in open court.

I understand that the Prosecutor (local law enforcement officer) has elected to treat my case as a local ordinance violation rather than as a state law offense. I do not wish to have this case tried as a state law offense but rather to have it treated as a local ordinance violation.

(Continued on other side)

WAIVER OF RIGHT TO BE REPRESENTED BY AN ATTORNEY

You have the right to represent yourself or to be represented by an attorney in all criminal proceedings against you. If you are not financially able to employ an attorney of your own choice, you have a right to have the Court appoint an attorney to represent you.

An attorney can help you (1) understand the charge or charges against you; (2) determine whether a legally sufficient accusation has been filed against you; (3) determine whether you have any defense to the charge or charges against you, possible defenses may include but are not limited to self-defense, alibi, misidentification, accident, and reliance on the presumption of innocence and the State's burden to prove you guilty on all elements of the charge or charges against you beyond a reasonable doubt; (4) prepare and conduct any trial held on the charge or charges against you; (5) determine what evidence is legally admissible against you; (6) file motions and make objections to exclude evidence which is not legally admissible against you; (7) determine what evidence you would be able to present in your defense; (8) file motions to obtain information from the prosecution, such as police reports, scientific reports, witness statements, video or audiotapes, photographs, etc.; (9) make strategic decisions as to the calling of witnesses and whether or not you should testify at trial; (10) properly preserve legal issues for appeal in the event that you are convicted at trial; (11) conduct plea negotiations on your behalf if you desire to plead guilty to the charge or charges against you; (12) make sure all of your rights as a defendant in a criminal case are protected.

It is dangerous to proceed to trial without the assistance of an attorney. The charge or charges against you carry a possible maximum jail term of _____ months in jail and/or a fine up to \$_____. If convicted after a trial, the Judge has the discretion to sentence you to a jail term and/or fine within the range outlined above.

ACKNOWLEDGMENT OF ADVICE OF RIGHTS

AND

WAIVER OF THE RIGHT TO BE REPRESENTED BY AN ATTORNEY

I have been advised by the Court, and have reviewed this form and understand and knowingly and intelligently waive (give up) each of the above said rights.

I have read, or had read to me, all of the foregoing sections titled "ADVICE OF RIGHTS" and "WAIVER OF RIGHT TO BE REPRESENTED BY AN ATTORNEY". I understand the information contained in these sections and have no questions, which need to be answered before I sign this acknowledgment. I understand the right I have to be represented by an attorney in the criminal case against me. I have considered the advantages of having an attorney represent me. I have considered and understand the dangers of proceeding without the assistance of an attorney. Knowing and understanding these things, it is my desire not to be represented by an attorney in this case. I freely, voluntarily, and knowingly waive, that is, give up my right to be represented by an attorney in this case. It is my desire to proceed in this case without an attorney and to represent myself before the Court.

This _____ day of _____ 200_____.

DEFENDANT'S SIGNATURE

DEFENDANT'S ATTORNEY

If the defendant cannot read, then the person reading the contents of this document to the defendant must sign here as a witness:

WITNESS: _____

The Court finds that the Defendant has appeared in open court and entered a plea. The Defendant knowingly, intelligently and understandingly waived his right to trial, his right to confront witnesses against him, his right against self-incrimination, his right to be represented by an attorney, and his right to a speedy and public trial. There is a factual or legal basis for the plea. I find that the Defendant was present in court, when the Court reviewed the above listed rights form, with those assembled for arraignment. The Defendant's waiver of his rights and his plea have been made freely and voluntarily.

IT IS ORDERED that the Defendant's plea of guilty, nolo contendere or not guilty are entered and filed.

This _____ day of _____ 200_____.

JUDGE, CHAMBLEE MUNICIPAL COURT