

IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA

Defendant: \_\_\_\_\_

Citation No.: \_\_\_\_\_

Charge(s): \_\_\_\_\_

RECORD OF DEFENDANT ENTERING A PLEA IN ABSENTIA

*It is not feasible for me to personally appear in court. I hereby waive arraignment before a judge, and waive my 6<sup>th</sup> Amendment right to a jury or bench trial, and to be present in court; and I request that my case be adjudicated based solely on this plea record.*

**Under the penalty of perjury, the Defendant swears or affirms:**

- A. I am not under the influence of alcohol or drugs and I am not suffering from any mental or physical disabilities.
- B. I acknowledge (waive) the receipt of a copy of the accusation and I understand the charge(s) stated in the accusation.
- C. I understand:
  - 1) each misdemeanor offense carries a maximum penalty of 12 months in jail which may be spent on probation, reporting or non-reporting, with additional conditions including the performance of community service and payment of a fine up to \$1,000 (\$5,000 for misdemeanors of a high and aggravated nature) and the court may order the sentence of each such offense to run consecutively, that is one following the other;
  - 2) if I violate any criminal laws of any governmental unit or any terms and conditions of probation, the Court may revoke all or part of the balance of the probation period and sentence me to serve that time in jail;
  - 3) I have the right to be represented by an attorney and if I cannot afford an attorney, the court may appoint an attorney to represent me at no cost if I meet certain income guidelines;
  - 4) a lawyer may be able to provide defense(s) to the charge(s) and/or assist in mitigating the sentence;
  - 5) a not-guilty plea will be entered for me if I remain silent and I will be scheduled for a jury trial;
  - 6) **my guilty plea may result in deportation if I am not a citizen of the United States; (Please initial)**
  - 7) the judge is not required to follow the recommendations of the solicitor in imposing the sentence;
  - 8) if the court intends to reject the plea agreement, the disposition of the case may be less favorable to me than that contemplated by the plea agreement;
  - 9) I am prohibited from possessing, receiving, shipping and transporting a firearm under federal law if I enter into a plea to a domestic violence charge.
  - 10) all habeas corpus proceedings challenging a conviction must be filed one year from the date on which the conviction becomes final except in traffic cases where the time limitation is six months. See O.C.G.A. 9-14-42; 40-13-33.

- D. **I understand by entering a plea of guilty or nolo contendere I waive:** *(Please initial each of the following 8 items )*
  - \_\_\_\_\_ 1) the presumption of innocence; \_\_\_\_\_ 2) the right to have the State prove my guilt beyond a reasonable doubt;
  - \_\_\_\_\_ 3) the right to a speedy and public trial by jury; \_\_\_\_\_ 4) the right to confront witnesses against me;
  - \_\_\_\_\_ 5) the right to subpoena witnesses; \_\_\_\_\_ 6) the right not to incriminate or testify or produce evidence against myself.
  - \_\_\_\_\_ 7) the right to testify and to offer other evidence; and \_\_\_\_\_ 8) the right to assistance of counsel at all stages of trial.

**I freely and voluntarily affirm that a factual basis exists for the court to accept my plea of \_\_\_\_\_ to the charge(s) \_\_\_\_\_ AS AMENDED, of \_\_\_\_\_ against me and no promises, threats or inducements have been made to me by anyone. I understand that by entering this plea, I hereby waive any defects, including insufficiency of the pleading that may be contained in the above-referenced citation. It is my understanding that the Prosecutor has recommended a fine in the amount of \$ \_\_\_\_\_ to close my case. (Other conditions imposed by the court are as follows: ( 11 ) Months of probation, if case is not closed on or before Post Sentence Compliance Hearing date; (Additionally) \_\_\_\_\_.**

\_\_\_\_\_ I am not represented by a lawyer. I understand the nature of the charges against me and the consequences of my plea. **I freely and voluntarily waive the benefit of counsel and choose to represent myself in this plea proceeding.** I also understand that my electronic signature on this document shall have the same legal and binding effect as my handwritten signature.

\_\_\_\_\_ I am represented by Attorney \_\_\_\_\_ Bar No. \_\_\_\_\_ Phone \_\_\_\_\_

Defendant Signature \_\_\_\_\_ Date \_\_\_\_\_ Attorney Signature \_\_\_\_\_ Date \_\_\_\_\_

Defendant Address \_\_\_\_\_ Defendant phone # \_\_\_\_\_ Email \_\_\_\_\_

Solicitor \_\_\_\_\_ Attorney \_\_\_\_\_ Date \_\_\_\_\_  
Print name: \_\_\_\_\_ Print name/phone no.: \_\_\_\_\_

The Court finds the Defendant understands the nature and consequence of Defendant's action and the Defendant is freely and voluntarily entering into this plea and has stipulated to a factual basis for the acceptance of this plea. The Court has determined that the \_\_\_\_\_ **Pro Se Represented Defendant** understands Defendant's right to counsel and has knowingly, voluntarily and intelligently waived that right, if applicable in this particular case. **IT IS HEREBY ORDERED that the Defendant's plea be accepted.**

This \_\_\_\_\_ day of \_\_\_\_\_, 2021. Judge \_\_\_\_\_

