

AFFIDAVIT FOR PLEADING NOT GUILTY

I am not under the influence of alcohol or drugs and I am not suffering from any mental or physical disability. I understand the nature of the charges against me and the maximum punishment (including the possibility of a jail sentence) that is provided by law.

I understand that I have a right to have a lawyer represent me and I understand that if I am deemed indigent the Court will appoint one for me. I understand that I may choose instead to represent myself.

I understand that if I represent myself I will be held to the same legal rules to which a lawyer would be held. I understand that a lawyer has been trained in the rules of law and that if I conduct my own defense I may not understand the rules used in court. I understand that there may be possible defenses that a lawyer may know to raise, such as defects in the citations or accusation, misidentification, alibi or a reliance on the presumption of innocence. I understand that if I proceed without a lawyer, I may encounter situations in which I may wish to call witnesses to testify and to question witnesses, and that I may not know how to do this properly. I understand that if I have a jury trial there may be legal and strategy issues involved in selecting jurors. I understand that issues must be properly preserved in court records in order to form the basis for any appeal that I may wish to make at the conclusion of this proceeding. I understand that the decision to testify in a criminal case must be made by me and that any right to a jury trial can be waived only by me. I know and understand these dangers of proceeding to trial without a lawyer.

_____ I hereby plead not guilty.

_____ I am knowingly and willfully waiving my right to a jury trial.

_____ I have been informed of the dangers of proceeding without a lawyer.

_____ I am willing to proceed without a lawyer and I understand that I am waiving my right to have a lawyer represent me.

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

Defendant

Solicitor

Defendant's Attorney

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

Date: _____

Judge, City Court of Atlanta

AFFIDAVIT FOR PLEADING GUILTY / NOLO CONTENDERE

The defendant in this case being duly sworn, states as follows:

I am not under the influence of alcohol or drugs and I am not suffering from any mental or physical disability.

I have been advised of:

The nature of the charge against me.

The maximum and minimum punishment provided by law.

I understand that by entering a plea of guilty or nolo contendere (no contest) I waive:

- My right to trial by jury;
- My right to be presumed innocent;
- My right to confront and cross-examine witnesses;
- My right to testify and offer evidence on my behalf;
- My right to subpoena witnesses;
- My right to assistance of counsel during trial;
- My right to remain silent and not testify;
- My right to be represented by a private attorney or by a public defender if I am eligible.

I understand that if I enter a plea of guilty or nolo contendere in this case, there will be no further trial or hearing and a fine or sentence or both may be imposed.

I understand that if I am not a citizen of the United States, a plea of guilty may have an impact on my immigration status.

I now desire to enter my plea. It is free and voluntary. I have not been told what sentence will be imposed. No promises or threats have been made to me by any prosecutor, lawyer, police officer, or other person, to induce me to enter this plea.

Guilty

I hereby plead _____

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

Defendant

Defendant's Attorney

I have satisfied myself that this defendant's plea is free and voluntary and that he/she is in possession of his/her faculties and is able to understand the nature and consequences of this plea. The court is further satisfied that there is a sufficient factual basis for the acceptance of this plea, and that the defendant understands the consequences of his/her plea.

Date: _____

Judge, City Court of Atlanta

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