

EFFINGHAM COUNTY STATE COURT

CASE NUMBER:

NAME _____

CHARGES:

SWORN STATEMENT

(Write YES or NO for each statement)

1. _____ I understand that I am charged with the offense(s) listed above
2. _____ I understand that conviction of this/these charges(s) could result in imprisonment of _____ months.
3. _____ I understand that I have the right to a trial by a jury and I hereby expressly waiver that right
4. _____ I understand that I am presumed to be innocent of these charge(s) and that the State has to Prove that I am guilty
5. _____ I understand that I have a right to confront the witnesses against me.
6. _____ I understand that I have a right to testify in this case if I want to, but that I could not be forced
To testify or to incriminate myself in any way
7. _____ I understand that I can subpoena witnesses to testify on my behalf
8. _____ I understand that I can present other relevant evidence in my case
9. _____ I understand that if I exercised my right to a trial by jury, I have a right to be assisted by counsel at that trial
10. _____ I understand that if I were to plead not guilty, or if I remained silent and entered no plea, then
I would receive a jury trial
11. _____ I understand that the Solicitor General has agreed to make a recommendation to the Court as to what sentence to impose in return for my plea of guilty
12. _____ I understand that the Solicitor General has agreed to make a recommendation to the Court as Punishment:

13. _____ I understand that the Court does not have to accept this negotiated plea, but if the Court rejects this plea, I will be allowed to withdraw my plea of guilty and to return to the same legal position that I held before entering my plea.
14. _____ With all the forgoing in mind I waive my right to a jury trial and I hereby voluntarily enter a plea of _____.
15. _____ I am in fact guilty of each offense to which I am pleading guilty.
16. _____ I understand that by entering this plea I am subject to deportation from the United States of America in accordance with the laws of the United States of America.

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17. _____ I have had time to confer with my attorney and I
 I do not want an attorney
 I am satisfied with my attorney's services on my behalf

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I further understand that if under these court proceeding I believe that there was a substantial denial of my rights under the Constitution of the United States of America or of the Constitution of the State of Georgia, or if I wish to challenge the composition of the grand or trial jury in my case, I must do so within the following applicable time limits, else these issues are waived. Any action brought pursuant to O.C.G.A. 9-14-42; 40-13-33 shall be filed within:

_____ a. 180 days for traffic offense _____ b. One year in the case of a misdemeanor

From (1) the judgment of conviction becoming final by the conclusion of direct review (appeal) or the expiration of time for seeking such review (30 days from sentencing or ruling on the motion for new trial or order granting an out of time appeal); (2) the date on which an impediment to filing a petition which was created by state action in violation of the Constitution or law of the United States or of this state is removed, if the petitioner was prevented from filing such state action; (3) the date on which the right asserted was initially recognized by the Supreme Court of the United States or the Supreme Court of Georgia, if that right was newly recognized by said courts and made retroactively applicable to cases on collateral review; or (4) the date on which the fact supporting the claims presented could have been discovered through the exercise of due diligence.

I, the undersigned defendant, have either read or had read to me all of the foregoing statements. I understand the statements and swear that my answers or responses are true, correct, and voluntarily made.

Sworn to and subscribed by the accused before me this

x

Defendant's Signature

This _____ day of _____, 20__

X

Witness/Clerk State Court

Attorney for Defendant

JUDGE'S CERTIFICATE

The undersigned presiding judge hereby certifies that the defendant in the above-referenced case entered the plea(s) as stated in the Sworn Statement of Defendant, and in open court, under oath, further informed the court (1) that he/she is and has been fully advised of his/her rights and the charge(s) against him/her; (2) that he/she knows the maximum punishment for the offense(s) charged and for the offense(s) to which he/she pleads; (3) that he/she is in fact guilty of or does not contest the offenses(s) to which he/she pleads; (4) that he/she voluntarily enters this plea to the charge(s); (5) that he/she has had ample time to confer with an attorney and to subpoena witnesses desired by him/her; (6) that he/she is ready for trial; and (7) that he/she has either waived counsel or that he/she is satisfied with the services of his/her attorney.

And after further examination by the Court, the Court finds that the plea entered by the defendant is freely, understandingly, and voluntarily made without undue influence, compulsion, or duress, and without promise of leniency. The Court further finds that there is sufficient evidence to authorize a conviction and the sentence imposed. It is therefore ordered that this plea be entered on the minutes and that this sworn statement and certificate be filed with the record of the case.

This _____ Day of _____, 20__

Judge Stephen R. Yekel
Effingham County State Court

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