**Waiver of Jury Trial/4th Amendment Rights Waiver**

State your name.

**Attorney/Pro Se Questions:**

You are here represented by the Honorable \_\_\_\_\_\_\_\_\_\_\_, are you satisfied with his/her advice and representation? OR

It appears you are not represented by an attorney: do you understand that you have a right to be represented by an attorney at today’s court hearing and at all times going forward? Are you satisfied in whatever negotiations you have had with the State? If you spoke to an AOD, do you understand that this attorney did not represent you on this case, but only spoke to you briefly and gave you a brief explanation of your rights and his/her best advice given the limited knowledge of your case and that you are legally proceeding without an attorney representing you? Do you then waive that right to have an attorney for today’s purposes only?

**Importance:**

Jury Trial:

It appears that you are here to waive your right to a jury trial. Is that what you wish to do?

Have you gone over with your attorney how important the right to a jury trial is? Do you understand that it is an important right and that it is what separates the United States from many other countries? Do you understand that once you waive or give up this right, the only way you might get to have a jury trial is IF the State requests one? But you will never again be able to request a jury trial or get one otherwise?

Basically then, you are leaving your fate in this case up to me. You can have a Judge trial in front of me or another Judge, you can enter a guilty plea, you can ask me to accept a Nolo plea, you can ask me to accept a plea under some type of conditional discharge/first offender provisions, you can beg the State to dismiss it for whatever reason you feel is appropriate, OR \*\*\* ONLY IF APPLICALBE: you can complete the terms of this Pre-trial Diversion program in which case the State has agreed to \_\_\_\_\_\_\_\_\_\_.

But you would never again be able to request a jury trial. Do you understand this?

4th Amendment Rights Waiver: (go over only if applicable – which is generally in PTD cases)

It also appears that you are here to waive your 4th Amendment rights. Is that what you wish to do as well?

Do you understand that you have certain rights under the 4th Amendment to the United States Constitution and corresponding Georgia provisions that protect you from unreasonable search and seizure?

Do you understand that once you waive or give up these rights that the following can occur: Any police officer of any local, city, county, state, or federal government can stop you for any reason or for no reason at all and can search you, any bag or belonging you have, any vehicle you are in and have control or access over, any residence that you are in and have control and access over, and anything found in that search can be used against you in this case and any other case?

Do you understand that these rights will remain waived so long as this case is still pending? And this case will be pending for at least \_\_\_\_\_\_\_\_\_\_\_\_\_\_ because that is how long this Pre-Trial Diversion agreement is for?

**Voluntariness:**

Are you under the influence today of any alcohol, any illegal substance, or any medication?

Has anybody threatened you or in any way forced you to get you to waive this/these right(s)?

Has anybody promised you anything (other than the pre-trial diversion program), to get you to waive this/these right(s) against your will?

Are you waiving this/these right(s) freely and voluntarily of your own free will?

Do you have any questions about waiving this/these right(s)?

Do you wish for me to accept this/these waiver(s)?

I will accept it/them as I find it is freely, knowingly, and intelligently entered.

Then, schedule the case for the next court date, based on what is requested.

PTD cases only: Pre-trial diversion is basically a contract between you and the State. I don’t care about the terms. I don’t get in the middle of the terms. My only duty is to make sure that IF you hold up your end of the bargain, that the State dismisses the case (OR other disposition per the agreement). BUT if you don’t hold up your end of the bargain, I can’t make them hold up their end. Did you sign this pre-trial diversion agreement? Did you go over its terms with your attorney? Do you have any questions about the agreement or about anything I have said? Have a seat, you will meet with probation and start your pre-trial diversion program.