

IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA

STATE OF GEORGIA
vs.

Case No. _____

Defendant _____

DEFENDANT'S RIGHT TO AN ATTORNEY

As a person accused of a crime, you have the right to be represented by an attorney during all stages of the proceedings, including plea hearings. If you cannot afford an attorney, you have the right to have an attorney appointed to represent you. If you wish to be interviewed to determine whether you qualify financially for a court appointed attorney, you may apply at the Cobb County Circuit Defender's Office, 30 Waddell Street, Marietta.

Although you have the right to speak with the prosecutor about your case, you are under no obligation to do so. Anything you say to the prosecutor can be used in evidence against you.

Also, although you may waive the right to an attorney, it is important that you be aware that an attorney can help you to understand

1. The nature of the charges against you;
2. Any statutory lesser-included offenses;
3. The range of possible punishments for the charges, including a jail sentence for up to 12 months on each misdemeanor count;
4. Possible defenses, including but not limited to, defenses of double jeopardy, justification, alibi, misidentification, and others;
5. Mitigating circumstances; and
6. Any other facts necessary for a broad understanding of the matter.

The judge cannot assist you in identifying or developing these matters because the judge must remain impartial as between you and the prosecutor and cannot practice law. The judge cannot assist either side against the other.

If you were to waive your right to an attorney, you must also understand that at trial

1. The rules of evidence will be enforced by the judge;
2. If the trial is a jury trial, you must make decisions with regard to the process of interviewing the jurors and the striking of jurors;
3. You must make decisions with regard to the calling of witnesses to testify on your behalf;
4. The State has the burden of proving its case beyond a reasonable doubt;
5. You are not required to testify at trial, but if you do testify, you would be subject to cross-examination by the prosecutor;
6. Issues must be properly preserved by way of timely objections and, in order to raise them on appeal, the proceedings must be taken down and transcribed by a court reporter.

Even if you choose to waive an attorney now, you can change your mind and obtain an attorney later. But you must act diligently in obtaining an attorney, either appointed or retained. If you do not act diligently, it is possible that you might later be deemed to have waived your right to an attorney.

I have taken the time to thoroughly read the above.

I choose to waive my right to an attorney.

[Initials]

I do not waive my right to an attorney, and I will either retain an attorney or seek a court appointed attorney.

[Initials]

This _____ day of _____, 20__.

Defendant

Filed in open court, this _____ day of _____, 20__ Deputy Clerk: