

IN THE GRIFFIN MUNICIPAL COURT STATE OF GEORGIA

CITY OF GRIFFIN

Vs

CASE NO: \_\_\_\_\_

\_\_\_\_\_  
Defendant

**DEFENDANT’S RIGHT TO AN ATTORNEY**

As a person accused of a crime or facing a Probation Revocation, you have the right to be represented by an attorney. 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, please advise the Clerk of Court at this time.

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.

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 court charge.
- 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. The judge cannot assist either side against the other.

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

- 1. The rules of evidence will be enforced by the judge
- 2. You must make decisions with regard to the calling of witnesses to testify on your behalf
- 3. The City has the burden of proving its case beyond a reasonable doubt in a criminal case, and to a preponderance of the evidence in a Probation Revocation proceeding.
- 4. You are not required to testify at trial, but if you do testify, you would be subject to cross-examination by the prosecutor.

5. 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.

Please enter your initials on the lines below:

\_\_\_\_\_ I understand that if I choose to waive an attorney now, I can change my mind and obtain an attorney later. However, you must act diligently in obtaining an attorney, either appointed or retained. If you do not act diligently, it is possible that you will later be deemed to have waived your right to an attorney.

\_\_\_\_\_ I have taken the time to thoroughly read (or have read to me) the above.

Please enter your initials on **ONE of the lines below** to indicate your choice:

\_\_\_\_\_ I choose to waive my right to an attorney and would like the opportunity to speak with the Prosecutor or enter a plea or an admission without an attorney.

**OR**

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

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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DEFENDANT'S SIGNATURE

As Prosecutor/Judge, I am certifying that I have reviewed the above with the defendant. He/she does in fact desire to waive their rights to an attorney and proceed with discussion of the case with the Prosecutor or with a plea or admission.

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PROSECUTOR/JUDGE

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DATE