

OFFICE OF THE CIRCUIT PUBLIC DEFENDER
EASTERN JUDICIAL CIRCUIT OF GEORGIA
PRE-TRIAL SERVICES DIVISION

MICHAEL L. EDWARDS
CIRCUIT PUBLIC DEFENDER
Email: medwards@gapublicdefender.org/

540 East Oglethorpe Ave.
Savannah, GA 31401

NOTICE TO ALL DEFENDANTS

If you wish to apply for indigent counsel to represent you, you are required to make application through the Pretrial Services Division of the Public Defender's Office. There is a \$50 application fee due at the time of making application. This fee is payable in money order ONLY to the Georgia Public Defender Standards Council.

To apply for indigent counsel, you must report to 540 East Oglethorpe Avenue, Savannah, Georgia, and speak with the Pretrial Services staff. The office is located between Houston and East Broad Streets on the north side of Oglethorpe Avenue. There is a Chatham Area Transit (CAT) stop just outside of the Public Defender's Office. Parking is available as well.

Please take note that if you do not make application at least 72 hours prior to your court date, you may not receive assigned counsel by the date of your hearing. Therefore, it is important that you make application immediately.

For additional information concerning indigent counsel, the application process and/or the application fee, you may contact the Pretrial Services Division staff at 447-4904.

**IN THE MAGISTRATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA**

State of Georgia) Case No. _____
)
) Plea/Trial
v.) Preliminary Hearing
) Pre-Warrant Hearing

) Revocation Hearing

Defendant.) Good Behavior Bond/Rule Nisi Hearing

NOTICE AND WAIVER OF RIGHT TO BE REPRESENTED BY AN ATTORNEY

You have the right to be represented by an attorney in all criminal proceedings. You have 3 choices regarding an attorney representing you: 1) If you financially qualify, you have the right to have the Court appoint an attorney to represent you; OR 2) You may hire an attorney of your choice (this applies to you if you do not financially qualify for, or are denied a Court appointed attorney, but you still want an attorney); OR 3) You may choose to represent yourself without having a lawyer.

Among other things, an attorney can help you: 1) understand the charges against you; 2) determine if a proper accusation has been filed; 3) determine what defenses are available to you (including, but not limited to, alibi, self-defense, misidentification, accident, reliance on the State's burden of proving all elements of the crime beyond a reasonable doubt); 4) file motions to obtain evidence from the State according to Georgia discovery law (including: an accusation, witness list, your statements, scientific reports etc.); 5) enter into a written agreement with the State to engage in reciprocal (equal) discovery; 6) prepare for your hearing/trial; 7) conduct all aspects of the hearing/trial, including questioning all witnesses; 8) make strategic decisions as to defenses, evidence, witnesses, and provide advice as to whether you should or should not testify at trial; 9) determine what evidence can be used against you; 10) file motions against and/or make objections to evidence that cannot legally be used against you; 11) decide what evidence you can give in your own defense; 12) properly preserve legal issues for appeal (only if you are convicted); 13) make sure all of your Constitutional and statutory rights are protected; 14) conduct plea negotiations if you want to plead guilty; and 15) if you are not a citizen of the United States, advise you on how a conviction may affect your immigration status.

- I have read and understand all of the above, and I have no questions about this entire document.
- I understand both the advantages of having an attorney and the dangers of not having an attorney.
- I understand that it is MY RESPONSIBILITY to hire or apply for an attorney before my court date, if I want an attorney, OR I will have no choice but to represent myself during my hearing.
- I understand that I may still hire an attorney OR seek to have an attorney appointed to my case after this hearing, but that I must do so before my trial date or plea date.
- I understand that I have a presumption of innocence and a right to remain silent, and if I waive the right to remain silent that anything I say can and possibly will be used against me.
- I understand that if I apply for a Court appointed attorney, it is MY RESPONSIBILITY to promptly provide all required information and to check with that office regularly until I either get a Court appointed lawyer or that office denies my application. I understand that if I fail to do so, I may be denied a court appointed lawyer and I will have to hire a lawyer OR represent myself on my hearing date.

CHOOSE ONE

Knowing and understanding all of my rights, and any possible dangers, I FREELY, VOLUNTARILY, AND KNOWINGLY am choosing on this date to proceed with my criminal case without an attorney.

OR

Knowing and understanding all of my rights, and any possible dangers, I request a 2 week continuance in order to secure the services of an attorney. I understand that a failure to do so by the next court date may act as a waiver of my right to counsel, and that the hearing will proceed in two weeks with or without my having counsel.

I have received a copy of this document and I have read this on this ____ day of _____, 20 ____.

Defendant

I find that the Defendant has been made aware of the right to counsel and the hazards of proceeding without an attorney, and

The waiver was made freely, knowingly and voluntarily and with full knowledge of the hazards of proceeding without an attorney.

A two week continuance is hereby GRANTED for Defendant to secure the services of an attorney.

A two week continuance is hereby DENIED for the following reasons: _____

This ____ day of _____, 20 ____.

Judge