

IN THE STATE COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA )  
 )  
 vs. ) CASE NO. \_\_\_\_\_  
 )  
 \_\_\_\_\_, )  
 Defendant. )

**STIPULATION TO RESOLVE PROBATION VIOLATIONS**

There are currently allegations of violation of the terms of probation pending against this Defendant based on the failure(s) to comply with the required terms of probation as outlined in the probation arrest warrant attached hereto. While these alleged failure(s) have not yet been established as a matter of law, in an attempt to mutually resolve the petition without further Court intervention, the Defendant, the Defendant’s counsel and the Assistant District Attorney have agreed to the following terms (check all that apply):

- Revocation in full ( \_\_\_\_ ) months ( \_\_\_\_ ) days,
  - o suspend balance of \$ \_\_\_\_\_ fines<sup>1</sup> \$ \_\_\_\_\_ probation fees
- Revocation for \_\_\_\_ months \_\_\_\_ days, thereafter return to probation on the terms below
- Revocation for \_\_\_\_ months \_\_\_\_ days, thereafter terminate probation
- Terminate probation
- Return to probation on the terms below

**TERMS:**

- Report to probation officer within 24 hours
- Pay \$ \_\_\_\_\_ fines \$ \_\_\_\_\_ fees within \_\_\_\_ days
- Perform \_\_\_\_ Community Service Hours within \_\_\_\_ days
- Enroll in \_\_\_\_\_ within \_\_\_\_ days, attend all classes

\_\_\_\_\_  
<sup>1</sup> Statutory minimum fines are not waived unless specifically indicated herein.

- Complete \_\_\_\_\_ within \_\_\_\_\_ days
- Drug and alcohol testing \_\_\_\_\_ weekly \_\_\_\_\_ other: \_\_\_\_\_ duration \_\_\_\_\_
- Other terms: \_\_\_\_\_
- 

**AGREEMENT BY THE DEFENDANT**

In order to resolve the pending motion to revoke the Defendant's probation The Defendant stipulates and agrees to the requirements stated above. As part of this stipulation and agreement, the Defendant also states, agrees and admits to all of the following:

- The Defendant violated the terms of probation (except to the extent the alleged probation violations include any additional crimes, which are not admitted);
- The Defendant understands that this agreement is an admission that can be used in other court proceedings (except to the extent the alleged probation violations include any additional crimes, which are not admitted);
- The Defendant makes this agreement knowingly and freely and after having consulted with counsel and having been advised of the Defendant's rights;
- The Defendant has not been coerced or threatened by any person into making this agreement;
- Defendant could instead contest the petition in open Court after full notice, where all parties would have opportunity to be heard;
- The Defendant understands that if a hearing took place, the State would have the burden to establish by a preponderance of the evidence the stated basis for revocation and that the petition would be denied if the State failed to do so;
- The Defendant understands that if a hearing took place, the Defendant would have the right to counsel at this hearing;
- The Defendant understands that if a hearing took place, the Defendant would have no burden to prove or disprove anything;
- The Defendant understands that by signing and making this agreement, the Defendant waives the right to any hearing to address the petition to revoke probation, including the opportunity to introduce evidence to the Court through the Defendant's own testimony and any other evidence, and the Defendant also waives the opportunity to call and examine other witnesses and consider and challenge any other evidence that might be introduced at the hearing;

- The Defendant understands that this agreement will be presented to a judge for approval before the terms of the agreement are enforceable and also understands that the judge may reject and refuse the terms of the consent agreement and instead require this matter to proceed to hearing;
- The Defendant understands that the failure to comply with this agreement may result in another petition for revocation and may result in further court proceedings and/or imprisonment based on the original sentence.

**ACKNOWLEDGEMENT OF THE DEFENDANT**

I, \_\_\_\_\_, UNDERSTAND MY RIGHTS AND OBLIGATIONS AS STATED ABOVE AND AS EXPLAINED BY MY ATTORNEY AND I FREELY AND KNOWINGLY MAKE ALL THE ADMISSIONS AND AGREE TO ALL THE REQUIREMENTS STATED HEREIN IN ORDER TO RESOLVE THE PETITION. I FURTHER WAIVE MY RIGHT TO A HEARING.

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Date

**AGREEMENT BY DEFENDANT'S COUNSEL**

I, \_\_\_\_\_, represent the Defendant for purposes of this probation revocation matter. As counsel for the Defendant, I have reviewed this agreement with the Defendant and advised the Defendant of their rights and provided my guidance and advice.

\_\_\_\_\_  
Attorney's Signature

\_\_\_\_\_  
Date

**AGREEMENT BY THE PROSECUTOR FOR THE STATE**

As the prosecuting attorney for the Chatham County District Attorney's Office, I,  
\_\_\_\_\_, have reviewed the Defendant's criminal record and  
history. Based on my review and the allegations that form the basis for the petition for revocation, I have  
agreed to the requirements stated above.

\_\_\_\_\_  
Attorney's Signature

\_\_\_\_\_  
Date

**ORDER OF THE COURT**

This Court, having read and considered the foregoing stipulation and signed agreements between the Defendant, the Defendant’s counsel, and the prosecuting attorney regarding the pending petition to revoke the Defendant’s probation, and having found that the Defendant has knowingly and voluntarily entered into this agreement in lieu of a hearing and otherwise contesting the petition, **HEREBY MAKES THIS AGREEMENT AN ORDER OF THE COURT.** In the event the Defendant is being held in jail for this matter only, the Defendant shall be subject to release if authorized by the terms herein. The Defendant shall immediately and in good faith carry out all terms of this agreement and also carry out any remaining and outstanding probationary requirements from the original order not otherwise specifically amended by this order. The Defendant shall be given credit for time served as calculated by the incarcerating agency.

**SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge \_\_\_\_\_  
State Court of Chatham County

cc:  
Counsel for Defendant  
Probation Officer  
Assistant District Attorney