

PERRY MUNICIPAL COURT
P.O. BOX 2030
PERRY, GA 31069
Phone: (478) 988-2814
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**IN THE MUNICIPAL COURT
OF PERRY**

**STATE OF GEORGIA
HOUSTON COUNTY**

JUDGE
James M. Freeman
CHIEF COURT CLERK
Mirian Arrington
COURT CLERK
Sara Young

CITY OF PERRY

Citation No(s):

vs

Defendant

NOTICES TO YOU, THE DEFENDANT, ABOUT YOUR BENCH TRIAL AND ABOUT GOING FORWARD WITHOUT AN ATTORNEY (REPRESENTING YOURSELF *PRO SE*):

You, the Defendant, have elected to enter a plea of Not Guilty, waive formal arraignment, and request a bench trial in this case. You have been informed of the charges against you. At trial, the Judge of the Municipal Court will hear the evidence in the case and will decide whether you did or did not commit the offense(s) you have been charged with.

YOUR BENCH TRIAL IS SCHEDULED FOR:

THE ___ DAY OF _____, 2023 AT 3:30 P.M.

YOU MUST APPEAR ON THIS DATE FOR YOUR TRIAL. IF YOU FAIL TO APPEAR FOR TRIAL, THE COURT MAY ISSUE A BENCH WARRANT FOR YOUR ARREST OR SUSPEND YOUR DRIVING PRIVILEGES AS ALLOWED BY LAW.

YOUR RIGHT TO AN ATTORNEY

In this case, you **HAVE A RIGHT TO HAVE AN ATTORNEY REPRESENT YOU** for all court proceedings and for your trial. **If you choose to hire an attorney, you MUST retain their services BEFORE your trial date, and you must retain their services early enough that he or she can come to your trial PREPARED.** The court will not continue your case if you appear at trial without an attorney unless you can show you have made proper efforts to hire an attorney.

If your case involves a charge in which imprisonment could be imposed against you at any time, and you cannot afford to hire an attorney, you also **HAVE THE RIGHT TO HAVE AN ATTORNEY APPOINTED FOR YOU.**

REPRESENTING YOURSELF

You have the right, if you choose, to **REPRESENT YOURSELF** in this case. However, if you choose to represent yourself, you must be advised that you do so **AT YOUR OWN RISK.**

An attorney would use his or her **LEGAL SKILL, EXPERIENCE, and KNOWLEDGE** to help you understand your case and help you choose the best way(s) to defend the case. An attorney could help you:

1. UNDERSTAND the charge or charges you have been charged with;
2. DETERMINE whether the City has filed a legally sufficient accusation against you;
3. DECIDE if you have any defense(s) to the charge or charges made against you, which may include, but may not be limited to, self-defense, alibi, misidentification, accident, and reliance on the presumption of innocence and the City's burden to prove you guilty of all the elements of the charge or charges filed against you beyond a reasonable doubt;
4. DETERMINE what evidence you would be able to present in your defense;
5. PREPARE AND CONDUCT any trial held on the charge or charges made against you;
6. DETERMINE what evidence could legally be admitted against you;
7. FILE MOTIONS AND MAKE OBJECTIONS to exclude evidence that could not be legally admitted against you or to admit favorable evidence that could help you in the case if you chose to present evidence;
8. FILE MOTIONS TO GET INFORMATION from the City, such as police reports, scientific reports, witness statements, video or audiotapes, photographs, or to review any physical evidence in the case;
9. MAKE STRATEGIC DECISIONS about whether you should call witnesses or present evidence at trial;
10. DECIDE whether you should testify or not testify at any hearing, proceeding, or trial;
11. MAKE APPROPRIATE OBJECTIONS AND PRESERVE ISSUES for appeal if you were convicted at trial;
12. CONDUCT plea negotiations with the City on your behalf;
13. DECIDE if you should plead to the charge(s) or have a trial; and
14. MAKE SURE THAT ALL OF YOUR RIGHTS AND PRIVILEGES AS A DEFENDANT IN A CRIMINAL OR TRAFFIC CASE ARE PROTECTED.

Additionally, **if you are charged with a traffic offense**, an attorney could help you understand whether YOUR PRIVILEGE TO DRIVE IN THE STATE OF GEORGIA could be affected if you were found guilty after a trial, and whether POINTS COULD BE ASSESSED ON YOUR GEORGIA DRIVER'S LICENSE if you were found guilty after a trial.

WHAT WILL BE EXPECTED OF YOU AT TRIAL IF YOU REPRESENT YOURSELF

If you go forward and represent yourself at trial, **YOU WILL BE EXPECTED TO FOLLOW THE RULES OF EVIDENCE AND PROCEDURE** during the trial and during all court hearings and proceedings in your case.

The Court, the Judge, and all Court personnel are **PROHIBITED BY LAW** from giving you legal advice and from helping you decide what to do in your case, as well as how to present your case.

If you are charged with a criminal or traffic offense, you have the **RIGHT**, but **ABSOLUTELY NO DUTY** to present witnesses and evidence. However, if you have witnesses that you want to testify on your behalf at trial, **YOU MUST SUBPOENA** them yourself. The court can provide you with example subpoenas that you can serve on witnesses to ensure that they will be present at trial.

For information about general court procedures and rules, please refer to the Official Code of Georgia, which can be accessed at the State of Georgia website at <https://georgia.gov/popular-topic/georgia-law>, and is available in print from the State of Georgia.

IF YOU NEED AN INTERPRETER OR REASONABLE ACCOMMODATIONS

This Court follows all laws with regard to providing interpreters for non-English speaking persons and with regard to making reasonable accommodations to all persons with disabilities so that they can have meaningful access to this Court. If you require the assistance of an interpreter, or if you need reasonable accommodations to be made for you, please let the Clerk of Municipal Court know **before your trial** so that an interpreter can be provided to you or so that reasonable accommodations can be made for you.

HOW A GUILTY JUDGMENT MAY AFFECT YOUR IMMIGRATION STATUS IF YOU ARE NOT A UNITED STATES CITIZEN

If you are not a United States Citizen, and are found guilty after your trial, you could be subject to being removed from the United States, and could also be prevented from returning to the United States.

However, you must also be advised that if you are not a United States citizen, that this Court has absolutely no power over your status in the United States. Such matters are handled by the federal government and its courts.

Additionally, if you are not a United States Citizen, you must be advised that any action for *habeas corpus* that you wish to file relating to your case must be filed within 180 days of a judgment being entered to a misdemeanor traffic offense or within 1 year of a judgment being entered to a non-traffic misdemeanor offense.

IF YOU ARE FOUND GUILTY AFTER YOUR TRIAL

If you are found guilty after your trial, the Judge will then decide what the punishment, if any, should be in the case. Please note that **THE JUDGE CAN SENTENCE YOU UP TO THE MAXIMUM OF THE LAW** for EACH OFFENSE for which you have been found guilty.

DEFENDANT'S STATEMENT

I, _____, the Defendant in this case, do hereby certify that I have read this entire notice CAREFULLY.

I declare that I am not under the influence of any alcohol or drugs; that I UNDERSTAND my rights and these notices; and that no one has forced me to enter a plea.

I elect to enter a plea of Not Guilty and waive formal arraignment.

Signed by me this ____ day of _____, 2023.

Defendant