

STATE COURT OF HENRY COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS.

201__SR- _____

DEFENDANT

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ENTRY OF APPEARANCE,
ENTRY OF NOT GUILTY PLEA,
WAIVER OF FORMAL ARRAIGNMENT AND
REQUEST TO WAIVE PERSONAL APPEARANCE AT ARRAIGNMENT

The undersigned attorney (“Counsel”) does hereby enter this appearance as counsel for the Defendant; enters a plea of not guilty; waives formal arraignment for the above named defendant and requests a:

- Bench Trial (constitutes waiver of jury trial, see paragraph 5, below)
- Jury Trial

The Defendant hereby requests that the Court waive personal appearance at arraignment by Defendant and counsel.

1.

In consideration of the Court allowing Defendant and attorney to be excused from appearing in person at arraignment, the following email addresses are provided:

Attorney’s email address (as registered with the State Bar of Georgia):

Defendant’s email: _____

Counsel understands that it shall be my responsibility to keep the Clerk of the Court advised of a current and valid email address for myself and the defendant until the matter is concluded. Defendant’s email address above shall henceforth be Defendant’s address of record. We hereby waive the necessity for mailed notices to counsel and Defendant in this matter, acknowledging that the Clerk may send all notices to counsel and Defendant by email.

I understand that the Court will waive personal appearance at arraignment only if the original of this pleading is filed two (2) days prior to the scheduled appearance.

2.

Counsel understands that I will have ten days from the scheduled date of arraignment to file motions in this case and said motions will be sufficiently particularized at least seven days prior to the hearing date to allow the State to identify and have present for the hearing the necessary

witnesses. Counsel further acknowledges that should I file a motion requiring a hearing, it is my responsibility to obtain a date for hearing said motion from the Clerk's office and serve the State with the date of hearing. Counsel acknowledges that it will be my responsibility to insure that I receive the accusation and discovery in the case and that I will accept service of said accusation and discovery by electronic means from the Solicitor. Counsel further understand that my failure to insure receipt of discovery from the Solicitor first raised at a scheduled court appearance will not constitute grounds for a continuance and may incur a sanction from the Court for any delay caused.

3.

As the attorney of record for the defendant, Counsel acknowledges my absolute responsibility to communicate to my client any and all required court appearances and I understand that if my client fails to appear on a scheduled court date without prior approval from the Court, adequate explanation or legal excuse, then a warrant for his/her arrest will issue.

4.

Counsel and Defendant acknowledge that upon entry of a plea of "not guilty" and request for a bench trial, witnesses will be subpoenaed for the bench trial creating a scheduling burden on the State's witnesses; and, that if Defendant enters a plea of guilty or nolo contendere at the bench trial or is found guilty, that court costs will be assessed against Defendant. Counsel understands that assessment of court costs may be avoided if I confirm by written/electronic notice to the State that my client will be entering a plea on the bench trial day at least 48 hours prior to the bench trial date.

5.

Counsel and Defendant acknowledge that request for a bench trial constitutes a waiver of the right to trial by jury. By requesting a bench trial herein, Counsel acknowledges that I have discussed with my client the difference between a bench trial and a jury trial, and that the Defendant has expressly authorized me to waive trial by jury on his/her behalf. We understand that the case will not thereafter be moved to the jury trial calendar except by express order of the Court.

6.

Counsel and Defendant acknowledge that if Defendant requests a jury trial and files motions requiring a hearing, that witnesses will be subpoenaed for the hearing creating a scheduling burden on the State's witnesses; and, that if we withdraw the motion, that court costs will be assessed against my client. Counsel understands that assessment of court costs may be avoided if I confirm by written/electronic notice to the State that the motion is withdrawn at least 48 hours prior to the motion hearing date.

This _____ day of _____, 201____.

Defendant
Printed name: _____

Attorney of Record
Printed name: _____
Bar No. _____