

IN THE SUPERIOR COURT OF _____ COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus

CRIMINAL ACTION #:

_____ **Term of 20** _____

Clerk to complete if incomplete:

OTN(s): _____

DOB: _____

Ga. ID#: _____

**Final Disposition:
MISDEMEANOR**

First Offender/Conditional Discharge entered under:

- O.C.G.A. § 42-8-60
- O.C.G.A § 16-13-2
- O.C.G.A § 3-3-23.1

PLEA:

- Negotiated
- Non-negotiated

VERDICT:

- Jury
- Non-jury

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty- <u>Alford</u> , Guilty-Lesser Incl, Nolo, Nolo Pros, Dead Docket)	Sentence	Fine	Conc/Cons, Merg, Susp	With Count
1						
2						
3						
4						

The Defendant is adjudged guilty or sentenced under First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in the County Jail, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of _____, with the first _____ to be served in confinement and the remainder to be served on probation; or to be served on probation.

The Defendant is to receive credit for time served in custody: from _____; or as determined by the custodian.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

2. Upon service of _____, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

GENERAL CONDITIONS OF PROBATION

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Probation Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. 7) Support your legal dependents to the best of your ability. 8) When directed, in the discretion of the Probation Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 9) Make restitution as ordered by the Court.

FINE SURCHARGES or ADD-ONS: The Court assesses all fine surcharges or add-ons as required by the laws of the State of Georgia and as are applicable to offense(s) for which the Defendant has been convicted.

- 1) The Court orders that: the Defendant shall pay the probation supervision fee as required by law; or the probation supervision fee is waived.
- 2) If counsel was provided under the Georgia Indigent Defense Act: the Defendant shall pay the \$50 Public Defender Application Fee; or the Public Defender Application Fee is waived.
- 3) If counsel was provided at public expense: the Defendant shall pay attorney's fees of \$_____ to _____ County; or attorney's fees are waived.
- 4) The Defendant shall pay the Crime Lab Fee as required by law.

SPECIAL CONDITIONS OF PROBATION

The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all Special Conditions of Probation: as designated on the attached Inventory of Special Conditions of Probation; or as follows: (*import conditions to be imposed from Inventory of Special Conditions of Probation*).

FIRST OFFENDER OR CONDITIONAL DISCHARGE

(If designated by the Court)

The Defendant consenting hereto, it is the judgment of the Court that no judgment of guilt be imposed at this time but that further proceedings are deferred and the Defendant is hereby sentenced to confinement at such institution as the Commissioner of the State Department of Corrections or the Court may direct, with the period of confinement to be computed as provided by law.

Upon violation of the terms of probation, upon conviction for another crime during the period of probation, or upon the Court's determination that the Defendant is or was not eligible for sentencing under the First Offender Act or for Conditional Discharge, the Court may enter an adjudication of guilt and proceed to sentence the Defendant to the maximum sentence as provided by law.

Upon fulfillment of the terms of this sentence, or upon release of the Defendant by the Court prior to the termination of this sentence, the Defendant shall stand discharged of said offense without court adjudication of guilt and shall be completely exonerated of guilt of said offense charged.

For Court's Use:

The Hon. _____, Attorney at Law, represented the Defendant by:

employment; or appointment.

SO ORDERED this _____ day of _____, 20_____.

Judge of Superior Court _____ Judicial Circuit

(print or stamp Judge's name)

FIREARMS – If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

ADVISEMENT OF HABEAS STATUTE OF LIMITATIONS

In accordance with the Official Code of Georgia Annotated Section 9-14-42 you are hereby informed of the following Georgia law:

9-14-42. Denial of constitutional or other rights; waiver of objections

(a) Any person imprisoned by virtue of a sentence imposed by a state court of record who asserts that in the proceedings which resulted in his conviction there was a substantial denial of his rights under the Constitution of the United States or of this state may institute a proceeding under this article.

(b) The right to object to the composition of the grand or trial jury will be deemed waived under this Code section unless the person challenging the sentence shows in the petition and satisfies the court that cause exists for his being allowed to pursue the objection after the conviction and sentence have otherwise become final.

(c) Any action brought pursuant to this article shall be filed within one year in the case of a misdemeanor, except as otherwise provided in Code Section 40-13-33, or within four years in the case of a felony, other than one challenging a conviction for which a death sentence has been imposed or challenging a sentence of death, from:

(1) The judgment of conviction becoming final by the conclusion of direct review or the expiration of the time for seeking such review;

(2) The date on which an impediment to filing a petition which was created by state action in violation of the Constitution or laws of the United States or of this state is removed, if the petitioner was prevented from filing such state action;

(3) The date on which the right asserted was initially recognized by the Supreme Court of the United States or the Supreme Court of Georgia, if that right was newly recognized by said courts and made retroactively applicable to cases on collateral review; or

(4) The date on which the facts supporting the claims presented could have been discovered through the exercise of due diligence.

Acknowledgment: I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

Probation Officer

INVENTORY OF SPECIAL CONDITIONS OF PROBATION

These conditions are hereby incorporated into the Defendant's sentence by reference. The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of the balance of the period of probation and the Defendant may be required to serve up to the balance of the sentence in confinement. *(Judge to designate conditions to be applied.)*

1. ___ **The Court finds that the Defendant shall pay restitution** in the amount of \$_____ through the Probation Office for the benefit of the victim(s) _____, at a rate to be approved by the Court or the Probation Officer.
2. ___ **The Defendant shall report to the Probation Office** at _____, Georgia by no later than _____.
3. ___ **The Defendant shall perform _____ hours of community service** at the direction of the Probation Officer, to be completed within _____ days of this date, with transportation to be provided by the Defendant.
4. ___ The Defendant is sentenced under the provisions of the **Probation Management Act Sentencing Options System** with a: sanction cap of Probation Detention Center or Regional Substance Abuse Treatment Facility; or Court-designated sanction cap of _____.
5. ___ **Accountability Court referral.** The Defendant shall enter and complete the _____ Accountability Court and comply with all terms and conditions of that program.
7. ___ **Detention Center, Diversion Center, or Boot Camp.** The Defendant shall serve _____ days in a: Detention Center County Diversion Center Boot Camp or _____. The Defendant shall be subject to the rules and regulations of the facility.
 - The Defendant is sentenced to _____ in confinement, with that time suspended upon acceptance into the facility.
 - Time spent in confinement awaiting acceptance into the facility shall be credited toward the time to be served at the facility.
 - The Defendant may be at liberty until the date of acceptance into the facility.

- 8.____ **Regional Substance Abuse Treatment (RSAT) Facility.** The Defendant shall enter and complete a Regional Substance Abuse Treatment Program.
 The Defendant is sentenced to _____ in confinement, with that time suspended upon acceptance into the facility.
- 9.____ **Day Reporting Center.** The Defendant shall be assigned to a Day Reporting Center and shall be subject to all the rules and regulations of the facility.
 The Defendant is sentenced to _____ in confinement, with that time suspended upon acceptance into the facility.
- 10.____ **Fourth Amendment waiver.** The Defendant shall submit to a search of person, residence, papers, vehicle, and/or effects at any time of day or night without a search warrant, whenever requested to do so by a Probation Officer or other law enforcement officer upon reasonable cause to believe that the Defendant is in violation of probation or otherwise acting in violation of the law, and the Defendant shall specifically consent to the use of anything seized as evidence in any judicial proceedings or trial.
- 11.____ **Specimen; admissibility.** The Defendant shall produce from time to time upon oral or written request by a Probation Officer, a law enforcement officer, or official of a Georgia DHS-approved substance abuse or mental health provider personnel a breath, saliva, urine and/or blood specimen for analysis for the presence of drugs including alcohol. The Defendant shall waive evidentiary foundation for admissibility of the laboratory results.
- 12.____ **Limited or no contact.** The Defendant shall: stay _____ yards away from have no violent contact with have no contact of any kind, in person, or by telephone, mail, or otherwise, with _____ or with his/her family members and the Defendant shall not enter the premises of _____.
- 13.____ **Harassment, threats.** The Defendant shall not harass, threaten, intimidate, physically or verbally abuse, or harm the following person(s): _____.
- 14.____ **Family Violence Intervention Program (FVIP).** The Defendant has been convicted of a crime involving family violence and is required to participate in a Family Violence Intervention Program certified by the State.
- 15.____ **Records release.** The Defendant shall provide a release which allows the Probation Office to have access to all medical, clinical, treatment, attendance or work records, and for driving and criminal history.

- 16.____ **Evaluation and treatment.** The Defendant shall provide verification of evaluation and/or treatment for: mental health substance abuse clinical evaluation anger management cognitive skills training educational training or _____ at a State- or Court-approved provider at his/her own expense, and shall cooperate and comply with all rules and regulations of the treatment or program, including any aftercare deemed necessary.
- 17.____ **12-step meetings.** The Defendant shall provide verification of attendance at _____ 12-step meetings or an equivalent per week for _____ consecutive weeks months years.
- 18.____ **Diploma, GED, or training certificate.** The Defendant shall provide verification of completion of a high school diploma, GED, or vocational training certificate. In the event he/she does not have one, the Defendant shall attend all classes and work successfully toward obtaining a diploma, GED, or certificate during the period of probation and the Defendant shall provide verification of attendance.
- 19.____ **Curfew.** The Defendant shall abide by any curfew established by the Probation Officer.
- 20.____ **Bar order.** The Defendant shall not enter the confines of: _____ County or the _____ Judicial Circuit during the period of probation for any reason whatsoever.
- 21.____ **Surrender driver's license.** The Defendant shall surrender any motor vehicle operator's license or permit to the Clerk pursuant to O.C.G.A. § 40-5-75.
- 22.____ **Ignition interlock.** The Defendant shall have installed and maintain an ignition interlock device for six months in each motor vehicle registered or used by the Defendant. This period will begin when the Defendant has shown to the Court or to Probation Office certification that the Defendant's risk reduction program has been completed and that the ignition interlock system(s) has been installed. This provision shall not allow a defendant to drive whose license is under suspension.
- 23.____ **Electronic monitoring device.** The Defendant shall submit to: an alcohol monitoring device voice verification monitoring an electronic monitoring device a GPS monitoring device a SCRAM monitoring device for a period of: _____ weeks months years. The Defendant is required to have the device installed prior to release from custody.

- 24.____ **Administrative or terminated probation.** The Defendant's probation sentence shall: become administrative terminate upon full and timely payment of all sums due hereunder and compliance with all Conditions of Probation, including Special Conditions of Probation.
- 25.____ **DNA sample.** The Defendant has been convicted of a felony offense. In accordance with O.C.G.A. § 35-3-160, the Defendant shall provide a DNA sample.
- 26.____ **Sex offender special conditions.** The Defendant is subject to Special Conditions of Probation as a sex offender. These conditions are described more fully on separate pages which are incorporated into this sentence by reference.
- 27.____ **Offense against a minor or dangerous sexual offense special conditions.** The Defendant is subject to Special Conditions of Probation under O.C.G.A. § 42-8-35(b), as a person who has been convicted of a criminal offense against a minor or a dangerous sexual offense as defined in O.C.G.A. § 42-1-12. These conditions are described more fully on a separate page which is incorporated into this sentence by reference.
- 28.____ **Stalking or aggravated stalking special conditions.** The Defendant is subject to Special Conditions of Probation for violation of O.C.G.A. §§ 16-5-90 or 16-5-91. These conditions are described more fully on a separate page which is incorporated into this sentence by reference.
- 29.____ **Street gang activity.** The Defendant has been convicted of a violation of the Georgia Street Gang Terrorism and Prevention Act and shall not knowingly have contact of any kind or character with any other member or associate of a criminal street gang, shall not participate in any criminal gang activity, and, if this case involved a victim, shall not knowingly have contact of any kind or character with any such victim or any member of any such victim's family or household.
- 30.____ **Special probation for drug offense.** The Defendant has been convicted of a drug offense in violation of O.C.G.A. § 16-13-30(b), § 16-13-30(d) or § 16-13-31 and is subject to a special term of probation of three years in addition to the term of imprisonment imposed by the Court. If this is a second violation, the special term of probation shall be six years in addition to the term of imprisonment.
- 31.____ **Testify truthfully.** The Defendant shall not refuse to testify, but shall testify fully and truthfully as to all circumstances of this case and any related matters.

32.____ **Avoid alcohol, drug use.** The Defendant shall: not consume alcoholic beverages, and not use narcotics or dangerous drugs unless lawfully prescribed not associate with anyone who uses or possesses illegal drugs not occupy any residence or vehicle where alcohol or illegal drugs are present not consume alcohol and operate a motor vehicle not go to establishments that serve alcohol.

33.____ **Contagious disease.** The Defendant shall submit to evaluation and provide proof of treatment as required by any governmental unit for any contagious communicable disease constituting a public health risk.

Other special condition(s). The Defendant shall abide by the following additional special condition(s): _____

SO ORDERED this _____ day of _____, 20_____.

Judge of Superior Court _____ Judicial Circuit

(print or stamp Judge's name)

Acknowledgment: I have read the terms of this document or had them read and explained to me. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

SEX OFFENDER SPECIAL CONDITIONS OF PROBATION

These conditions are hereby incorporated into the Defendant's sentence by reference. The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of the balance of the period of probation and the Defendant may be required to serve up to the balance of the sentence in confinement. *(Judge to designate conditions to be applied.)*

1. _____ **Contact with minors.** You shall have no contact, whether directly in person or indirectly through any means of communication, with any child under the age of eighteen (18), including your own children, nor with any person unable to give consent because of mental or emotional limitations. Neither shall you attempt contact with the aforementioned except under circumstances approved in advance and in writing by the Court. If you have incidental contact with children, you will be civil and courteous to the child and immediately remove yourself from the situation. You will discuss the contact at your next meeting with your Probation Officer.
2. _____ **Residence with a minor.** You shall not reside with any child under the age of eighteen (18), including your own children, unless approved in advance and in writing by the Court.
3. _____ **Residence change.** You shall not change your residence without receiving prior approval by your Probation Officer.
4. _____ **Victim contact.** You shall have no contact with the victim, including correspondence, telephone contact, any form of electronic communication, or communication through a third party except under circumstances approved in advance and in writing by the Court. You shall not enter the premises, travel past, or loiter near where the victim resides.
5. _____ **Employment.** Your employment must be approved by your Probation Officer.
6. _____ **Images of minors.** Except as authorized by the Court or the Probation Officer, you shall not create, possess, access or control any type of photograph, video, rendering, or digital imagery of any minor.
7. _____ **Relationships.** You shall not date or marry anyone who has a child or children under the age of eighteen (18), unless approved in advance and in writing by the Probation Officer in consultation with the treatment provider or the sentencing Court. You are required to notify any such person of your criminal history.

8. _____ **Sexually oriented material.** You shall not possess or subscribe to any sexually oriented or sexually stimulating material to include mail, computer, or television, nor patronize any place where such material or entertainment is available.
9. _____ **900 numbers and post office boxes.** You shall not utilize "900" telephone numbers. You shall not rent a post office box without permission in advance and in writing from your Probation Officer.
10. _____ **Curfews.** You shall abide by any curfew imposed by the Probation Officer.
11. _____ **Evaluation and treatment.** You shall attend and actively participate in sex offender evaluation and treatment at a program approved by the Probation Officer. You will abide by the rules of the treatment program and successfully complete the program to the satisfaction of the Probation Officer and the treatment provider. You will be financially responsible for all evaluations and treatment unless other arrangements have been made by your Probation Officer or treatment provider.
12. _____ **Polygraph/plethysmograph.** You shall submit, at your own expense, to any program of psychological or physiological assessment at the direction of the Probation Officer or treatment provider. This includes the polygraph and/or the plethysmograph to assist in treatment, planning, and case monitoring.
13. _____ **Release of information.** You shall sign releases of information to allow the Probation Officer to communicate with other professionals involved in your treatment program and to allow all professionals involved to communicate with each other. This will include a release of information to the therapist of the victim.
14. _____ **Search.** You shall submit to a search of your person, property, residence, or vehicle at any time of the day or night, with or without consent or a search warrant, whenever requested to do so by a Probation Officer or any other peace officer. You specifically consent to the use of any contraband seized as evidence in a probation violation proceeding.
15. _____ **Alcohol.** You shall not purchase, possess, or consume alcoholic beverages.
16. _____ **Drugs.** You shall not take into your body any controlled substance or mind altering drug except pursuant to a legal doctor's prescription.
17. _____ **Drug or alcohol screens.** You shall submit to, and if necessary pay for, breath, urine, blood, or saliva tests for analysis for the possible presence of a prohibited drug or alcohol.

18. ____ **Driving log.** You shall keep a driving log and make it available to your supervising Probation Officer as requested.

19. ____ **Driving.** You shall never drive alone, especially through parks, playgrounds, school zones, or other areas where children are commonly known to be.

20. ____ **Hitchhiking.** You shall not hitchhike or pick up hitchhikers.

21. ____ **Other special condition(s).** _____

SO ORDERED this _____ day of _____, 20_____.

Judge of Superior Court

_____ Judicial Circuit

(print or stamp Judge's name)

Acknowledgment: I have read the terms of this document or had them read and explained to me. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

SPECIAL CONDITIONS OF PROBATION FOR CONVICTION OF AN OFFENSE AGAINST A MINOR OR A DANGEROUS SEXUAL OFFENSE

These conditions imposed by O.C.G.A. § 42-8-35(b) are hereby incorporated into the Defendant's sentence by reference. The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of the balance of the period of probation and the Defendant may be required to serve up to the balance of the sentence in confinement.

- The Defendant may not enter or remain at victim's school, place of employment, residence, or _____ at times when the victim is present, nor shall the Defendant loiter or remain in areas where minors congregate, such as child care facilities, churches, or schools as defined in O.C.G.A. § 42-1-12.
- The Defendant shall be subject to and shall allow viewing and recording of all incoming and outgoing e-mail, history of websites visited, content accessed, and any other Internet-based communication.
- The Defendant shall submit to periodic unannounced inspections of the contents of his/her computer(s) or any other device that accesses the Internet or retrieves, copies, stores, or removes data.
- The Defendant is prohibited from seeking election to a local board of education.

SO ORDERED this _____ day of _____, 20_____.

Judge of Superior Court

_____ Judicial Circuit

(print or stamp Judge's name)

Acknowledgment: I have read the terms of this document or had them read and explained to me. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

**SPECIAL CONDITIONS OF PROBATION FOR VIOLATION OF
O.C.G.A. §§ 16-5-90 OR 16-5-91
(Stalking or Aggravated Stalking)**

These conditions imposed by O.C.G.A. § 42-8-35.3 are hereby incorporated into the Defendant's sentence by reference. The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of the balance of the period of probation and the Defendant may be required to serve up to the balance of the sentence in confinement.

- The Defendant is prohibited from engaging in conduct which is a violation of O.C.G.A. §§ 16-5-90 (Stalking) or 16-5-91 (Aggravated Stalking).
- The Defendant shall undergo a mental health evaluation and receive such treatment as determined necessary by the Court.
- The Defendant shall not enter or remain present at _____'s school, place of employment or business, and the Defendant shall not enter or remain at _____ at times when the named person(s) is present.

SO ORDERED this _____ day of _____, 20_____.

Judge of Superior Court

_____ Judicial Circuit

(print or stamp Judge's name)

Acknowledgment: I have read the terms of this document or had them read and explained to me. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

NOTE: May be used to continue any final disposition form when needed

IN THE SUPERIOR COURT OF _____ COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus

CRIMINAL ACTION #:

**Final Disposition:
CONTINUATION OF SENTENCE**

_____ **Term of 20** _____

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty- Lesser Incl, Nolo, Nol Pros, Dead Docket)	Sentence	Fine	Conc, Cons, Merg, Susp	With Count
5						
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SO ORDERED this _____ day of _____, 20_____.

Judge of Superior Court
_____ Judicial Circuit

(print or stamp Judge's name)

ADDENDUM TO SENTENCE SHEET REFLECTING SURCHARGES, ADD-ONS, AND FEES REQUIRED BY LAW

COUNT 1 COUNT 2 COUNT 3 COUNT 4 COUNT 5 COUNT 6

FINE

RESTITUTION

POPIDF-A FUND (10% / \$50 MAX)

POPIDF0B FUND (10%)

JAIL FEE (10%)

DUI SURCHARGE (10%/\$26 MAX)

DATE SURCHARGE (50%) LOCAL

VICTIM ASSISTANCE (5%)

LAW LIBRARY

BSIT FUND (10%) **DUI'S ONLY**

DETF (5%/1.5% Date Dependant)

CVEF - CRIME VICTIM EMERGEN

(DUI - Lesser of \$26/11%)

PD FEE

PD COUNTY REIMBURSEMENT

TOTAL: COURT COSTS / FINES

PLUS CRIME LAB FEE

TOTAL TO CLERK OF COURT:

And a **PROBATION FEE** of **\$23.00** and **\$9.00 G.C.E.F** per month.

State of Georgia v.

Criminal Action #

SC-6.2 Final Disposition Misdemeanor Sentence