



SUPREME COURT OF GEORGIA

Atlanta November 12, 2015

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

It is ordered that Uniform Superior Court Rule 28 (relating to jail census) and Rule 33.8 (relating to informing the defendant) be amended effective December 10, 2015, as follows:

Rule 28. JAIL CENSUS

The sheriff of each county shall furnish to the chief judge, or designee, the district attorney, the chief community supervision officer, and the circuit public defender or its equivalent, at least monthly, a list of all individuals in custody charged with a crime in the county jail or held elsewhere at the sheriff's direction. Such lists shall include, as to each individual:

- (A) The individual's name;
- (B) The date of arrest;
- (C) The offense charged, or other reason for being held;
- (D) The amount of bond; and
- (E) Whether or not the individual is represented by counsel, and if so, the name of such counsel.

Rule 33. PLEADING BY DEFENDANT

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Rule 33.8. Defendant to Be Informed

The judge should not accept a plea of guilty or nolo contendere from a defendant without first:

- (A) Determining on the record that the defendant understands the nature of the charge(s);
- (B) Informing the defendant on the record that by entering a plea of guilty or nolo contendere one waives:

- (1) the right to trial by jury;
- (2) the presumption of innocence;
- (3) the right to confront witnesses against oneself;
- (4) the right to subpoena witnesses;
- (5) the right to testify and to offer other evidence;
- (6) the right to assistance of counsel during trial;
- (7) the right not to incriminate oneself; and that by pleading not guilty or remaining silent and not entering a plea, one obtains a jury trial;

(C) Where a defendant is not represented by counsel, informing the defendant of his right to be assisted by counsel in entering the plea, as well as at trial, and that the defendant is knowingly and voluntarily waiving that right; and

(D) Informing the defendant on the record:

- (1) of the terms of any negotiated plea;
- (2) that a plea of guilty may have an impact on his or her immigration status if the defendant is not a citizen of the United States;
- (3) of the maximum possible sentence on the charge, including that possible from consecutive sentences and enhanced sentences where provided by law; and/or
- (4) of the mandatory minimum sentence, if any, on the charge.

This information may be developed by questions from the judge, the prosecuting attorney or the defense attorney or a combination of any of these.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

 Clerk