



**CITY OF AMERICUS
MUNICIPAL COURT**

Constitution Rights and First Appearance Day Instructions for Rescheduled Hearing Dates

(Updated April 4, 2026)

You have requested a rescheduled date to resolve your case.

A list of those charges to which a plea of nolo contendere may be entered on a First Appearance Day (or plea day) is attached. You may ask to enter a plea of nolo contendere on any other charge, but it must be done on a contested day.

Please read the attached forms immediately. You must have read and then sign our copy of the attached forms before doing anything in court. You may keep this copy.

Si necesita estas instrucciones y sus derechos en español, por favor, comuníquese a cualquier funcionario y oficial de policía y se le proporcionará una copia en español



RECORDING OF COURT PROCEEDINGS

No recording of court proceedings, whether audio, visual, or both, is allowed without the express, written consent of the presiding judge pursuant to Rule 11 of the Uniform Municipal Court Rules. This includes, but is not limited to recordings made by: a computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); and any similar devices.

The Court does make an official tape recording of all proceedings which is available to the public from the clerk upon request for a nominal cost.

IN THE MUNICIPAL COURT
CITY OF AMERICUS, GEORGIA

_____) Docket Numbers:
Defendant _____) Case Numbers:

CONSTITUTIONAL AND LEGAL RIGHTS OF PEOPLE ACCUSED OF CRIMES

You have been arrested or cited for a misdemeanor offense or ordinance violation in the city of Americus. There are a number of rights guaranteed to you by the United States Constitution, the Georgia Constitution, and Georgia statutes. Read this form carefully. If you have trouble with English or did not bring your glasses and need help with this form, please ask any bailiff and they will make arrangements for someone to assist you. It is very important that you understand the rights set forth on this form and the other documents given you before you do anything in the Municipal Court.

Presumption of Innocence: Even though you have been charged with a criminal offense, you are presumed innocent. This means that the burden is on the city to prove that you are guilty of the charge beyond a reasonable doubt. You lose the presumption of innocence only by entering a plea of guilty or nolo contendere, or by being found guilty at trial.

Right to trial: If you do not want to plead guilty or in some cases nolo contendere then you have the right to go to trial on any charge made against you. There are two types of trials: bench trial (judge hears and decides the case) and jury trial (jury hears and decides the case). You have a right to a bench trial in any criminal proceeding. You only have a right to a jury trial in some cases that come before this court.

If your case is the type that has a right to a jury trial, the judge will specifically ask you if you want a jury trial. If you want a jury trial the judge will transfer your case to the State Court of Sumter County. Unless you have posted a bond in this court then by law we must deliver you to Sheriff where a Magistrate will set your bond. Upon posting of the bond you will be released.

If you choose to waive your right to a jury trial you can change your mind later and ask for a jury trial.

Right to testify or not testify: You have the right not to say or do anything that could incriminate you (make you appear guilty). You have the right to keep silent and neither the judge nor the jury can penalize you in any way for your silence. However, if you want to testify on your own behalf you can do so. In that case, the prosecutor (or judge) will be able to ask you questions on cross-examination.

Surcharges on fines: If you are fined by the court, taxes (also called a surcharges) must be added to the fine. These taxes add at least 35% to the fine and in some cases may add more than 200% to the fine. These taxes are required by state law. Various offenses carry various surcharges and the court staff will advise you of the total when you pay your fine.

Sentencing: If your sentence includes probation then the Southwest Judicial Circuit Misdemeanor Probation Service which is a not-for-profit probation service established by the judges of the Southwest Judicial Circuit to handle misdemeanor probation will supervise you while you complete your sentence. You will have to pay a probation fee and any state tax on the probation fee. If you fail to complete your sentence as ordered then you can be arrested for violation of the terms of your probation and ordered to serve some or all of the probated time in jail.

Driver's License Suspensions: Certain offenses require suspension of your driver's license. Suspension of your driver's license is by the State of Georgia and not by the court. The court can not alter a mandatory license suspension. You must contact the State of Georgia to resolve any issues with license suspensions and to get temporary or special permits to drive, if you qualify.

Right to appeal: If you are displeased with any decision the court makes you have the right to appeal to the Superior Court of Sumter County. Most appeals must be filed within 30 days of the day you enter your plea or that you are found guilty.



NOTICE OF RIGHT TO BE REPRESENTED BY AN ATTORNEY (Tucci Notice)

You have the right to be represented by an attorney in any criminal proceedings against you. An attorney can help you: (1) understand the charges against you; (2) determine whether a legally sufficient accusation has been filed against you; (3) determine whether you have any defense to the charge or charges against you, possible defenses may include but are not limited to self-defense, alibi, misidentification, accident, and reliance on the presumption of innocence and the State's burden to prove you guilty on all elements of the charge or charges against you beyond a reasonable doubt; (4) prepare and conduct any trial held on the charge or charges against you; (5) determine what evidence is legally admissible against you; (6) file motions and make objections to exclude evidence which is not legally admissible against you; (7) determine what evidence you would be able to present in your defense; (8) file motions to obtain information from the prosecution, such as police reports, scientific reports, witness statements, video or audiotapes, photographs, etc.; (9) make strategic decisions as to the calling of witnesses and whether or not you should testify at trial; (10) properly preserve legal issues for appeal in the event that you are convicted at trial; (11) conduct plea negotiations on your behalf if you desire to plead guilty to the charge or charges against you; (12) make sure all of your rights as a defendant in a criminal case are protected; (13) advise you of any possible immigration consequences of actions; (14) advise you of any possible effects upon your driver's license; (15) advise you of the effect on your ability to obtain future employment; and, (16) advise you of effect on your legal right to have a concealed weapons license.

The rules of evidence will be enforced by the Court even if you proceed without an attorney.

Charges handled by this court carry a maximum of one (1) year in jail and up to a \$2,500 fine. Community service and one or more driver education or risk reduction course may also be ordered by the judge.

It may be dangerous to proceed without the assistance of an attorney. I understand the right I have to hire an attorney to represent me in this case. I understand I have the right to apply to use the Public Defender's office. I understand that I must make application immediately to use the Public Defender and that I should request the Public Defender Application Package today. I understand that the court is unlikely to grant a continuance which would delay my trial for me to request to use the Public Defender absent extraordinary cause.



NOTICE REGARDING FIRST OFFENDER SENTENCING PURSUANT TO OCGA § 42-8-61

You are hereby notified of the provisions of Georgia law (OCGA § 42-8-60) regarding first offender sentencing.

Eligibility. You may qualify for first offender sentencing if you have not previously been convicted of a felony or previously been sentenced as a first offender under OCGA § 42-8-60.

General effect. A first offender sentence prevents you from having a criminal conviction, unless you violate the conditions of the sentence or commit a new offense during the period of the sentence. Upon successful completion of your sentence, the Court will enter an order discharging you from the offense(s) without an adjudication of guilt. The discharge will completely exonerate you of any criminal purpose and will not affect any of your civil rights or liberties, and you will not be considered to have a criminal conviction.

Effect on future employment or appointment. The discharge may not be used to disqualify you in any application for employment or appointment to office in either the public or private sector except that certain sex offenses may disqualify you from employment in a school or facilities offering care of the elderly, mentally ill, or developmentally disabled; and discharge pertaining to a crime involving a dishonest or immoral act may be used to disqualify you from peace officer certification or employment.

Future first offender treatment. No one may be sentenced as a first offender more than once. If you have previously been sentenced as a first offender under OCGA § 42-8-60, you can't request first offender sentencing in this case. If you are sentenced as a first offender in this case, you can't request first offender treatment under OCGA § 42-8-60 in any other case.

Adjudication of guilt. Your first offender status may be revoked and the Court may enter adjudication of guilt should you violate the terms of probation or commit another crime during the period of probation, or should the Court determine that you are

or were not eligible for first offender sentencing. The Court may then resentence you up to the maximum sentence for the offense charged, with credit for time previously served in custody or on probation.

Court's discretion. The Court has the discretion to accept or reject any Defendant's request for first offender sentencing.

Legal advice. The Court cannot give you legal advice about whether or not to ask for first offender sentencing; that is a strategic decision you should make considering all of your life circumstances, including the possibility of future felony charges where first offender sentencing might be more advantageous. The Court encourages you to seek legal advice on this and all other decisions relating to your charges and plea from a licensed Georgia attorney. In the exercise of the Courts discretion, the Court WILL NOT enter a first offender sentence unless you have been advised to request first offender treatment by an attorney. You do not have to have the attorney with you in court, but you will be required to state the attorney's name and advice on the record. If you wish to request first offender sentencing you should consult an attorney before you return to court for your next court date.

Certain offenses are not eligible for first offender sentence. Under Georgia law certain offenses including but not limited to Driving While under the Influence of Alcohol or Drugs is NOT eligible for a first offender sentence.



NOTICE OF POLICY REGARDING PAYMENT OF FINES

If you are found guilty, pled guilty or are allowed to pled nolo contendere most likely you will be fined an amount of money to be determined by the judge. This is in addition to other terms of your sentence which may be imposed by the judge. Almost all fines in Georgia are taxes (called a surcharge) up to two hundred percent (200%). If you wish to know the amount of the usual fine and tax for the charge against you please ask the judge when your name is called.

All persons are expected to pay their fine (with tax) and to complete any other term of their sentence. To do otherwise is not fair to the vast majority of citizens who pay their fines and complete their sentences in a timely manner.

All persons should be prepared to pay their fine (with tax) the day their case is resolved (i.e. you are found guilty, pled guilty or are allowed to pled nolo contendere). However, if circumstances prevent you from paying the fine (with tax) the day your case is resolved you may pay the fine in installments over a term of probation. You will be responsible for the state probation fees for each month you are on probation. The City of Americus Municipal Court uses the Southwest Judicial Circuit Misdemeanor Probation Service which is a not-for-profit probation service established by the judges of the Southwest Judicial Circuit to handle misdemeanor probation. The city does not receive any of the fees charged to the Southwest Judicial Circuit Misdemeanor Probation Service.

In extreme cases of poverty, persons may ask the court to convert some or all of the fine to community service. If you feel you qualify please discuss this with your probation officer who will schedule a formal hearing with the judge.



ACKNOWLEDGEMENT OF RECEIPT OF RIGHTS

I have read or had read and explained to me the above which includes the following:

1. Constitutional and Legal Rights of People Accused of Crimes in the Municipal Court of the City of Americus;
2. Notice of Right to be Represented by an Attorney (Tucci Notice);
3. Acknowledgement of Advice of Rights and Possible Waiver of the Right to be Represented by an Attorney;
4. Notice Regarding First offender Sentencing Pursuant to OCGA § 42-8-61; and,
5. Notice of Policy Regarding Payment of Fines.

This the _____ day of _____, _____.

Defendant



CITY OF AMERICUS MUNICIPAL COURT

CHARGES TO WHICH YOU MAY GENERALLY ENTER A PLEA OF NOLO CONTENDERE ON FIRST APPEARANCE DAY (OR PLEA DAY)

1. Leaving Scene of an Accident / Hit & Run (all types),
(First offense in five years)
2. Criminal Trespass (In House or Building) (First
offense in five years)
3. Consumption/Possession of Alcohol By Person
Minor (18 & over)
4. Purchase/Attempted Purchase of Alcohol by Minor
(18 & Over)
5. Furnishing Alcohol to Person Under 21 (But person
furnished to is 18 or over)
6. Furnishing Alcohol to Person Under 21 FOR
PROFIT (But person furnished to is 18 or over)
7. Furnishing (Sale of) Alcohol to Person Under 21 (But
person sold to is 18 or over)
8. Disorderly Conduct (First offense in five years)
9. Disorderly House or Disorderly Business (First
offense in five years)
10. Fireworks, Possession or Discharge
11. Fleeing/Attempting to Elude (First offense in five
years)
12. No Insurance - IF
 - (a) this is your first offense in five years and
 - (b) you have done one of the following:
 - a. Have gotten insurance (with proof);
 - b. The car is permanently inoperable, junked,
sold or repossessed; or,
 - c. The car is not titled in your name.

Note: If the vehicle had insurance on the date of the
ticket and you have proof tell the Clerk and you are
eligible to pay a \$25 fine without making an
appearance at all.
13. Marijuana, Possession of (First offense in five years)
14. Noise Violation in vehicle (First offense in five
years)
15. Open Container (in vehicle - not driver)
16. Open Container (not in vehicle)
17. Public Intoxication (All)
18. Shoplifting (First lifetime offense)
19. Suspended License
 - (a) defendant has gotten license reinstated without
regard to underlying cause.
 - (b) failure to appear to pay prior ticket and
 - (1) defendant physically had an otherwise valid
(on its face) license and
 - (2) if cleared up underlying suspension (with
proof) or
 - (3) have set it down for a hearing (to contest
it)(with proof); or,
 - (c) child support and
 - (1) defendant physically had an otherwise valid
(on its face) license and
 - (2) has resolved or
 - (3) now has work deduction; or,
 - (d) defendant never had license
 - (1) it has been more than 30 days since conviction
that would suspend the license and
 - (2) was issued valid license.
20. Theft of Gas (First offense in five years)
21. Purchase/Attempt to Purchase Tobacco Products
(First offense in five years)
22. Traffic - Racing

PLEA OF NOLO CONTENDERE

NOLO CONTENDERE is Latin for "no contest." In a criminal proceeding, a plea of nolo contendere is one in which the defendant does not accept or deny responsibility for the charge(s) but agrees to accept punishment (i.e. pay the fine, do community service, etc.) Acceptance of a plea of nolo contendere is always in the discretion of the Court/Judge.