

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SONOMA

IN SESSION AS A JUVENILE COURT

In the Matter of

Case No. _____-J

WAIVER OF CONSTITUTIONAL RIGHTS AND DECLARATION IN SUPPORT OF MINOR'S MOTION TO ADMIT/PLEAD NO CONTEST

_____ A Minor. ____/

I am the minor in this action. My date of birth is _____. I am represented by:

Public Defender _____ _____

I wish to enter an admission/no contest plea to violations of the following:

Paragraph(s) _____

1. Felony/Misd. Violation of _____ § _____
2. Felony/Misd. Violation of _____ § _____
3. Felony/Misd. Violation of _____ § _____
4. Felony/Misd. Violation of _____ § _____
5. _____
6. _____
7. W & I Code §777 violation (violation of probation)

I have fully discussed all I know about my case with my attorney;

I understand before the Court can accept this admission/no contest plea, I must show that I have been advised of, understand, and give up certain constitutional rights. Please read each right stated below and place your initials on the line next each one, if you understand it. **If there is something that you do not understand, please ask your lawyer to explain it to you so that you understand it before you initial it.**

FOR THE PURPOSE OF THIS ADMISSION/NO CONTEST PLEA, I UNDERSTAND:

- _____ 1. That I have a right to deny the charges against me and have the District Attorney prove that the charges are true at a hearing in front of a judge. I give up this right.

That if I had a hearing in front of a judge, at the hearing the judge would decide whether the charge(s) are true or not true. The judge would make this decision after listening to people brought into court by the District Attorney and by me telling about what happened in my case. These people would be sworn to tell the truth and then asked questions by the lawyers. I give up this right.

- _____2. That I have a right to be present at my hearing to see and hear all the people who come into court to answer questions under oath and give evidence against me. I give up these rights.
- _____3. I have a right to have my lawyer question all the witnesses who come into court at my hearing and to have him/her present evidence on my behalf. I give up these rights.
- _____4. That I have a right to have my own witnesses present at my hearing and if they wouldn't come to court when I asked them, to have the Court order them into court for me at no cost. I give up this right.
- _____5. That I have a right to remain silent and a privilege against self incrimination. No one can force me to admit that the violations of law are true. No one can force me to say anything about what happened in my case at my hearing. I can make the District Attorney try to prove the truth of the charges by (proof beyond a reasonable doubt) (a preponderance of the evidence) to the satisfaction of the Judge at a hearing without getting any help from me. I give up this right and privilege.
- _____6. That I have a right to appeal the orders made by the Court at the time of my disposition hearing. The appeal must be filed within 60 days of the date the Court made the disposition order.

I FURTHER UNDERSTAND OR DECLARE AS FOLLOWS:

- _____ (a) That I have a right to be represented by a lawyer at all court hearings. I can hire a lawyer, or have the Court appoint a lawyer for me at little or no cost if I can not afford one.
- _____ (b) That there have been no threats made against me or anyone close to me in order to get me to make this admission/no contest plea.
- _____ (c) That if I am not a citizen, the admissions/no contest plea which I am now entering may result in my deportation from the country, exclusion from admission to the United States and/or denial of naturalization pursuant to the laws of the United States.
- _____ (d) I am of sound mind and am not now under the influence of alcohol, narcotics, prescription drugs or any other substance that would impair my judgment.
- _____ (e) Whether or not I will be granted probation is determined solely by the Judge/Commissioner/Referee. I understand that the Court's order of disposition is decided only by the Court after considering a recommendation made by the Probation Department.

Other than the promises listed below, no other promises have been made to me or my family to get me to enter this admission/ no contest plea. I have been promised:

- 1. _____
- 2. _____
- 3. _____

Some of the charges against me have been dismissed with a Harvey Waiver. I understand that the Judge will consider the other charges which are being dismissed for purposes of deciding what disposition orders should be made in my case, including any restitution due to the victims of the charges.

I understand that the above promises made to me are not binding if I willfully fail to appear at any hearing in the future.

I declare under penalty of perjury that the initials that appear above are my own, and that I have read and understand each statement that I have initialed. I also declare that either I or my attorney has read this form to me and my attorney has explained this document to me and I hereby freely and voluntarily, having full knowledge and understanding of the rights I am giving up, do hereby request the Court to accept my admission/no contest plea.

Date: _____ Signature: _____

Counsel for Minor Statement:

I am the attorney of record for the above-named child. I declare that I have read and explained the foregoing document to the child; that after I read and explained the document, the minor signed his/her name thereto in my presence; that based upon my conversations with the minor, I am satisfied that his/her admission/no contest plea to the petition is freely and voluntarily made; that he/she understands the consequence of his/her admission, that his/her decision to admit/plead no contest was made only after a full discussion with me of the facts and the law of this case.

Date: _____ Signature: _____
Attorney for Minor

Certificate of Interpreter:

I declare under penalty of perjury that I translated the entire contents of this form from English to _____ in the presence of and directly to the child in this case, and the child wrote on this document in my presence.

Date: _____ Signature: _____

ORDER AND FINDING

I find that the minor has been fully informed of his/her constitutional rights and the consequences of his/her admission/no contest plea in this case, and that the minor understands them.

I further find the minor has knowingly, intelligently and voluntarily waived his/her rights and that there is a factual basis for the minor's admission/no contest plea.

It is ordered that the minor's admission/no contest plea be accepted and entered into the minutes of this court. This executed waiver of rights form is filed in the records of this court and incorporated in the above-numbered docket by reference.

Date: _____ Signature: _____
Judge/Commissioner/Referee
of the Juvenile Court