| TENDER OF PLEA OR ADMISSION & WAIVER OF RIGHTS | DOCKET NO. | Trial Court of Massachusetts Juvenile Court Department |
|---|---|---|

| NAME OF CHILD/DEFENDANT | DIVISION |
|---|---|
| | |

**SECTION I** **CONDITIONAL TENDER OF PLEA OR ADMISSION**

☐ **DELINQUENT/YOUTHFUL OFFENDER PLEA** ***(circle one)*** ☐ **GUILTY PLEA (ADULT ONLY)**

☐ **ADMISSION TO FACTS SUFFICIENT FOR AN ADJUDICATION OF DELINQUENT/YOUTHFUL OFFENDER or FINDING OF GUILTY** ***(circle one)***

☐ **BINDING PLEA WITH CHARGE CONCESSION UNDER RULE 12(b)(5)(A)**

| COUNT NO. | CHILD'S/DEFENDANT'S RECOMMENDATION(S)* (Include all fees, costs, and conditions of probation) | PROSECUTOR'S RECOMMENDATION(S) (Required when Prosecutor disagrees with child's/defendant's terms) | JUDGE'S DISPOSITION UPON REJECTING A BINDING PLEA OR NON-BINDING RECOMMENDATION |
|---|---|---|---|
| | ☐ Yes ☐ No | | |
| | ☐ Yes ☐ No | | |
| | ☐ Yes ☐ No | | |
| | ☐ Yes ☐ No | | |
| | ☐ Yes ☐ No | | |
| | ☐ Yes ☐ No | | |

***Check "Yes" if Prosecutor agrees - "No" if Prosecutor disagrees**

| SIGNATURE OF DEFENSE COUNSEL | DATE | SIGNATURE OF PROSECUTOR | DATE |
|---|---|---|---|
| X | | X | |

**THE COURT** ☐ **ACCEPTS CHILD'S/DEFENDANT'S TENDER** ☐ **REJECTS CHILD'S/DEFENDANT'S TENDER** DATE

SIGNATURE OF JUDGE

X

**CHILD'S/DEFENDANT'S DECISION WHEN COURT REJECTS DEFENDANT'S RECOMMENDATION:**

☐ Child/Defendant **WITHDRAWS** the tendered plea or admission ☐ Child/Defendant **ACCEPTS** judge's disposition set forth above

| SIGNATURE OF DEFENSE COUNSEL | DATE | SIGNATURE OF CHILD/DEFENDANT | DATE |
|---|---|---|---|
| X | | X | |

## SECTION II CHILD'S/DEFENDANT'S WAIVER OF RIGHTS (G. L. 119, § 55A) (G.L. c. 263, § 6) and ALIEN RIGHTS NOTICE (G.L. c. 278, § 29D)

I am not now under the influence of any drug, medication, liquor or other substance nor am I aware of any other factor that would impair my ability to fully understand the constitutional and statutory rights that I am waiving when I plead delinquent/youthful offender/guilty.

I, the undersigned child/defendant, understand and acknowledge that I am voluntarily giving up the right to be tried by a jury or a judge without a jury on these charges.

I have discussed my constitutional and other rights with my attorney and my parent or guardian (if applicable). I understand that the jury would consist of six or twelve jurors chosen at random from the community, and that I could participate in selecting those jurors, who would determine unanimously whether or not I was delinquent/a youthful offender/guilty. I understand that by entering my plea of delinquent/youthful offender/guilty or admission, I will also be giving up my right to confront, cross-examine, and compel the attendance of witnesses; to present evidence in my defense; to remain silent and refuse to testify or provide evidence against myself by asserting my constitutional right against self-incrimination, all with the assistance of my defense attorney; and to be presumed innocent until adjudicated delinquent/a youthful offender or proven guilty by the prosecution beyond a reasonable doubt.

I am aware of the nature and elements of the charge or charges to which I am entering my delinquent/youthful offender/guilty plea or admission. I am also aware of the nature and range of the possible commitment, sentence or sentences.

My plea of delinquent/youthful offender/guilty or admission is not the result of force or threats. It is not the result of assurances or promises, other than any agreed-upon recommendation by the prosecution, as set forth in Section I of this form. I have decided to plead delinquent/ youthful offender/guilty or to admit to sufficient facts, voluntarily and freely.

I understand that if I am not a citizen of the United States, the acceptance by this court of my plea of delinquent/youthful offender, plea of guilty, plea of nolo contendere, or admission to sufficient facts may have consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States. If the offense to which I am pleading delinquent/youthful offender, guilty, nolo contendere, or admitting to sufficient facts is under federal law one that presumptively mandates removal from the United States and federal officials decide to seek removal, it is practically inevitable that this disposition would result in deportation, exclusion from admission, or denial of naturalization under the laws of the United States.

| SIGNATURE OF CHILD/DEFENDANT | SIGNATURE OF PARENT/GUARDIAN *(if applicable)* | DATE | I have translated this document for the child/defendant. SIGNATURE OF INTERPRETER *(if applicable)* |
|---|---|---|---|
| X | X | | X |

## SECTION III DEFENSE COUNSEL'S CERTIFICATE (G.L. c. 119, § 55A, G.L. c. 218, § 26A)

As required by G.L. c. 119, § 55A, G.L. c. 218, § 26A, I certify that as legal counsel for the child/defendant in this case, I have explained to the child/defendant the above-stated provisions of law regarding the child's/defendant's waiver of jury trial and other rights so as to enable the child/defendant to tender his or her plea of delinquent/youthful offender/guilty or admission knowingly, intelligently and voluntarily.

| SIGNATURE OF DEFENSE COUNSEL | B.B.O. NO. | DATE |
|---|---|---|
| X | | |

## SECTION IV JUDGE'S CERTIFICATION

I, the undersigned Justice of the Juvenile Court, addressed the child/defendant directly in open court. I made appropriate inquiry into the education and background of the child/defendant and am satisfied that he or she fully understands all of his or her rights as set forth in Section II of this form, and that he or she is not under the influence of any drug, medication, liquor or other substance that would impair his or her ability to fully understand those rights. I find, after an oral colloquy with the child/defendant that the child/defendant has knowingly, intelligently and voluntarily waived all of his or her rights as explained during these proceedings and as set forth in this form.

After a hearing, I have found a factual basis for the charge(s) to which the child/defendant is pleading delinquent/youthful offender/guilty or admitting and I have found that the facts as related by the prosecution and admitted by the child/defendant would support an adjudication/a conviction on the charges to which the plea or admission is made.

I further certify that the child/defendant was informed and advised that if he or she is not a citizen of the United States, an adjudication of delinquent or youthful offender, finding of guilt or admission to sufficient facts, of the offense(s) with which he or she was charged, may have the consequences of deportation, exclusion from admission to the United States or denial of naturalization, pursuant to the laws of the United States. G.L. c. 278, § 29D and Mass. R. Crim. P. 12.

| SIGNATURE OF JUDGE | DATE |
|---|---|
| X | |