

**TENDER OF PLEA OR
ADMISSION & WAIVER OF RIGHTS**

DOCKET NO.

**Trial Court of Massachusetts
Juvenile Court Department**



NAME OF CHILD/DEFENDANT

COURT DIVISION

SECTION I 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)* **CONDITIONAL PLEA PURSUANT TO RULE 12(b)(6)**
*(must be accompanied by a Written Agreement Between
the Parties Pursuant to a Conditional Tender of Plea JV-170)*
- BINDING PLEA WITH CHARGE CONSESSION PURSUANT TO RULE
12(b)(5)(A)**

CHARGE	CHILD'S/DEFENDANT'S RECOMMENDATION(S)* <small>(Include all fees, costs, and conditions of probation)</small>	PROSECUTOR'S RECOMMENDATION(S) <small>(Required when Prosecutor disagrees with child's/defendant's terms)</small>	JUDGE'S DISPOSITION <small>(Upon rejecting a binding plea or non-binding recommendation)</small>
	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	<input type="checkbox"/> Yes <input type="checkbox"/> No		

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

SIGNATURE OF DEFENSE COUNSEL X	DATE	SIGNATURE OF PROSECUTOR X	DATE
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THE COURT **ACCEPTS CHILD'S/DEFENDANT'S TENDER** **REJECTS CHILD'S/DEFENDANT'S TENDER**

SIGNATURE OF JUDGE X	DATE
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CHILD'S/DEFENDANT'S DECISION WHEN COURT REJECTS CHILD'S/DEFENDANT'S RECOMMENDATION:

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

SIGNATURE OF DEFENSE COUNSEL X	DATE	SIGNATURE OF CHILD/DEFENDANT X	DATE
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SECTION II**CHILD'S/DEFENDANT'S NOTICE OF RIGHTS (Mass. R. Crim. P. 12 & G.L. c. 278, § 29D)**

A child/defendant has the right to be tried by a jury, or by a judge without a jury, on these charges. The jury would consist of six or twelve jurors chosen at random from the community, and the child/defendant may participate in selecting those jurors, who would determine unanimously whether the child/defendant was delinquent/a youthful offender/guilty or not guilty. By entering a plea of delinquent/youthful offender/guilty or admission, the child/defendant waives the right to confront, cross-examine, and compel the attendance of witnesses; to present evidence in their defense; to remain silent and refuse to testify or provide evidence against themselves, all with the assistance of a defense attorney; and to be presumed innocent until proven delinquent/youthful offender/guilty by the prosecution beyond a reasonable doubt.

A child/defendant has the right to be aware of (1) the nature and elements of the charge(s) to which they are entering a delinquent/youthful offender/guilty plea or admission and (2) the range of the possible commitments or sentence(s).

If the child/defendant is not a citizen of the United States, the acceptance by the Court of a plea of delinquent/youthful offender/guilty, plea of nolo contendere, or admission to sufficient facts may have consequences of deportation, exclusion from or admission to the United States, or denial of naturalization, pursuant to the laws of the United States.

SECTION III**DEFENSE COUNSEL'S CERTIFICATION (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****CHILD'S/DEFENDANT'S ACKNOWLEDGEMENT**

[Note: A defendant's signature is not necessary to enter a valid guilty plea. Commonwealth v. Hubbard, 457 Mass. 24, 26 (2010). A written waiver cannot substitute for an oral colloquy; however, the defendant's signature on the tender of plea form is additional evidence of the voluntariness of the plea. Commonwealth v. Furr, 454 Mass. 101, 111 (2009).]

I understand all of my rights and notices described in SECTION II above. I am not now under the influence of any medication, drug (including marijuana), alcohol, or other substances that would interfere with my ability to fully understand the constitutional and statutory rights that I am waiving when I plead delinquent/youthful offender, guilty, or admit to sufficient facts, freely and voluntarily.

I have decided to plead delinquent/youthful offender, guilty, or admit to sufficient facts, freely and voluntarily.

SIGNATURE OF CHILD/DEFENDANT

DATE

X**SECTION V****JUDGE'S CERTIFICATION**

- Plea/admission taken by videoconference. All parties were able to see and hear one another. I certify that I advised the child/defendant of his/her right to be physically present for this hearing and that the child/defendant knowingly, intelligently, and voluntarily waived that right after being so advised.
- An interpreter was used during the colloquy and confirmed on the record that the Notice of Rights in Section II was translated to the child/defendant.
- 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