

Form 13. Waiver of Right to Contested Hearing in a Non-Presumptive Certification Case**STATE OF MINNESOTA****DISTRICT COURT - JUVENILE DIVISION****COUNTY OF _____****_____ JUDICIAL DISTRICT**

In the Matter of the Welfare of:

**WAIVER OF RIGHT TO CONTESTED
HEARING IN A NON-PRESUMPTIVE
CERTIFICATION CASE**_____
Child

Court File No. _____

I have been advised by my attorney and I understand the following rights:

1. My full name is _____ and I have been charged by Delinquency Petition in juvenile court with the offense(s) of: _____ which would be a felony if committed by an adult. This felony carries a presumptive sentence of _____ [range] months in prison under the Minnesota Sentencing Guidelines and applicable statutes.
2. The offense(s) is alleged to have occurred on _____ and I was at least 14 years old at the time, having a date of birth of _____.
3. For the purpose of this waiver only, I submit there is probable cause to believe I committed the offense(s).
4. I understand that I have a right to an attorney.
5. The prosecutor has brought a motion for certification, and I understand I have a right to a hearing before a judge.
6. At that hearing, it is the prosecutor's burden to demonstrate to the judge by clear and convincing evidence that retaining my case in juvenile court does not serve public safety. I have discussed the public safety factors with my attorney.
7. I understand I could present witnesses and evidence at that hearing.
8. I understand I could cross-examine all witnesses who testify for the state.
9. I understand I could present arguments against certification.
10. I understand that by waiving my right to a hearing I agree that my case can proceed to adult court for a jury trial on the above-named offense(s) and be subject to the penalties under Minnesota Sentencing Guidelines and criminal statutes.
11. I have discussed with my attorney and understand the potential maximum penalties under the Minnesota Sentencing Guidelines and criminal statutes. We have discussed and I understand that there may be sentencing departures, either upward if the court finds aggravating circumstances, or downward if the court finds mitigating factors in the case.
 - ☐ No promise of any agreement has been made to me.
 - ☐ The following agreement has been reached in exchange for my waiver:

MINNESOTA COURT RULES

JUVENILE COURT

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12. I understand I have a right to discuss my case with my parent(s), legal guardian(s), or legal custodian(s), and I have either done so or waive my right to do so.
13. I understand the court will find that I represent a danger to the public safety if kept within the juvenile system and will order certification for trial as an adult.
14. If a psychological evaluation has been completed, I understand I may request additional psychological evaluations and explore alternative treatment programs to find a suitable juvenile disposition option and demonstrate to the court that I do not represent a danger to the public safety if my case is kept in the juvenile system.
15. Based upon all of this information and investigation, I am choosing to waive or give up my right to have a contested certification hearing.
16. No threats have been made to coerce me into waiving these rights. No promises have been made to me except as set forth in paragraph 11.
17. I am waiving or giving up my rights freely and voluntarily. I have had sufficient time to discuss my rights and options with my attorney.

DATE: _____

Child

DATE: _____

Child's Attorney

(11/02)