

Form 14. Waiver of Right to Contested Hearing in a 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
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 16 or 17 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 my burden to show the judge by clear and convincing evidence that retaining my case in juvenile court serves 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. I further understand that if I prevailed at the certification hearing, the court must order that my case proceed as an extended jurisdiction juvenile prosecution.
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. I have discussed and understand that the charged offenses presume an executed prison sentence. 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.

MINNESOTA COURT RULES

- No promise of any agreement has been made to me.
- The following agreement has been reached in exchange for my waiver:

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 returned to the extended jurisdictional 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)