

JUVENILE COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

**ADVISAL OF RIGHTS, WAIVER AND ADMISSION FORM**

In the matter of  _____, A Minor	CASE NO: _____; Dept.: _____  Petition(s): _____
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The parties hereto submit the following agreement for court approval:

\_\_\_\_\_ 1. My true name and date of birth are:

\_\_\_\_\_  
*Name*

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
*Date of Birth*

- \_\_\_\_\_ 2. I understand that I have the right to be represented by an attorney at all stages of the proceedings until the case is terminated and if I cannot afford an attorney, one will be appointed to me, free of charge.
- \_\_\_\_\_ 3. I understand that I have the right to a speedy court trial on the charges in the petition. I hereby waive and give up that right.
- \_\_\_\_\_ 4. I understand that I have the right to see and hear the witnesses against me and to cross-examine them myself or through an attorney. I hereby waive and give up those rights.
- \_\_\_\_\_ 5. I understand that I have the right to present evidence and to call witnesses to testify on my behalf, and to use the power of the court to subpoena this evidence and/or these witnesses into court. I hereby waive and give up these rights.
- \_\_\_\_\_ 6. I understand that I have the right to testify on my own behalf if I so desire, but that I cannot be forced to be a witness against myself, and I may remain silent if I so choose. I hereby waive and give up these rights.
- \_\_\_\_\_ 7. I have discussed with my attorney the facts of the case, any possible defenses to the charges, the consequences of admitting the charges and any possible consequences of a subsequent violation of probation. I am entering my admission freely, voluntarily and with the full understanding of 1) the charges in the petition, 2) the charges which I am admitting, and 3) the consequences of admitting these charges. No one has made any threats, or used any force against me, my family, or loved ones, or made any promises to me except as set forth on this form, in order to get me to admit any charges.

\_\_\_\_\_ 8. I understand that if I am not a citizen of the United States, my admission could result in my deportation, exclusion, or denial of naturalization, pursuant to the laws of the United States.

\_\_\_\_\_ 9. I understand that I am **ADMITTING** the following offenses:

Count	F/M	Offense	Range	Additional Time

\_\_\_\_\_ 10. I understand and agree that the parties stipulate that a factual basis for entering my admission(s) and based on that stipulation the court finds a factual basis for each of my admissions.

\_\_\_\_\_ 11. I understand the TOTAL MAXIMUM PERIOD OF CONFINEMENT in my case is:

\_\_\_\_\_

\_\_\_\_\_ 12. I understand that count(s) \_\_\_\_\_ is/are WIC 707(b) listed offense(s), and even upon successful completion of my probation, I would not be entitled to automatic dismissal and sealing of my case. Furthermore, I understand that if I admit said charge(s), I could be confined in a Secured Youth Treatment Facility (SYTF).

\_\_\_\_\_ 13. I understand that count(s) \_\_\_\_\_ is/are STRIKE offense(s) under the THREE STRIKES law, and my attorney has advised of the consequences of an admission to said offense(s).

\_\_\_\_\_ 14. I understand that if I admit the offenses listed above, the Court will have the power to put me on probation with terms and conditions I will have to follow, or place me in a foster care facility, or Secured Youth Treatment Facility (SYTF), for up to the maximum period of confinement as listed above.

\_\_\_\_\_ 15. I understand that by admitting the offenses above,

- (a) \_\_\_\_\_ The Court will commit me to SYTF, for a Category \_\_\_\_\_ offense, with a baseline range of \_\_\_\_\_ for a term not to exceed \_\_\_\_\_.
- (b) \_\_\_\_\_ The Court will declare that I am Ward of this court (WIC § 602), impose the recommended formal probation terms and conditions.
- (c) \_\_\_\_\_ The Court will order Deferred Entry of Judgment (DEJ) and impose the recommended terms and conditions.

- (d) \_\_\_\_\_ The Court will place me on Summary Probation (WIC § 725), and impose the recommended terms and conditions.
- (e) \_\_\_\_\_ There is no agreement as to Disposition.
- (f) \_\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_ 16. I understand that I am severally liable along with my guardians, and/or co-participants, to compensate any victim(s) for their financial losses based on my actions, even if any counts are reduced or dismissed.

\_\_\_\_\_ I understand that I have a right to request an evidentiary hearing regarding the amount and apportionment of the amount I owe in victim restitution, and at this time, I waive my right to such a hearing and I agree to pay the victim(s), \_\_\_\_\_ the amount of \_\_\_\_\_, and/or I agree to pay \_\_\_\_\_ % of the total amount in restitution and I understand that this amount may be collected even after the termination of my juvenile case, pursuant to WIC 730.6/730.7.

\_\_\_\_\_ 17. I understand that any charged offenses in the petition to which I am not entering an admission will be dismissed, but that those charges may be discussed by the probation officer in the disposition report and may be considered by the court in deciding the appropriate disposition of my case.

\_\_\_\_\_ 18. I understand that, if I am declared a ward of this court, my admission to count(s) \_\_\_\_\_ prohibit(s) me from owning, possessing or having in my control any firearm, firearm parts, ammunition or body protecting armor until I am 30 years old (PC § 29820).

\_\_\_\_\_ 19. I understand that, if I am declared a ward of this court, the violation of \_\_\_\_\_ requires that the Department of Motor Vehicle (DMV) suspend or revoke my driving privileges for one year.

\_\_\_\_\_ 20. I understand that since I admit count(s) \_\_\_\_\_ as true, and if I continue to drive while under the influence of drugs and/or alcohol, and I kill someone, I could be charged with murder. (*Watson*)

\_\_\_\_\_ 21. I understand that I am entitled to have the disposition of this case be heard by the same judge who took my admission, and I waive that right.

\_\_\_\_\_ 22. I understand that since I admit count(s) \_\_\_\_\_ as true, I may be subject to screening by the State Department of State Hospitals to determine whether I qualify for trial as a Sexually Violent Predator (SVP), which could result in my being committed to a secure medical facility indefinitely. (*Tellez*)

- \_\_\_\_\_ 23. I understand that since I admit count(s) \_\_\_\_\_ as true, and it is extremely dangerous and deadly to human life to illicitly manufacture, distribute, sell, furnish, administer, or give away any drugs in any form, including real or counterfeit drugs or pills, and if I continue to engage in such conduct and it results in the death of a human being, I could be charged with murder (H&S § 11369)
- \_\_\_\_\_ 24. I understand each and every right stated in this form, and I hereby waive and give up each of these rights in order to enter my admission to the charge(s) listed in above. I am admitting these charges because I in fact did commit them and for no other reason.

I declare under the penalty of perjury that I have reviewed and discussed this form with my attorney, that I understand everything on the form that I personally initialed each paragraph above, and everything on this form is true and correct.

Date: \_\_\_\_\_

Minor: \_\_\_\_\_

MINOR'S ATTORNEY: As the attorney of record, I, \_\_\_\_\_, have explained each of the above rights to the minor, and I have explained the facts, possible defenses and charges to the Minor. Furthermore, I concur with the Minor's decision to waive the above rights and admit the charge(s). I am satisfied that the Minor understands all of his/her/their rights and is freely, voluntarily, knowingly and intelligently waiving those rights and admitting the charge(s).

Date: \_\_\_\_\_

Minor's Attorney: \_\_\_\_\_

LANGUAGE INTERPRETER: As a court/provisionally certified interpreter in the \_\_\_\_\_ language, and on this case and for this form, and I, \_\_\_\_\_ (ID#: \_\_\_\_\_) have truly interpreted and translated from English to \_\_\_\_\_ and \_\_\_\_\_ to English to the best of my abilities.

Date: \_\_\_\_\_

Interpreter: \_\_\_\_\_

PROSECUTING ATTORNEY: I have communicated this agreement to the victim(s) and I am stipulating there is a factual basis for the admission(s) in this case.

Date: \_\_\_\_\_

Deputy District Attorney: \_\_\_\_\_

COURT'S FINDINGS: Upon review of this form, an inquiry of minor, minor's counsel, and the petitioner, the Court finds: 1) the minor has reviewed and understands the advisal of rights, waiver and admission form; 2) the minor understands each of the rights set forth on the form; 3) the minor understands the possible consequences of admitting the charge(s); 4) The minor freely, voluntarily, knowingly and intelligently waives the rights set forth in this form; 5) the minor freely, voluntarily, knowingly and intelligently enters the admission(s) to the charges as set forth on the form. The Court orders this form filed and incorporated into the minute order.

Date: \_\_\_\_\_

Judge: \_\_\_\_\_