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| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 840 Guadalupe Parkway, San Jose, CA 95110 MAILING ADDRESS: 191 North First Street CITY & ZIP CODE: San Jose, CA 95113 BRANCH NAME: Juvenile Justice Court | <i>FOR COURT USE ONLY</i> |
| Youth's Name: | |
| WAIVER FORM WITH ADVISEMENTS, STIPULATIONS, DECLARATIONS, FINDINGS & ORDERS | CASE NUMBER: Case: ____ - JV - _____ |

A. CHARGES

| 1. I am admitting to or pleading no contest to these offense(s) in the Petition(s) (or Violation of Probation Notice). | <i>Initials</i> | | | | | | | | | | | | | | | |
|--|---------------------|---------------------|------------------|-------|--|---------------------|-------|--|---------------------|-------|--|---------------------|-------|--|---------------------|--|
| <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%; text-align: center; border-bottom: 1px solid black;">Code Section</th> <th style="width: 40%; text-align: center; border-bottom: 1px solid black;">Name of the Offense</th> <th style="width: 30%; text-align: center; border-bottom: 1px solid black;">Max Custody Time</th> </tr> </thead> <tbody> <tr> <td style="border-bottom: 1px solid black;">Count</td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;">__ years, __ months</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Count</td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;">__ years, __ months</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Count</td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;">__ years, __ months</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Count</td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;">__ years, __ months</td> </tr> </tbody> </table> | Code Section | Name of the Offense | Max Custody Time | Count | | __ years, __ months | Count | | __ years, __ months | Count | | __ years, __ months | Count | | __ years, __ months | |
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| Count | | __ years, __ months | | | | | | | | | | | | | | |
| Count | | __ years, __ months | | | | | | | | | | | | | | |
| Count | | __ years, __ months | | | | | | | | | | | | | | |
| 2. Together with my prior offenses, my maximum custody time is: ____ years, ____ months. (WIC § 726) | | | | | | | | | | | | | | | | |
| 3. I understand that my maximum custody time may not be used in this case. If I commit new law violations or violate probation, my custody time may increase and could be used as a consequence in the future. | | | | | | | | | | | | | | | | |

B. TRIAL RIGHTS: JURISDICTION HEARING & VIOLATION OF PROBATION HEARING

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| 1. The right to a speedy court trial or hearing where the judge would listen to all the evidence and decide if the district attorney has enough evidence to prove that I did what the petition(s) says I did. | <i>Initials</i> |
| 2. The right to see and hear the witnesses who will testify against me. This includes the officer who wrote the report, and any of the people who provided information that is written in the report. | |
| 3. The right to have those witnesses questioned by my attorney. | |
| 4. The right to have my own witnesses at trial. | |
| 5. If witnesses refuse to come to court, I have the right to have them ordered to court at no cost to me. | |
| 6. The right to testify at the trial and to tell my side of the story. | |
| 7. The right to remain silent in court and not say anything. | |
| 8. No threats or promises have been made to me to give up my trial rights. | |
| 9. I do not want a trial. I want to give up each of my trial rights listed above. I understand the rights that I am giving up and I have discussed them with my attorney. | |

C. APPELLATE RIGHTS

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| 1. I understand that I have a right to appeal this adjudication and any resulting dispositional orders. | <i>Initials</i> |
| 2. In order to appeal, a notice of appeal must be filed within 60 days of the dispositional hearing. | |
| 3. I have a right to an attorney to help with the appeal. If I cannot afford an attorney, the court one will <u>be</u> appointed one for me. | |

YOUTH'S NAME:

CASE NUMBER: ____ - JV - _____ - ____

GENERAL CONSEQUENCES OF ADMISSION

Initials

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| 1. PLACEMENT: I understand I can be sent home on probation or removed from my home and placed in a foster home, or group home, or a home that is approved by the Judge. | |
| 2. PROBATION: I can remain on probation until I am 21 years old. However, if I have (a) sustained petition(s) for (a) WIC §707(b) offense(s), I can remain on probation until I am 23 years old. If the WIC §707(b) offense(s) and other offense(s) amount to an aggregate sentence of seven (7) years or more, I understand I can remain on probation until age 25. <u>If I am 25 years or older, the Court has jurisdiction over me for up to 2 years from the date of disposition for WIC §707 offenses. (WIC § 607)</u> | |
| 3. CONFINEMENT / INCARCERATION: I understand I can be confined at Juvenile Hall, the Ranch, County Jail, Secure Track Youth Treatment Facility (SYTF/Secure Track), DJJ, or other detention facility/program after my 18 th birthday. I may remain confined until the age of 25 or two (2) years from the date of confinement disposition, whichever occurs later. (WIC § 607) | |
| 4. FINES & FEES: I understand there are fines and fees the court will order me to pay, as well as other fines and community service work that can be ordered. (WIC § 730.5) | |
| 5. RESTITUTION: I will be required to pay the victim(s) money for economic losses incurred related to my conduct. (WIC § 730.6) | |
| 6. IMMIGRATION CONSEQUENCES: If I am not a U.S. citizen, I understand that my admission(s) may result in deportation, prevent me from ever being able to legally enter the U.S., or prevent me from becoming an U.S. citizen. | |
| 7. ARBUCKLE: I agree that a different judge than the one who took my admission may decide the disposition. | |

Initials

SPECIFIC CONSEQUENCES OF ADMISSION

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| 1. DRIVER'S LICENSE: My privilege to drive may be suspended or delayed by the court as a consequence of certain offenses pursuant to Vehicle Code §§ 13201 and 13202.5. The court may allow me to keep my driver's license or reduce the suspension if the court finds that there is a critical need or family hardship. | |
| 2. FIREARM: If I am adjudged a ward, I understand I am prohibited from owning, purchasing, receiving or having possession of a firearm until the age of 30 based on a violation of: _____. I understand the juvenile court must notify the Department of Justice, and any violation of this restriction may be charged as a new crime. I understand that even if the petition is dismissed and sealed, I still will not be able to own, purchase, receive, or possess a firearm until I am 30. (Penal Code § 29820) (PC § 29820) | |
| 3. ARSON: For admitting an arson or attempted arson offense, I understand that if I am ever sent to DJJ, I will have to register as an arsonist until the age of 25 or until my record is sealed by a Judge. (PC § 457.1(b)(1)(C)(3). | |
| 4. GANG REGISTRATION: I understand I will be required to register with the local police agency or sheriff's department in the city or county where I live if I have a sustained petition for a 186.22(a), an offense where a 186.22(b) enhancement was found true, or any offense the court finds is gang related at the time of disposition. (PC § 186.30) | |
| 5. SEX OFFENSE: I understand if I am ever committed to DJJ, on a Penal Code § 290 sex offense that I admitted, it will require me to register with the local police department as a sex offender in every place I live for 5 or 10 years, depending on the offense. I understand the court may order that I be tested for HIV/AIDS and other sexually transmitted diseases and that the results will be made available to the victim and others who are entitled by law to have the information. (PC § 1202.1) | |
| 6. STRIKE: I understand that the offense(s) listed in Count(s) _____ of the petition(s) qualify as a "strike" under the current Three Strikes laws. I understand that if I am sentenced in adult court in the future, this offense may cause: my time in custody to be doubled; me to automatically be sent to prison; a reduction of the custody credits available to me; and the "strikes" laws may count against me. If I am convicted of a third "strike" as an adult I can be sentenced to life in prison. (PC § 667(d)(3)) | |
| 7. 707(B) OFFENSE(S): I understand the offense(s) listed in Count(s) _____ is/are a Welfare & Institutions Code § 707(b) offense(s). I understand this means , if I was 14 or older at the time of the offense(s) I can be sent to the Secure Track Youth Treatment Facility (SYTF/Secure Track) or DJJ , until I am 23 or 25 years old, <u>or for up to 2 years from the date of commitment to the Secure Youth Treatment Facility (SYTF/Secure Track)</u> , whichever occurs later, for this offense or any later violation of probation. (WIC § 875(c)(1)) | |
| 8. DEJ: If given an opportunity on the Deferred Entry of Judgment Program, I waive the right to a speedy jurisdiction and disposition and agree to have the case handled by a different Judge, if the current Judge is unavailable. | |

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| 9. DNA: I understand that I must provide buccal swab samples and fingerprints of each hand, and any blood specimens or other biological samples required for identification purposes as required by law, if I am adjudicated under WIC 602 for any felony offense or if I am required to register under PC 290 or PC 457.1. (PC § 296) | |
| 10. SYTF WIC § 876 Advisement: I understand that at the end of my Secure Youth Treatment Facility (SYTF/Secure Track) Commitment for this offense, I may be subject to continued detention for a period of up to two years if I am found to be physically dangerous to the public because of a mental or physical condition, disorder, or other problem that causes a person to have serious difficulty controlling their dangerous behavior. Applications for this finding may be repeated. If I am over 25 years of age, I may be referred for an evaluation for a civil commitment and/or placement in an appropriate institution. (WIC § 876) | |
| 11. SPECIAL OTHER CONSEQUENCES: I understand that my case has additional consequences that are stated here, I have read this information and my attorney has explained it to me: | |

YOUTH'S DECLARATION

I reviewed each of these rights and consequences with my attorney before I initialed them. I understand the facts of my case, the allegations in the petition(s) and what each of the rights and consequences mean. I freely and voluntarily give up my rights to a trial and ask to enter my admission, because I committed the offense(s) in Section A.

_____ Date

_____ Youth's Signature

INTERPRETER'S DECLARATION

The primary language of the ~~child~~ youth is: _____. The primary language of the parent/legal guardian is: _____. I certify that I interpreted this form for the youth and/or parent/legal guardian in that person's primary language to the best of my ability.

_____ Date

_____ Interpreter's Name

_____ Interpreter's Signature

ATTORNEY'S DECLARATION

I am the attorney for the youth. I have explained and discussed with my client the above rights, the facts of his/her/their case, possible defenses, and the consequences of his/her/their decision to enter an admission. Based on my conversation with the youth, I am satisfied that his/her/their admission to the petition(s) is knowingly, intelligently, and voluntarily made, and I consent to the admission.

YES NO: My client was under the age of 14 at the time of one or more offenses (Penal Code § 26).

_____ Date

_____ Attorney Name

_____ Attorney Signature

COURT FINDINGS

THE COURT FINDS: The identifying information in the Petition(s)/Notice(s) of Hearing is correct; the ~~minor~~ youth is a person described in Welfare & Institutions Code § 602; the ~~minor~~ youth knowingly, intelligently, freely and voluntarily waived his/her/their rights; the ~~minor~~ youth understood the nature of the allegations and consequences of his/her/their admission; there is a factual basis for the admission(s); the allegation(s) is/are true; the Petition(s)/Notice(s) of Hearing is sustained (unless accepting DEJ).

"The ~~minor~~ youth was under the age of 14 at the time of the offense(s) and understood the wrongfulness of the offense(s) at the time they were committed pursuant to P.C. § 26. This finding is based on clear and convincing evidence presented orally and/or in writing at today's hearing."

- | | | | | |
|-------|--------------------------|--------|--------------------------|-------------|
| Count | <input type="checkbox"/> | Felony | <input type="checkbox"/> | Misdemeanor |
| Count | <input type="checkbox"/> | Felony | <input type="checkbox"/> | Misdemeanor |
| Count | <input type="checkbox"/> | Felony | <input type="checkbox"/> | Misdemeanor |
| Count | <input type="checkbox"/> | Felony | <input type="checkbox"/> | Misdemeanor |

For setting max time: The felonies to the left would have been wobblers if filed against the youth in adult court. The Court is aware of and exercises its wobbler discretion in this case. Welfare & Institutions § 702.

IT IS HEREBY ORDERED: The youth's admission(s) be entered; this document is filed and the above findings are made by this Court.

Date

Judicial Officer of the Superior Court