

ROCKINGHAM COUNTY ADULT DIVERSION

Court Name: _____

Case Name: _____

Case Number: _____

ACKNOWLEDGMENT & WAIVER OF RIGHTS - MISDEMEANOR DIVERSION

(ADMISSION TO SUFFICIENT FACTS)

I, _____, of _____,
my attorney being, _____, do voluntarily make the following statements which I
understand shall apply to each and every indictment to which I intend to Admit to Sufficient Facts.

If I am not a citizen of the United States, I understand that an admission to sufficient facts and diversion order for these crime(s) may have immigration consequences, including but not limited to: deportation from the United States, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

I have discussed this present Admission to Sufficient Facts to the charge(s) in the indictment(s) with my attorney who has explained the nature of the charge(s) to me. I fully understand the charge(s) of which I stand accused, which are:

I understand that I am under no obligation to Admit to Sufficient Facts, and that even after signing this form I am still under no obligation to Admit to Sufficient Facts.

I understand that by Admitting to Sufficient Facts and signing the Diversion Agreement relative to the Indictment(s) I am giving up the following constitutional rights as to that crime:

My right to a speedy and public trial.

My right to a trial by Jury.

My right to see, hear, and question all witnesses.

My right to present evidence and call witnesses in my favor and to testify on my own behalf.

My right to remain silent, if I choose.

My right to have the Judge order into court all evidence and witnesses in my favor.

My right to have my lawyer continue to defend me, and to present all defenses that I may have.

My right not be convicted except by proof beyond a reasonable doubt with respect to all elements of the charge, which have been explained to me by my attorney.

My right to have excluded from evidence any confessions or other evidence obtained in violation of my constitutional rights.

My right to appeal, if convicted

I GIVE UP ALL OF THE ABOVE RIGHTS BY MY OWN FREE WILL

I understand that by Admitting to Sufficient Facts that I am admitting to the truth of the charge(s) against me in the Complaint(s), and that, on my Admission to Sufficient Facts, and the Judge's acceptance of my Admission To Sufficient Facts that I will be entered into the Misdemeanor Diversion Program, pursuant to the Diversion Agreement that I have signed.

I understand that if I successfully complete the Misdemeanor Diversion Program the State has agreed to nol pros the complaint(s) and the court will not make any finding of guilt or convict me of any crime charged within the listed complaint(s), within the meaning of New Hampshire law. However, I understand that other jurisdictions and certain government agencies may nonetheless treat my Admission to Sufficient Facts as the equivalent of a criminal conviction.

I admit that I committed the acts charged in the Complaint(s) and that I committed the acts _____ (state of mind). No force has been used upon me, nor have any threats been made to me, by any member of the Prosecutor's Office or anyone else in an effort to have me Admit to Sufficient Facts. No promises have been made to me by any member of the Prosecutor's Office or anyone else in the effort to have me Admit to Sufficient Facts, except, as set forth in the Diversion agreement and as follows:

However, I understand that the Judge is not required to approve the Diversion Agreement or any other term of a negotiated plea. I understand that I may withdraw my Admission To Sufficient Facts if the Judge rejects the Diversion Agreement or exceeds the terms of a negotiated plea.

I understand if I do not successfully complete the Misdemeanor Diversion Program, then as a consequence of my Admission to Sufficient Facts, the Judge may enter a guilty finding and impose the sentence provided for in the Diversion Agreement, or if the Diversion Agreement does not include a specific sentence, such sentence as in his/her discretion s/he considers appropriate, subject, however, to those limits prescribed by law. My attorney, with whose services I am satisfied, has advised me of the penalties that the Judge can impose for the crime(s) to which I have Admitted To Sufficient Facts. I understand that this or these charge(s) against me are a Class ____ Misdemeanor and that the maximum penalty is _____ months, and that in addition a fine may be imposed not to exceed \$_____ dollars.

I understand that if probation is a condition of my sentence, the Judge may give the probation/parole officer authority to impose a 1 to 7 day jail sentence in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period. Such a sentence would only be imposed on me if I waived my right to counsel and a preliminary hearing with respect to that violation, and agreed to serve that sentence in lieu of a violation of probation hearing.

I also understand that if the State alleges that I did not successful complete the Misdemeanor Diversion Program I have the right to a hearing which will be held before the Court can enter a guilty finding and impose the sentence recommended in the Misdemeanor Diversion Agreement.

I am not under the influence of drugs or alcohol.

ALL OF THESE STATEMENTS THAT I HAVE GIVEN TODAY IN THIS ACKNOWLEDGMENT & WAIVER OF RIGHTS ARE TRUTHFUL AND VOLUNTARILY GIVEN.

I do not have any questions at this time of my attorney or the Prosecutor's Office. If there are any questions of the Judge or if there is anything I would like to say prior to the conclusion of today's Hearing, my attorney will make this known to the Judge at the time of my Admission to Sufficient Facts. I understand the entire contents of this Acknowledgment & Waiver of Rights, and I freely and voluntarily sign this form below. I also understand that I may have a copy of this form upon request.

Date

Defendant
Highest Grade Level Completed: _____

As counsel for defendant, I have thoroughly explained to the defendant all of the above, including the nature of the charge, the elements of the offense, the maximum and minimum penalties, and the possible immigration consequences of entering an Admission to Sufficient Facts. I believe the defendant fully understands the meaning of this Acknowledgment & Waiver of Rights, that the defendant is not under the influence of any drugs or alcohol, and that the defendant knowingly, intelligently, and voluntarily waives all of the rights as set forth in this form.

Date

As Counsel for the Defendant
NH Bar No.: _____

The undersigned Justice of the _____ Court, having inquired into the education and background of the defendant, is satisfied that the defendant fully understands all of the rights as set forth above, and that the defendant is not under the influence of any drugs or alcohol. The Court finds that the defendant has the mental capacity to evaluate these rights and, having done so, to knowingly and intelligently waive all of the rights as set forth in this form, and the defendant does knowingly, intelligently, and voluntarily waive those rights.

Date

Presiding Justice