

DISTRICT COURT, COUNTY, UTAH
WAIVER OF RIGHTS BY DEFENDANT

My name is: _____ Case No. _____

I have placed my initials by each of the following paragraphs indicating that I have read, understand and agree with what is stated in each paragraph.

_____ Voluntary Plea. I have made the decision to plead "guilty" or "no contest" to certain charges filed against me. I have done this of my own free will and choice.

_____ Waiver of Rights. I know that in pleading guilty, I voluntarily waive and give up basic rights guaranteed to me under the constitutions and laws of Utah and the United States.
SPECIFIC RIGHTS WAIVED:

1. I waive the presumption of innocence.
2. I waive the right to remain silent and my right against self-incrimination.
- _____ 3. If I have not yet had one, I waive my right to a preliminary hearing. I understand the purpose of a preliminary hearing and I have had an opportunity to carefully consider it.
- _____ 4. I waive the right to a speedy, public trial by an impartial jury.
- _____ 5. I waive the right to confront and cross examine my accusers and each witness that would be called against me at trial.
- _____ 6. I waive the right to call witnesses in my own defense and require they appear at trial. I know if I lack the necessary financial resources the state would pay for the attendance of these witnesses.
- _____ 7. I waive the right to testify in my own defense. I may make a statement at the time of sentencing, but not to contradict my conviction.
- _____ 8. I waive the right to appeal my conviction should a jury find me guilty. *There will be no trial.*

_____ Proof Requirements. I know if I plead "not guilty" the presumption of innocence will follow me throughout the trial and I would not have to prove anything. I know the state has the burden of proof and in order to convict me it must prove each element of each offense beyond a reasonable doubt.

_____ Unanimous Verdict. I know in order to convict me of any offense, the verdict of the jury must be unanimous - all jurors must agree.

_____ Withdrawal of Plea. I know I cannot withdraw my "guilty" or "no-contest" plea without approval of the judge, and I know I would have to have a good reason. I know the request must be made

before I am sentenced, or it will be too late.

_____ Judge Discretion. I know the judge has broad discretion in imposing sentence. I know the judge is not bound by the recommendations of the lawyers. I know when there is a conviction on multiple offenses the judge can merge them together (run them concurrent) or stack them on top of each other, one to follow the other (run them consecutive). I also know in addition to the range of penalties provided by statute, I may be required to make restitution to injured parties or to perform other tasks.

_____ Right to Appeal. I know I have greatly compromised my right of appeal, and to the extent I retain any such right, *my appeal would have to be filed within 30 days after final judgment is entered.*

_____ Deportation. If I plead "guilty" or "no contest" to a charge in this case, I may be deported from the United States by the proper federal authorities. Deportation is not determined in a state court, but is determined by federal authority.

_____ Right to an Attorney. I know I have the right to an attorney, either of my own choosing or as appointed by the court. I understand an attorney's advice may help me. I hereby waive this right.

_____ Defendant's Certification. I have read this paper. I understand it. I am entering a "guilty" or "no contest" plea of my own free will and choice and because I think it is in my best interest. I am NOT under the influence of alcohol or drugs. I am in full control of my faculties and fully understand what I am doing.

Signed: _____

Date: _____

_____ Defense Attorney Certification (if applicable): I am the Defendant's attorney. The Defendant read this statement and discussed it with me. I believe the Defendant understood it. The Defendant appears mentally and physically competent. To the best of my knowledge and belief, after an appropriate investigation, the representations and declarations made by the Defendant in the foregoing acknowledgment and Waiver of Rights are true and correct.

Signed: _____

Date: _____