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IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF

Name _____, **Juvenile**
Year of Birth _____ A male female

Case No. _____

PLEA FORM AND ADVISORY

Pursuant to K.S.A. 38-2344

The law requires that you understand all of the rights you are giving up by pleading guilty or no contest to the charges listed below. Initial each item after you have read it, if you understand it. If you have any questions about those rights, you may ask your attorney or the judge.

___ 1. I have been charged with the following offenses:

___ 2. I have the right to a trial on these charges.

___ 3. I may request a jury trial.

___ 4. I have the right to a jury trial without unnecessary delay.

___ 5. If I plead guilty or if I plead no contest I will not have a trial in this case.

___ 6. I am presumed innocent.

___ 7. The state must prove beyond a reasonable doubt that I committed the acts listed above before the court can make a finding that I committed them.

___ 8. The state will call witnesses to testify about the offenses. I have a right to know the names of the witnesses.

___ 9. I have the right to see those witnesses as they testify, I may listen to their testimony, and my attorney may ask them questions.

___ 10. I may testify, to tell my side of what happened, but I cannot be required to testify. I have the right to remain silent, which means that I do not have to testify or call any witnesses. If I choose to remain silent, the Court cannot hold my silence against me.

___ 11. I may call witnesses and use the court's power to subpoena witnesses, requiring them to appear and testify.

___12. If I plead guilty or no contest, I give up the rights listed here and the court will adjudicate me, that is find that I am a juvenile offender, and sentence me.

___13. A juvenile adjudication will become a permanent part of my criminal history and may result in increased incarceration time in a juvenile correctional facility for any later adjudication.

___14. A juvenile adjudication will become a permanent part of my adult criminal history and may result in increased jail or prison time for any later adult convictions.

___15. Any of the following may be ordered by the court as part of my sentence after I plead guilty or plead no contest to the charges listed above:

- a. Placement on probation
- b. Participation in a community based program.
- c. Participation in counseling, education, mediation or a drug evaluation.
- d. Suspension or restriction of driver's license.
- e. Performance of charitable or community service work.
- f. Payment of reparation or restitution.
- g. Payment of a fine not exceeding \$1,000.
- h. Placement under house arrest.
- i. Placement in the custody of the Secretary of the Department of Corrections, and the Secretary will determine where I am placed, which may be out of my parent's home.
- j. Commitment to a sanctions house for a period no longer than 28 days.
- k. Commitment to a period of confinement in a juvenile correction facility.

___16. The Court is not a part of any plea agreement and does not have to accept or follow the sentencing recommendations made by my lawyer, the state, the Court Services Officer, Citizen's Review Board, or the Department of Corrections.

I have had an opportunity to discuss this advisory and my plea with my attorney. **Yes** **No**

No one has made any threats or promises to me to make me plead guilty or no contest to these charges. **Yes** **No**

I wish to plead (*initials*) ___ **guilty** ___ **no contest** to the following offense(s): _____

Juvenile

I have reviewed this advisory with my client and believe the foregoing was executed knowingly and voluntarily.

Date

Attorney Signature
Name
Supreme Court Number
Address
Telephone Number
[Fax Number]
[E-mail Address]

Subscribed and sworn to before me by the juvenile named above this _____ day of _____, _____.

Judge of the District Court

Authority

K.S.A. 38-2344.

Notes on Use

K.S.A. 38-2344(a) and (b) list the rights and advisories of which the juvenile must be informed. Those recitations are contained in this form, along with declarations that should assist the court in complying with the prerequisites to the court's accepting a plea of guilty or *nolo contendere* (no contest) imposed by K.S.A. 38-2344(c). The plea of *nolo contendere* is defined by K.S.A. 38-2345.

Comments

The court is expressly required to inform a minor of information specifically contained in the statute; reliance upon defense counsel is insufficient. *In re B.S.*, 15 Kan.App.2d 338, 807 P.2d 692 (1991).