

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<https://www.courts.nh.gov>

Court Name: _____
Case Name: _____
Case Number: _____
(if known)

ACKNOWLEDGMENT OF RIGHTS - CLASS A MISDEMEANOR

I, _____ of _____
have been charged with the following offense(s):

The statements made below shall apply to each and every complaint, if there be more than one, to which I intend to plead guilty or no contest.

If I am not a citizen of the United States, I understand that conviction of the crime(s) for which I intend to plead GUILTY may have immigration consequences, including but not limited to, deportation from the United States, exclusion from admission into the United States, or denial of naturalization pursuant to the laws of the United States.

I understand that the complaint is one accusing me of a Class A Misdemeanor(s), and that I have the right to be represented by a lawyer of my own choosing and at my own expense, and that if I am unable to afford a lawyer the Court will appoint one for me subject to an order of reimbursement based on my ability to pay.

I am represented by _____, a lawyer admitted to practice in New Hampshire. I am satisfied with my lawyer and all explanations have been clear.

I do not want a lawyer. I understand and know what I am doing. I hereby waive my right to a lawyer. I understand that I do not have to plead GUILTY or NO CONTEST and that even after signing this form I still do not have to plead GUILTY or NO CONTEST.

I understand that by pleading GUILTY or NO CONTEST to the charge(s) that I am giving up the following constitutional rights as to the charge(s):

MY RIGHT to a speedy and public trial.

MY RIGHT to see, hear, and question all witnesses. This gives me the opportunity and right to confront my accusers and cross-examine them myself or through my attorney

MY RIGHT to present evidence and call witnesses in my favor and to testify on my own behalf.

MY RIGHT to remain silent and not testify at a trial.

MY RIGHT to have the Judge *ORDER* into court all evidence and witnesses in my favor.

MY RIGHT not to be convicted unless the State proves that I am guilty beyond a reasonable doubt with respect to all elements of the charge(s), which have been explained to me.

MY RIGHT to keep out evidence, including confessions, illegally obtained.

MY RIGHT to a trial before a jury and my right to appeal issues of law to the Supreme Court.

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

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I understand that by pleading GUILTY or NO CONTEST I am admitting to or not contesting the truth of the charge(s) against me in the complaint(s) and that on the Judge's acceptance of my GUILTY or NO CONTEST plea, a conviction(s) will be entered against me.

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 to have me enter this plea of GUILTY or NO CONTEST.

No promises have been made to me by any member of the Prosecutor's Office or anyone else in an effort to have me enter this plea of GUILTY or NO CONTEST to the charge(s), except as follows:

However, I understand that the Judge is not bound by the Prosecutor's recommendation as to sentence, and that I may withdraw my plea if the Judge exceeds the limits of a negotiated plea.

I understand, as a consequence of my plea of GUILTY or NO CONTEST, that the Judge may impose any sentence deemed appropriate in the Judge's sole discretion, subject to a maximum penalty of one year in jail and a \$2,000 fine for each offense.

I understand that if I am convicted of stalking under RSA 633:3-a and have one or more prior stalking convictions in this state or another state when the second or subsequent offense occurs within seven years following the date of the first or prior offense, I shall be guilty of a CLASS B FELONY.

I understand that if I am convicted of a qualifying misdemeanor crime of domestic violence that I shall be prohibited from possessing a firearm or ammunition for life. If I do possess a firearm or ammunition after my conviction I may be guilty of a federal crime under 18 U.S.C 922(g)(9) with a maximum prison term of ten years.

I understand that if the complaint is one accusing me of a second offense of operating under the influence within ten years of a first conviction, I SHALL be guilty of a CLASS A MISDEMEANOR, shall be fined not less than \$750 and not more than \$2,000 and I shall lose my license and/or right to operate for a minimum period of three years. My license/driving privilege shall not be restored unless I shall have completed the service plan referenced below and paid all relevant fees. In addition, if my prior conviction was within 2 years preceding the date of the second offense, I shall be sentenced to a mandatory sentence of not less than 60 consecutive days in the county correctional facility, of which 30 days shall be suspended. If my prior conviction was more than two but less than 10 years preceding the date of the second offense, I shall be sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which 12 days shall be suspended. I will be required to schedule a full substance use disorder evaluation with an Impaired Driver Case Management Program (IDCMP). A condition of the suspension shall be that upon release from serving my sentence in the county correctional facility, I shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if I do not comply with all of the requirements of this subparagraph or if I become noncompliant with the service plan during the suspension period.

Should the complaint be one of aggravated driving while intoxicated, I shall be guilty of a CLASS A MISDEMEANOR, shall be fined not less than \$750 and not more than \$2,000, and shall lose my license or operating privilege in the State of New Hampshire for not less than 18 months but up to two years. The court may suspend up to 6 months of this loss of license/operating privilege, provided that I am in compliance with the service plan referenced below and provided that an ignition interlock device be installed for the period of suspension in addition to any period required in accordance with RSA 265-A:36 and provided that all fees have been paid. I shall be sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility of which 12 days shall be suspended.. I shall be referred to an Impaired Driver Care Management Program (IDCMP) to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the five days in the county correctional facility, I shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation.

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Any portion of the suspended sentence to the county correctional facility may be imposed if I do not comply with all the sentencing requirements or if I become noncompliant with the service plan during the suspension period.

In addition to the above, should I be convicted of driving while under the influence of drugs or liquor second or subsequent offense or aggravated driving while under the influence of drugs or liquor, the Court shall require me to install, after the period of revocation or suspension, an ignition interlock device in any vehicle registered to me or used by me on a regular basis. The device shall be required for a period of not less than 12 months nor more than two years. I understand that I shall bear the cost of such installation.

I understand that If I am convicted of driving after revocation or suspension of my license for operating under the influence first or subsequent offense or for aggravated driving while intoxicated, I shall be guilty of a CLASS A MISDEMEANOR, shall be sentenced to imprisonment for a period of not less than seven days and may be sentenced to imprisonment for up to a maximum period of one year, shall be fined not more than \$2,000, and shall have my license and/or right to operate revoked for an additional year. I shall also be required by the Court to install an ignition interlock device in any vehicle registered to me or used by me on a regular basis for the remaining period of revocation or suspension plus an additional period of not less than 12 months nor more than 2 years. I understand that I shall bear the cost of such installation.

Should the complaint be one involving an offense against the motor vehicle laws, and if I should have a record of as few as two other motor vehicle convictions, I understand that the State may seek to have me declared a HABITUAL OFFENDER; and as a consequence of being declared a habitual offender, I would lose my license and/or right to operate for one to four years. I realize that if I am found to be a habitual offender, it is my responsibility at the end of the revocation period, to petition the Director, Division of Motor Vehicles, to restore my privilege to drive a motor vehicle. I understand that if I were to operate during that revocation period, or any time before my privilege to drive a motor vehicle is restored, then I would be subjecting myself to a mandatory prison term of not less than one year and not more than five years.

Should the complaint be one of a CLASS A MISDEMEANOR theft of property not exceeding \$1000, following two convictions upon such a charge, a third offense is chargeable as a FELONY.

I understand that if I am convicted of DWI four times in ten years, that the fourth conviction will be a FELONY and that I could be sentenced to imprisonment for up to seven years and a fine of up to \$4,000. I will also lose my license and/or right to operate for a minimum of seven years.

I understand the nature of the charge(s) against me and the maximum punishment that may be imposed. I am not under the influence of alcohol or drugs.

I understand the entire contents of the Acknowledgment 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.

Highest Grade Completed _____

Date

Defendant

As counsel for the defendant, I have thoroughly explained to the defendant all the above, including the nature of the charge, the elements of the offense which the State must prove beyond a reasonable doubt, the maximum and minimum penalties, and the possible immigration consequences of entering a plea of guilty or no contest. I believe the defendant fully understands the meaning of this Acknowledgment and Waiver of Rights, that s/he is not under the influence of drugs or alcohol, and that s/he knowingly, intelligently and voluntarily waives all of his/her rights as set forth in this form.

Date

Attorney for the Defendant

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

Date

Presiding Justice