

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____

Case Name: _____

Case Number: _____
(if known)

**ACKNOWLEDGMENT AND WAIVER OF RIGHTS
VIOLATION**

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 *nolo*.

I, _____ of _____ have been charged with:

- LICENSE REQUIRED:** RSA 263:1, II. If convicted of the offense for a second time I would be guilty of a class B misdemeanor. THE MAXIMUM PENALTY FOR A CLASS B MISDEMEANOR IS \$1200 FOR EACH OFFENSE AND PENALTY ASSESSMENT AND THE MAXIMUM LOSS OF A DRIVER'S LICENSE/PRIVILEGE TO OPERATE FOR EACH OFFENSE.
- RECKLESS DRIVING:** RSA 265:79. Upon conviction, I shall lose my license and/or right to operate a motor vehicle for a period of sixty (60) days and be fined not less than \$500.00 plus penalty assessment. If convicted of a second offense, I shall lose my license and/or right to operate a motor vehicle for a period of not less than sixty (60) days nor more than a year.
- OPERATING AFTER SUSPENSION/REVOCAION:** RSA 263:64. If convicted of this offense a second time in a seven year period, I would be guilty of a misdemeanor. THE MAXIMUM PENALTY FOR A MISDEMEANOR IS ONE YEAR IN JAIL AND A FINE OF \$2,000.00 plus penalty assessment.
- UNLAWFUL POSSESSION OF ALCOHOL:** RSA 179:10. If convicted, a minimum fine of \$300.00 plus penalty assessment shall be imposed for a first offense and minimum fine of \$600.00 plus penalty assessment for a second or subsequent offense. If I am not yet 21 years of age on the date of the incident, pursuant to RSA 263:56-b, the Court may revoke my license for not less than 90 days nor more than one year for a first offense and not less than 6 months nor more than two years for a subsequent offense.
- OTHER (Specify):** _____

I understand that I may be represented by a lawyer of my own choosing at my own expense.

- 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 being represented by a lawyer.
- I UNDERSTAND that this complaint is brought as a violation and that the Court may impose such sentence as in its discretion it considers appropriate, subject to a maximum penalty of a fine not to exceed \$1,000.00 plus penalty assessment.

I understand that I do not have to plead GUILTY or *NOLO* and that even after signing this form I still do not have to plead GUILTY or *NOLO*.

I understand that by pleading GUILTY or *NOLO* 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 face the witnesses against me and question 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.

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

MY RIGHT to appeal to the Supreme Court on issues of law.

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

I understand that by pleading GUILTY or *NOLO* 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 *NOLO* 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 *NOLO*.

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 *NOLO* to the charge, 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 further understand that if the complaint(s) against me is a violation of the motor vehicle laws, and if I should have a record of as few as 2 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 to operate for 1 to 4 years. I realize that if I am found to be a habitual offender, it is my responsibility, at the end of the one to four year 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 more than 5 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.

Date

Defendant

Highest Grade / Level of Education Completed

As counsel for the defendant, I have thoroughly explained to the defendant all the above, including the nature of the charge(s), the elements of the offense(s) which the State must prove beyond a reasonable doubt and the minimum and maximum penalties. I believe the defendant fully understands the meaning of the Acknowledgment of Rights, is not under the influence of drugs or alcohol, and knowingly and intelligently waives all rights as set forth in this form.

Date

Counsel for the Defendant

I hereby certify that I have examined the Defendant concerning the plea entered in this case. Based upon that examination I find that the Defendant understands the nature of the charge(s), the minimum and maximum penalties which may be imposed therefore, and the elements of the offense(s); and I find that the Defendant is not under the influence of drugs or alcohol, and that the waiver of each rule set forth on this form is made intelligently, knowingly and voluntarily. I further find there is a factual basis for the Defendant's plea.

Date

Signature of Judge

Printed Name of Judge