

Form C

<p>IN THE DISTRICT COURT OF THE THIRD CIRCUIT DIVISION</p>	<p>WAIVER OF PHYSICAL PRESENCE: SUBMISSION OF PLEA</p>	<p>Case Number:</p>
<p>STATE OF HAWAI'I vs. (DEFENDANT)</p>		<p>Police Report Number:</p>
<p>CHARGE(S): VIOLATION OF H.R.S. SECTION(S)</p>		<p>AMENDED CHARGE(S):</p>

In accordance with Rule 43, Hawai'i Rules of Penal Procedure:

1. I understand that I have the right to be present at the arraignment, at pretrial proceedings, at the time I enter my plea and at my sentencing. I voluntarily waive (give up) my right to be present at all of these proceedings. I authorize my lawyer to represent me in all of these proceedings without my presence. I also give up my right to be questioned in open court.

2. I plead: GUILTY; or NO CONTEST
to the: ORIGINAL OR AMENDED charge(s) listed above.

3. My birth year is _____ (year only) and I am ____ years old. My social security number is XXX-XX-____. I have completed _____ years of education. I speak, read, write, and understand the English language. If this document was interpreted, it shall include the language interpreted, the interpreter's name, and the interpreter's signature.

4. My mind is clear. I am not ill. I did not take any unprescribed medication, alcohol or any illegal drugs within 48 hours prior to signing this document, except _____, which does not affect my ability to understand this document.

5. My lawyer explained the charge(s) against me. I understand the charge(s). I told my lawyer everything I know about the case. My lawyer explained the government's evidence against me, the facts which the government must prove in order to convict me and my possible defenses.

6. I understand that by pleading I give up my right to a trial by a jury or by the court. I know that in a trial, the government is required to prove my guilt beyond a reasonable doubt, that I can see, hear and question the witnesses who testify against me, and that I can call my own witnesses to testify for me, and that I also understand that I have the right to take the stand to testify or I have the right not to testify at trial.

7. I understand that the maximum penalties are: \$ _____ fine or _____ days/months/year in jail or both.

8. INITIAL ONE:
 After discussing all the evidence and receiving advice from my lawyer, I plead GUILTY because (give a brief factual statement of what the Defendant did):

After discussing all the evidence and receiving advice from my lawyer, I plead NO CONTEST because I do not wish to contest the charge(s) against me.

9. I plead of my own free will. No one is pressuring or threatening me or anyone close to me to force me to plead. I am not taking the blame or pleading to protect someone else from prosecution.

10. I have reached the following agreement with the Prosecuting Attorney (give a brief statement):

INITIAL ONE:

[] I understand that the court is not bound by this agreement. If the court does not follow the agreement, I cannot withdraw my plea.

[] No one has promised me any kind of deal or favor or leniency if I plead.

11. I understand that the court is not required to grant any request for a deferred acceptance of a guilty or no contest plea.

12. I consent to the court imposing sentence without me being present. I further understand that non-compliance with the court's judgment or order will result in the issuance of a bench warrant, subjecting me to being arrested and having to appear in court.

13. I understand, if I am not a citizen of the United States, whether or not I have lawful immigration status, I have the right to receive advice from my attorney about the specific impact that this case will have, if any, on my immigration status. The entry of a guilty or nolo contendere plea, admission of guilt or sufficient facts, or conviction, deferred judgment, or deferred sentence may have the consequences of my immediate detention, deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. In some cases, detention and deportation from the United States will be required. My lawyer must investigate and advise me about these issues prior to the commencement of trial, entry of a guilty or nolo contendere [plea], or admission of guilt or sufficient facts to any offense punishable as a crime under state law, other than those offenses designated as infractions. I am not required to disclose my immigration or citizenship status to the court.

14. I declare under penalty of perjury, that I am the person charged with these offenses and affix my fingerprint hereto. I further acknowledge that I signed this form after reviewing it with my attorney. I am satisfied with my attorney's advice and representation.

DATED this _____ day of _____, 20 ____.

Defendant's Signature: _____

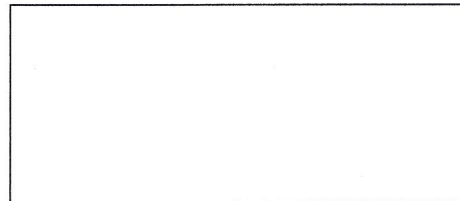
Address: _____

Phone No.: _____

Language Interpreted: _____

Interpreter's Name: _____

Interpreter's Signature: _____



Defendant must affix right thumbprint in above box with black ink

DECLARATION OF COUNSEL

As counsel for the defendant and as an officer of the Court, I certify the following:

1. I explained the defendant's right to be present.
2. The defendant represented to me that he/she does not wish to be present and that he/she wishes the proceedings to be conducted in his/her absence.
3. I read and explained this document to the defendant.
4. The statements contained herein conform with my understanding of the defendant's position.
5. I believe the defendant understands the document in its entirety.
6. The defendant's plea is voluntary.
7. The defendant understands the nature of the charge and the possible consequences.

DATED this ____ day of _____, 20 ____.

Approved and so ordered:

Attorney for the Defendant

Judge of the Above Entitled Court

(Effective August 1, 2013)