Form K

STATE OF HAWAII CIRCUIT COURT OF THE _____CIRCUIT	☐ GUILTY PLEA ☐ NO CONTEST PLEA ☐ MOTION TO DEFER	CASE NUMBER:

STATE OF HAWAII vs. (Defendant)

Date of Birth: Defendant's Age: Education (Last Grade Completed):

CHARGE(S)/HRS: MAXIMUM IMPRISONMENT/FINE: REPORT NUMBER(S):

Extended Term of Imprisonment: Mandatory Minimum Term of Imprisonment:

1. My mind is clear. I have not taken any medication, alcohol, or illegal drugs within the last 48 hours. I am not sick. I speak, read, write, and understand the English language or this document has been read to me or has been interpreted for me.

2. I have received a written copy of the original charge(s) in this case. The charge(s) has/have been explained to me. I understand the original charge(s) against me. I told my lawyer all of the facts I know about the case. My lawyer explained the government's evidence against me, my possible defense(s), and the facts which the government must prove in order to convict me.

3. I understand the reduced charge(s) with which the government has agreed to charge me, instead of the original charge(s). (Applicable only if original charge has been reduced.)

4. I plead of my own free will. No one is pressuring me or threatening me or any other person to force me to plead. I am not taking the blame or pleading to protect another person from prosecution.

5. I know I have the right to plead not guilty and have a speedy and public trial by jury or by the court. I know in a trial the government is required to prove my guilt beyond a reasonable doubt. I know I can see, hear, and question witnesses who testify against me, and that I may call my own witnesses to testify for me at trial. I understand I have the right to take the stand to testify and I have the right not to testify at trial. I know by pleading I give up the right to file any pre-trial motions, and I give up the right to a trial and may be found guilty and sentenced without a trial of any kind. I also give up the right to appeal anything that has happened in this case to date.

6. I understand that the court may impose any of the following penalties for the offense(s) to which I now plead: the maximum term of imprisonment, any extended term of imprisonment, and any mandatory minimum term of imprisonment specified above; consecutive terms of imprisonment (if more than one charge); restitution; a fine; a fee and/or assessment; community service; probation with up to 2 years of imprisonment and other terms and conditions.

☐ Prosecutor ☐ Defendant ☐ Defense Counsel ☐ Adult Probation Division

GUILTY/NO CONTEST PLEA (Continued)	CASE NUMBER:

7. ☐ I plead no contest because, after discussing all the evidence and receiving advice on the law from my lawyer, I do not want to contest the charge(s) against me.

☐ I plead guilty because, after discussing all the evidence and receiving advice on the law from my lawyer, I believe that I am guilty. (Give a brief statement of the facts that establish the defendant's guilt as to each offense to which the defendant is entering a plea pursuant to the requirements of HRS §§ 701-114, 701-115, 702-205, and 702-206, as amended.)

☐ I move to defer acceptance of my plea. I understand that if the Court denies my motion, the Court will then find and adjudge me guilty upon this plea, and impose sentence.

8. I have not been promised any kind of deal or favor or leniency by anyone for my plea, except that I have been told that the government has agreed as follows (if none, write "None"):

☐ I know that the court is not required to follow any deal or agreement between the Government and me. I know that the court has not promised me leniency.

☐ The court has agreed to follow the plea agreement pursuant to Rule 11, Hawaii Rules of Penal Procedure.

9. I further state that (if none, write "None"):

10. I understand that:

☐ 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 lawyer about the specific impact that this case will have, if any, on my immigration status.

☐ The entry of a guilty or no contest plea, admission of guilt or sufficient facts, or conviction, deferred judgment, or deferred sentence may have the consequence 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 the aforementioned issues prior to the commencement of trial, entry of a guilty or no contest 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, **and I acknowledge that I have been so advised** .

☐ I am not required to disclose my immigration status or citizenship status to the court.

11. I am signing this Guilty/No Contest Plea form after I have gone over all of it with my lawyer. I know I will not be permitted to withdraw my plea. I am signing this form in the presence of my lawyer. I have no complaints about my lawyer and I am satisfied with what he/she has done for me.

DATE	DEFENDANT'S SIGNATURE

CERTIFICATE OF COUNSEL

I certify that I have read and explained fully this Guilty/No Contest Plea document to the defendant and believe he/she understands this document in its entirety. The statements contained in this document conform with my understanding of the defendant's position. I believe the defendant's plea is made voluntarily and with an intelligent understanding of the nature of the charge(s) and possible consequences. The defendant signed this Guilty/No Contest Plea form in my presence. I further certify that I have complied with Rules 1.2a and 1.4 of the Hawaii Rules of Professional Conduct.

DATE	ATTORNEY FOR DEFENDANT	SIGNATURE

I acknowledge that the Judge questioned me personally in open court to make sure that I knew what I was doing in pleading guilty or no contest and understood this form before I signed it.

DATE

SIGNATURE OF DEFENDANT
(signed in open court after questioning)

NAME OF JUDGE