

IN THE DISTRICT COURT OF THE FIRST CIRCUIT

HONOLULU DIVISION

STATE OF HAWAII

STATE OF HAWAII,

Plaintiff,

vs.

Defendant.

)
) **CASE NO.** _____
)
) **ARREST REPORT/HPD/CITATION NO.**
) _____
)
) **VIOLATION OF SECTION(S):**
) _____
)
)
) **PETITION FOR ADMISSION TO DWI**
) **COURT AND WAIVER OF RIGHTS**
)
)
) **HEARING**
)
) Date:
) Time:
) Judge:
) _____

PETITION FOR ADMISSION TO DWI COURT AND WAIVER OF RIGHTS

1. My mind is clear. I have not taken any pills, drugs, medicines or alcoholic drinks within the last 48 hours. I am not sick or under treatment for any mental illness. I can understand the English language.

2. I am a candidate for admission the DWI Court Program in the District Court of First Circuit (DWI Court). Additionally, I have read and I understand all of the terms and conditions of the separate Hawaii DWI Court Admission Agreement. If I am accepted into DWI Court, I will be required to enter into and follow all of the terms and conditions of the Admission Agreement.
3. I know that I have a right to a speedy trial under the Hawai'i court rules and the state and federal constitutions. I know that I am giving up my right to a speedy trial during the period of time I am in the DWI Court.
4. I know that I have a right to a trial by a judge, in which the government will be required to prove me guilty beyond a reasonable doubt. I know that by participating in DWI Court, I am giving up my right to a trial, whether or not I successfully complete the program.
5. I understand that if this Petition is granted I will be required to enter a plea of guilty or no contest to the charges against me and that the DWI Court Judge will impose an appropriate sentence, which may be up to the maximum sentence allowed by law, but will stay execution of sentence during my participation in the DWI Court program.
6. I understand that if I successfully complete the DWI Court program, the Judge will reconsider the sentence imposed, but stayed during my participation in the DWI Court program, and will reduce that sentence to the minimum allowed by law and that this minimum sentence will be executed.
7. I understand that if I do not successfully complete the DWI Court program, the DWI Court Judge may execute the appropriate sentence or amend it as deemed appropriate, which may be up to the maximum sentence allowed by law. The DWI Court Judge may only reduce, not increase, the amount of jail time that was initially imposed, which was stayed during my participation in the DWI Court program
8. I am agreeing to participate in the DWI Court program of my own free will. No one is putting any pressure on me to give up the rights that I am waiving. I understand I must give up these rights to be accepted in the DWI Court program.
9. I have gone over this Petition with my lawyer. I have signed it in the presence of my lawyer and am satisfied with the help my lawyer has given me in explaining my various rights as well as the contents of this Petition.

DATE:	DEFENDANT'S SIGNATURE:
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CERTIFICATE OF DEFENSE COUNSEL

As counsel for the Defendant and as an officer of the Court, I certify that I have read and fully explained this document to the Defendant, that I believe the Defendant understands the entire document and that the Defendant signed this document in my presence.

DATE:	ATTORNEY FOR DEFENDANT:	SIGNATURE:
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In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require an accommodation for a disability when working with a court program, service, or activity, please contact the District Court Administration Office at PHONE No. (808) 538-5121, FAX (808) 538-5233, or TTY (808) 539-4853 at least ten (10) working days before your proceeding, hearing, or appointment date.