

State of Minnesota
County of Ramsey

District Court
Second District

STATE OF MINNESOTA,
Plaintiff
vs.

**Continuance for Dismissal, Stipulation of Facts,
and Waiver of Rights**

_____, Defendant

Court File Number:

Citation Number:

I wish to enter into a Continuance for Dismissal in the above-entitled case and I hereby state to the Court the following:

1. I am the Defendant in this case, my full name is _____,
and my date of birth is _____.
and my current address is _____.
2. I am charged with the offense(s) of:
 - a. Count 1: _____
in violation of Minn. Stat. § _____,
 - b. Count 2: _____
in violation of Minn. Stat. § _____, and,
 - c. Count 3: _____
in violation of Minn. Stat. § _____,

Rights and Notices: Defendant understands:

1. The maximum penalty for a misdemeanor is 90 days imprisonment and/or a \$1,000.00 fine; the maximum penalty for a petty misdemeanor is a \$300 fine.
2. If the Defendant is not a citizen of the United States, signing this agreement, which includes a stipulation of facts and consent to the entry of a conviction, may result in deportation,

exclusion from admission to the United States, or denial of naturalization as a United States citizen.

I have had enough time to consult with my attorney regarding potential immigration issues. My attorney has told me I am free to consult with another attorney specializing in immigration issues. I am satisfied I understand any and all potential immigration consequences that could result from my plea of guilty in this case.

3. **RIGHT TO AN ATTORNEY.** I understand that I have the right to be represented by an attorney and that an attorney will be appointed to represent me without cost to me if I cannot afford to pay for an attorney.

4. I have fully discussed the charge(s), my constitutional rights, and this petition

with my attorney. _____
Name of attorney

OR

- 9a. **WAIVER OF ATTORNEY.** I give up my right to be represented by an attorney and any right I might have to request that an attorney be appointed to represent me.

5. I understand that I also have the following constitutional rights which I knowingly and voluntarily give up:
 - a. The right to a trial to the court or to a jury in which I am presumed innocent until proven guilty beyond a reasonable doubt and in which all jurors in a jury trial must agree I am guilty before the jury could find me guilty.
 - b. The right to confront and cross-examine all witnesses against me.
 - c. The right to remain silent or to testify for myself.
 - d. The right to subpoena and present witnesses to testify for me in my defense.
 - e. The right to a pretrial hearing to contest the admissibility at trial of any confessions or admissions or of any evidence obtained from a search and seizure.

6. If a conviction is entered on a moving traffic violation, notice of the conviction will be sent to the Minnesota Commissioner of Public Safety (DPS) for entry onto Defendant's driving record, or if the Defendant is not licensed in the State of Minnesota, to the Defendant's home state for entry onto Defendant's driving record. Notice of the conviction may also be sent to the DNR for certain DNR offenses.

7. Under Minn. Stat. § 480.15, subd. 10c, any portion of the costs or surcharge that is not paid by the due date may be referred for collection once conviction has been entered, and collection costs may be added to the amount due. Failure to pay may also result in suspension of your driving privileges. That I am entering my plea of guilty knowingly, freely, and voluntarily and without any promises except as indicated below.

8. I hereby knowingly and voluntarily give up my right to be present upon entry of my plea and sentencing, waive my right to make any personal statements regarding my sentence other than what is contained in this petition. I request that the court sentence me in my absence, but according to any plea agreement that might be contained in this petition.

Agreement to Continuance for Dismissal: Under Minnesota Rule of Criminal Procedure 27.05, the State agrees to suspend the prosecution of this case and continue the matter for dismissal until _____, or until such earlier time as this Continuance for Dismissal (CFD) Agreement is terminated under Minn. R. Crim. P. 27.05, subd. 4. In consideration of the suspension of prosecution, defendant knowingly and voluntarily waives the right to a speedy trial and agrees to comply fully with the following conditions during the period prosecution is suspended:

A. Defendant shall not commit any same or similar offense or any of the following offenses:

B. Defendant shall pay prosecution costs of \$_____

- a. A diversion surcharge of \$76.00 will be applied for any charges under MN Stat. §169 pursuant to MN 357.021Subd. 6 (f).

C. Other conditions as follows:

If the Court determines that the conditions have been met, the charge(s) in this case will be dismissed one (1) month after the suspension period expires. If the Court determines that one or more of the conditions has *not* been met, and the terms of this CFD Agreement have been violated, a court date will be scheduled.

Stipulation of Facts: The Defendant agrees with the following stipulated facts:

On _____, in the city of _____, County of Ramsey,
State of Minnesota I committed the following acts:

Date:

Defendant,

Date:

Defense Attorney,

Date:

Prosecuting Attorney,