

1       **Rule 25. Pleas.**

2       (a) A minor may tender a denial of the alleged offense, may tender an admission of  
3 the alleged offense, or may, with the consent of the court, tender a plea of no contest  
4 which shall have the effect set forth in Utah Code § 77-13-2. If the minor declines to  
5 plead, the court shall enter a denial. Counsel for the minor may enter a denial in the  
6 absence of the minor, parent, guardian or custodian.

7       (b) When denial is entered, the court shall set the matter for a trial hearing or for a  
8 pre-trial conference.

9       (c) The court may refuse to accept an admission or a plea of no contest and may not  
10 accept such plea until the court has found:

11       (c)(1) that the right to counsel has been knowingly waived if the minor is not  
12 represented by counsel;

13       (c)(2) that the plea is voluntarily made;

14       (c)(3) that the minor and, if present, the minor's parent, guardian, or custodian, have  
15 been advised of, and the minor understands and has knowingly waived, the right  
16 against compulsory self-incrimination, the right to be presumed innocent, the right to a  
17 speedy trial, the right to confront and cross-examine opposing witnesses, the right to  
18 testify and to have process for the attendance of witnesses;

19       (c)(4) that the minor and, if present, the minor's parent, guardian, or custodian have  
20 been advised of the consequences which may be imposed after acceptance of the  
21 admission of the alleged offense or plea of guilty or no contest;

22       (c)(5) that the minor understands the nature and elements of the offense to which  
23 the plea is entered, that upon trial the prosecution would have the burden of proving  
24 each of those elements beyond a reasonable doubt, and that the plea is an admission  
25 of all those elements;

26       ~~(c)(5)-(c)(6)~~ that there is a factual basis for the plea; and

27       ~~(c)(6)-(c)(7)~~ where applicable, the provisions of paragraph (e) have been met.

28       (d) The minor may be allowed to tender an admission to a lesser included offense,  
29 or an offense of a lesser degree or a different offense which the court may enter, after  
30 amending the petition.

31 (e) Plea discussions and agreements are authorized in conformity with the  
32 provisions of Utah Rule of Criminal Procedure 11. The prosecuting attorney may enter  
33 into discussions and reach a proposed plea agreement with the minor through the  
34 minor's counsel, or if the minor is not represented by counsel, directly with the minor.  
35 However, the prosecuting attorney may not enter into settlement discussions with a  
36 minor not represented by counsel unless the parent, guardian or custodian is advised of  
37 the discussion and given the opportunity to be present.

38 (f) A minor may tender an admission which is not entered by the court for a stated  
39 period of time. Conditions may be imposed upon the minor in that period of time and  
40 successful completion of the conditions set shall result in dismissal upon motion. If the  
41 minor fails to complete the conditions set, the admission shall be entered and the court  
42 shall proceed to order appropriate dispositions.

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