

Superior Court of the State of California
County of Amador

People VS _____ Case Number: _____

MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial/complete each applicable item only if you understand it, and sign and date the form. If you have any questions about your case or the information on this form, ask your attorney, if you have one, or the judge.

A. RIGHT TO AN ATTORNEY

1. I understand I have the right to be represented by an attorney throughout these proceedings. I understand the Court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand there are dangers and disadvantages to giving up my right to an attorney, and it is almost always unwise to represent myself.

INITIALS

1. _____

1a. I give up my right to an attorney, and I choose to represent myself.
(Does not apply if you have an attorney)

1a. _____

B. NATURE OF THE CHARGES

2. I understand that I am **charged** with the following offense(s) and prior conviction(s), if applicable:

2. _____

3. I understand the charge(s) against me, and the possible pleas and defenses. 3. _____

C. CONSTITUTIONAL RIGHTS AND WAIVER OF RIGHTS

- 4. RIGHT TO A JURY TRIAL: I understand I have a right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt. **I give up this right.** 4. _____
- 5. RIGHT TO CONFRONT WITNESSES. I understand I have the right to confront and cross-examine all witnesses testifying against me. **I give up this right.** 5. _____
- 6. RIGHT AGAINST SELF-INCRIMINATION. I understand I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, or admitting prior convictions or probation violations, I am incriminating myself. **I give up these rights.** 6. _____
- 7. RIGHT TO PRODUCE EVIDENCE. I understand I have the right to present evidence and witnesses on my own behalf, and to have the court issue subpoenas, to bring into Court all evidence and witnesses favorable to me, at no cost to me. **I give up these rights.** 7. _____

D. CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

- 8. I understand that the court may sentence me to serve up to _____ [Days Months] in county jail. 8. _____
- 9. I understand the court may impose a maximum fine of \$_____. 9. _____
- 10. I understand in addition to any fine imposed, the court will add assessments that will substantially increase the amount I must pay. 10. _____
- 11. I understand I will be ordered to pay a restitution fine of no less than \$120.00 and up to \$1000.00. If I am placed on probation, the court will impose an additional probation revocation fine in the same amount that will be collected only if my probation is revoked. 11. _____
- 12. I understand I must pay full restitution to all victims for any economic losses suffered as a result of the crime(s). 12. _____
- 13. I understand if I am not a citizen of the United States, a plea of guilty or no contest may, or, with certain offenses, will result in my deportation, exclusion from admission and reentry to the United States, and denial of naturalization, and the appropriate consulate may be informed of my conviction. 13. _____
- 14. I understand a plea of no contest will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony. 14. _____

15. I understand any plea entered in this case may be grounds for violation of probation or parole that has previously been granted to me in any other case. 15. _____

16. I understand other possible consequences of my plea(s) include

_____ 16. _____

E. PLEA(S)

17. I hereby freely and voluntarily plead _____
(guilty or no contest)
to the following charge(s) _____

_____ 17. _____

18. *If applicable* – I also freely and voluntarily admit the prior conviction(s) listed on this form. I understand this admission will increase the penalties imposed on me. 18. _____

19. I understand I may not be sentenced earlier than 6 hours, or later than 5 days after my plea. I give up this right and agree to be sentenced at this time. 19. _____

DATE: _____ SIGNED: _____
Defendant's Signature

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form with my client. I have explained each of the defendant's rights to the defendant, and answered all of the defendant's questions with regard to this plea. I have discussed the facts of the defendant's case with the defendant and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and the defendant's decision to waive his or her constitutional rights.

DATE: _____ SIGNED: _____
Attorney for Defendant

INTERPRETER STATEMENT (IF APPLICABLE)

I, _____, having been duly sworn, truly translated this form to the defendant in the Spanish, Other (*please specify*) _____ language. The defendant indicated that (s)he understood the contents of the form, and (s)he then initialed the form.

DATE: _____ SIGNED: _____
Court Interpreter

COURT’S FINDINGS AND ORDER

The Court, having reviewed this form and having questioned the defendant concerning the defendant’s constitutional rights and the defendant’s admission of prior conviction(s) and probation violation(s), if any, finds the defendant has expressly, knowingly, understandingly, and intelligently waived his or her constitutional rights. The Court finds the defendant’s plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and there is a factual basis for the plea(s). The Court accepts the defendant’s plea(s), the defendant’s admission of the prior conviction(s) and probation violation(s), if any, and defendant is sentenced on his or her plea(s).

The Court orders this form filed and incorporated in the docket by reference as though fully set forth therein.

DATE: _____ SIGNED: _____
JUDGE OF THE SUPERIOR COURT