

SUPERIOR COURT OF CALIFORNIA		<i>Reserved for Clerk's File Stamp</i>				
COUNTY:	COUNTY OF AMADOR					
PLAINTIFF:	PEOPLE OF THE STATE OF CALIFORNIA					
DEFENDANT:						
MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; font-size: x-small;">CASE NUMBER:</td> <td style="font-size: x-small;">DEPARTMENT:</td> </tr> <tr> <td style="height: 30px;"></td> <td></td> </tr> </table>	CASE NUMBER:	DEPARTMENT:		
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INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 3**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

RIGHT TO AN ATTORNEY

1. I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that 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 that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself

NATURE OF THE CHARGES (Complete all items you are charged with.)

2. I understand that I am charged with the following offense(s):

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

3. **If applicable** - I understand that I am also charged with having the following **prior conviction(s)**:

LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)

4. **If applicable** - I understand that I am also charged with violating the **probation order** in the following case(s):

CASE NUMBER(S) AND DATE(S)

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

CONSTITUTIONAL RIGHTS

6. **RIGHT TO A JURY TRIAL** - I understand that I have the 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.

7. **RIGHT TO CONFRONT WITNESSES** - I understand that I have the right to confront and cross-examine all witnesses testifying against me. To have them appear in court, testify under oath in front of me, and to ask them questions, or have my attorney ask them questions.

8. **RIGHT AGAINST SELF-INCRIMINATION** - I understand that 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 other conviction(s) or probation violation(s), I am incriminating myself and giving up my right to remain silent.

9. **RIGHT TO PRODUCE EVIDENCE** - I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me.

INITIALS ↓
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RIGHTS ON CHARGES OF PRIOR CONVICTION(S) AND PROBATION VIOLATION(S)

10. **If applicable** - I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for **all** charges against me, including other alleged conviction(s) or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, although I do have the right to a hearing before a judge.

INITIALS ↓

10.

WAIVER OF RIGHTS

Understanding all of the above, for all of the charges against me, including any other alleged conviction(s) or probation violation(s):

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

11.

12. I give up my right to a jury trial

12.

13. I give up my right to confront and cross-examine witnesses

13.

14. I give up my right to remain silent and to not incriminate myself

14.

15. I give up my right to produce evidence and witnesses on my own behalf

15.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

16. **Penalty:** I understand that the possible consequences for the offense(s) that I am pleading no contest or guilty to include the following:

- | | | | | |
|---------------------------|-------------|------|-------------|------|
| SECTION NUMBER | JAIL - MIN. | MAX. | FINE - MIN. | MAX. |
| OTHER CONSEQUENCES: _____ | | | | |

- | | | | | |
|---------------------------|-------------|------|-------------|------|
| SECTION NUMBER | JAIL - MIN. | MAX. | FINE - MIN. | MAX. |
| OTHER CONSEQUENCES: _____ | | | | |

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|---------------------------|-------------|------|-------------|------|
| SECTION NUMBER | JAIL - MIN. | MAX. | FINE - MIN. | MAX. |
| OTHER CONSEQUENCES: _____ | | | | |

- | | | | | |
|---------------------------|-------------|------|-------------|------|
| SECTION NUMBER | JAIL - MIN. | MAX. | FINE - MIN. | MAX. |
| OTHER CONSEQUENCES: _____ | | | | |

16.

17. I understand that in addition to the fine, **the Court will add assessments to the base fine which will significantly increase the amount I must pay**, I understand that the court will order me to pay other assessments, which will increase the amount I must pay, including the following: For each misdemeanor count (conviction) I will be ordered to pay a \$40 court operations assessment, and a \$30 criminal conviction assessment (\$35 per infraction). **I will also be ordered to make restitution to the victim(s), and to pay a restitution fine no less than \$150 and up to \$1000**, unless the Court finds compelling and extraordinary reasons not to impose the fine. If I am granted probation, an additional probation revocation restitution fine will be imposed, but suspended upon my successful completion of probation. (PC § 1202.44) I also understand that if I am convicted of violations of the Health & Safety Code I will be ordered to pay a fee under H&S Code §11372.5 of \$50 and a fee under H&S Code §11372.7, not to exceed \$150 for each separate offense. If I am convicted of nuisance, dumping, littering or causing any hazardous substance to be deposited unlawfully, I will be ordered to pay \$200 under PC §1202.51.

17.

18. I understand that if I am not a citizen of the United States of America, a plea of guilty or no contest could result in my deportation from this country, exclusion from admission to the United States of America, and denial of naturalization or citizenship. (PC § 1016.5)

18.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

- 19. I understand that a plea of no contest (nolo contendere) 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
- 20. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case
- 21. IF APPLICABLE - FIREARM AND AMMUNITION PROHIBITION: **I understand that I will be prohibited by law from owning, purchasing, receiving, possessing, or having under my custody or control any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines, for a period of ten (10) years from the date of conviction.** Violation of that prohibition may subject me to separate federal and/or state felony prosecution. The Court will notify the Department of Justice of this conviction (See PC §§ 29805, 30305, 29855 and 29860) **I also understand that I will be ordered to comply with the firearm relinquishment requirements of PC § 29810.**
- 22. IF APPLICABLE – DRIVERS LICENSE SUSPENSION: I understand that my privilege to drive a motor vehicle will be suspended or delayed for one year if I am convicted of an alcohol or drug related offense, and I was under the age of 21 years at the time of the commission of the drug or alcohol related violation. (See vehicle Code § 13202.5)

IF APPLICABLE: NON-STATUTORY DEFERRED ENTRY OF JUDGMENT (DEJ)

- 23. I understand that I am waiving time for speedy sentencing to participate in a non-statutory or informal Deferred Entry of Judgment (DEJ) program with the District Attorney’s Office. I understand that I must successfully complete the terms, conditions, and/or programs ordered by the Court. If I do so, for the entire term of Deferred Entry of Judgment (DEJ), then my plea of no contest or guilty will be set aside, a plea of not guilty entered, and the matter will be dismissed. If I fail to do so, I will be returned to Court for sentencing, and the maximum sentence can be imposed.

PLEA(S)

24. I hereby freely and voluntarily plead _____ to the following:
GUILTY OR NO CONTEST

- _____
LIST CHARGE(S)
- 25. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced. I give up this right and agree to be sentenced at this time.
 - 26. **If applicable** - I freely and voluntarily admit the other conviction(s) I listed on this for. I understand that this admission will increase the penalties which are imposed on me
 - 27. **If applicable** - I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s)
 - 28. **If applicable (Arbuckle Waiver)**- I understand that I have the right to be sentenced by the judge who accepts my plea(s) of guilty or no contest. I give up this right and agree that I may be sentenced by a different judge.

****DEFENDANT’S SIGNATURE:** _____ **DATE:** _____

INITIALS ↓
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ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda 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 also 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 in the defendant's decision to waive his or her constitutional rights. I stipulate that from the law enforcement reports there is a factual basis for the Defendants plea(s).

SIGNATURE OF DEFENDANT'S ATTORNEY

DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: Spanish Other (specify): _____

COURT INTERPRETER'S SIGNATURE

TYPE OR PRINT NAME

DATE

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s) and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The Court accepts the defendant's plea(s), the defendant's admission of the other conviction(s) and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

Judge of the Superior Court

DATE