

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA</b>		<i>For Court Use Only</i>	
Plaintiff: <b>PEOPLE OF THE STATE OF CALIFORNIA</b>			
Defendant:			
Date of Birth:			
<b>FELONY ADVISEMENT OF RIGHTS, WAIVER, AND PLEA</b>		Case Number(s)	Department
<b>INSTRUCTIONS</b>			
<i>Initial the box for each applicable item only if you understand it, and sign and date the form on page #3. If you have questions about your case, the possible sentences, or the information on this form, ask your attorney or the judge.</i>			

As the defendant in the above entitled case, I personally declare the following:

- 1.** My name and date of birth as listed above are complete, true, and correct.
- 2.** I am not currently under the influence of anything that impairs my ability to understand these proceedings.
- 3.** I understand that I am pleading **GUILTY/ NO CONTEST** and admitting the following offense(s), special punishment allegation(s), enhancement(s), prior conviction(s), and circumstance(s) in aggravation, carrying the possible penalties as follows:

Count	Charge (section & description)	Enhancements Prior Convictions	Maximum Penalty Maximum Term
<b>MAXIMUM TOTAL PUNISHMENT</b>			

- 4. Open Plea** - I understand that there is no agreement or indication as to the sentence I will receive on this matter. I could be sentenced up to the maximum penalty as stated above.
- 5. Indicated Sentence** - I understand that, although the Court has indicated a sentence, there is no agreement with the District Attorney's Office and the Court will not decide what my sentence will be until it has read and considered a report from the Probation Department.
- 6. 1192.5 PC Negotiated Disposition** - I am entering into an agreement with the District Attorney's Office. Pursuant to this agreement, I am pleading guilty/no contest as stated above.

**7. My plea(s) are conditioned on receiving the following consideration as to sentence:**

- Probation will be denied                       Probation will be granted     To be determined by the Court
- Imposition of judgment suspended        Sentence imposed and execution of sentence suspended
- Custody Term will be for the stipulated term of \_\_\_\_\_
- Probation Term will be for \_\_\_\_\_
- Other: \_\_\_\_\_

- I understand that if the Court declines to accept the negotiated disposition, I may withdraw my plea(s) of guilty/no contest, reenter my not guilty pleas and go to trial on all counts as originally charged.
- I understand the following charges will be dismissed: \_\_\_\_\_
- I understand the Court can consider the dismissed charges in determining the appropriate sentence in my case and in ordering restitution to the victim(s) of the dismissed charges.

**CONSTITUTIONAL RIGHTS**

- 8. RIGHT TO A TRIAL** - I understand that I am entitled to a speedy and public trial by court or by jury as to all charges, allegations, enhancements, and prior convictions.
- 9. RIGHT TO CONFRONT AND CROSS EXAMINE WITNESSES** - I understand I have the right to see, hear, and question all witnesses who would testify against me at trial.
- 10. RIGHT TO PRESENT EVIDENCE** - I understand I have the right to present evidence in defense of the charges.
- 11. RIGHT TO SUBPOENA WITNESSES** - I understand I have the right to have the Court order my witnesses to attend my trial at no expense to me.
- 12. RIGHT AGAINST SELF INCRIMINATION** - I understand I have the right to remain silent and require the District Attorney's Office to prove the case against me beyond a reasonable doubt. I cannot be forced to testify against myself, but I also have the right to testify in my own defense if I choose to do so.
- 13. I freely and voluntarily give up my rights as listed in #8 through #12 and my right to trial by Court or Jury.**
- 14. RIGHT TO AN ATTORNEY** - I understand I have a right to be represented by a lawyer at all Court appearances relating to any trial. I can hire a lawyer or the Court will appoint a lawyer for me if I cannot afford one.
- 15.** I understand that a no contest plea will be treated as a guilty plea and I will be sentenced as if guilty. All promises made to me are written on this form or stated here in open court. There have been no other promises made in order to get me to enter this/these plea(s).
- 16.** No one has made any threats to me or anyone else or placed any pressure of any kind in order to make me plead guilty or no contest.
- 17.** I have had enough time to discuss with my attorney my constitutional rights, any defenses I may have to the charges and the consequences of this/these plea(s).

**ADDITIONAL WAIVERS AND CONSEQUENCES OF PLEA**

- 18.** I understand I have a right to a preliminary examination to determine whether there is sufficient evidence to justify setting my case for trial, reducing the charge(s) to a misdemeanor, or dismiss all of the charge(s). At this hearing, I have the same rights to be represented by an attorney, confront the witnesses against me, present evidence or testify on my own behalf, subpoena witnesses at no cost, and remain silent. I give up my right to a preliminary examination.

**19.** (Cruz Waiver) I understand that if pending sentencing I commit another crime, violate any condition of release, willfully fail to contact Probation, willfully fail to attend my probation interview, or willfully fail to appear for my sentencing hearing, all sentencing agreements will be canceled, the trial court may impose any sentence authorized by law, and I will not be allowed to withdraw my guilty/no contest plea(s). I agree that a violation of these terms will be decided by the sentencing judge at a court hearing without a jury and by a preponderance of the evidence.

**20.** I understand the Court will order a mandatory restitution fine of \$300 to \$10,000; a parole, probation, or mandatory supervision restitution fine in the same amount which will be suspended pending successful completion of parole, probation, or mandatory supervision.

**21.** I understand that if I am not sentenced to prison, I may receive probation. As conditions of probation, I may be given county jail custody, plus the fine and any other conditions deemed reasonable by the Court. I understand that if I violate any condition of probation I can be sent to State Prison or County Jail.

**22.** I understand that as a convicted felon, I will not be able to own, possess, or have under my control or custody any firearm or ammunition, pursuant to State and Federal law.

**23.** If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

**24.** I understand that if I am currently on probation for any other matter, this conviction will act as a violation of that probation, and I could be given a separate and additional sentence in that case.

**25.** I understand at the end of my sentence for the offense(s), I may be subject to screening by the State Department of State Hospitals to determine whether I qualify for trial as a sexually violent predator (SVP), which could result in my being committed to a secure medical facility indefinitely, and that a plea to a non-SVP offense was discussed during settlement negotiations and the parties were unable to agree to a non-SVP disposition.

**26.** I understand that there are also the following consequences of my plea(s):

Mandatory prison       Presumptive Prison

Registration pursuant to: 186.30(a) PC - Gang      457.1 PC - Arson  
290 PC - Sex Offender (Tier 1, Tier 2, Tier 3)

Reduced conduct credits (Violent Felony)  
(Prior Strike(s))  
(Murder)

"Strike" offense

Sexual Violent Predator Law       Blood test and saliva sample       Loss of driving privilege

AIDS education program       Prior enhancement (increased penalties for future offenses)

Criminal Protective Order       Forfeiture of seized evidence

Other: \_\_\_\_\_

**27. I AM FREELY AND VOLUNTARILY ENTERING MY PLEA(S).**

**I declare that the initials that appear above are my own and that I have read and understand each statement that I have initialed.**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Certificate of Interpreter**

I declare that I translated the entire contents of this form from English to \_\_\_\_\_ in the presence of and directly to the defendant in this case and that the defendant wrote on this document in my presence.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Defense Attorney Statement**

I am the attorney of record for the above named defendant. I have explained each of the above rights to the defendant and have discussed the facts, consequences, including immigration, and possible defenses to the charge(s) with him/her. I concur with his/her waiver of rights and entry of guilty/no contest plea(s). I further stipulate that there is a factual basis for the plea(s) and that this document may be received by the Court as evidence of the defendant's intelligent waiver of these rights and that it shall be filed by the clerk as a permanent record of that waiver. I have witnessed the reading, initialing, and signing of this form by the defendant.

I have inquired about my client's citizenship status. If my client is not a citizen, I have advised my client of the adverse immigration consequences of the client's plea.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**District Attorney Statement**

The above information correctly reflects the position of the District Attorney's Office as to this case.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

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**Court Findings and Orders**

Having questioned the defendant concerning his/her plea(s) of Guilty/No Contest and concerning any admissions of prior conviction(s), enhancement(s), and allegation(s), the Court finds that:

The defendant understands and voluntarily and intelligently waives the constitutional rights listed above.  
The defendant's plea(s) and admission(s) are freely, voluntarily, knowingly, and intelligently made.  
The defendant understands the nature of the charges and the consequences of the plea(s) and admission(s); and  
There is a factual basis for the plea(s)

The Court accepts the defendant's plea(s) and admission(s) and finds the defendant guilty of the offense(s) pled to and the special allegation(s), enhancement(s), and prior conviction(s) admitted.

Date: \_\_\_\_\_ Signature \_\_\_\_\_  
**Judicial Officer of the Superior Court of California,  
County of Sonoma**