

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA		<i>For Court Use Only</i>	
Plaintiff: PEOPLE OF THE STATE OF CALIFORNIA			
Defendant: Date of Birth:			
MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM		Case Number(s)	Department
INSTRUCTIONS <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. Be aware the judge cannot give you legal advice.</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), and prior conviction(s), carrying the possible penalties as follows:

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

- ☐ **If plea is to a DUI, driving on a suspended license, and/or domestic violence offense, appropriate addendum is attached.**
- ☐ **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 heard from all parties.
- ☐ **6. Negotiated Disposition** - I am entering into an agreement with the prosecution. Pursuant to this agreement, I am pleading guilty/no contest as stated above. 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.

☐ **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

☐ Custody Term will be for the stipulated term of _____

☐ Other:

☐ I understand the following charge(s) 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 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. I also understand I have the right to represent myself if I so choose.

☐ **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).

☐ **18.** I understand I have a right to have a judge take my plea and sentence me. I give up this right and agree to have a commissioner, sitting as a temporary judge, take my plea and sentence me.

☐ **19. (Cruz Waiver)** I understand that if pending sentencing I commit another crime, violate any condition of release, or willfully fail to appear for my sentencing hearing when ordered to be present, 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 that I have a right to a delay from six hours to five days prior to being sentenced. I give up this right and agree to be sentenced at the time of my change of plea.

- ☐ **21.** I understand that as a condition of probation, I may be given county jail custody, fines and fees, and any other conditions deemed reasonable by the Court. I understand that if I violate any condition of probation I can be sent to jail for up to the maximum time stated on page one and/or receive the maximum fine.
- ☐ **22.** I understand the Court will order a mandatory restitution fine of \$150 to \$1,000, and a probation restitution fine in the same amount which will be suspended pending successful completion of probation.
- ☐ **23.** After discussing with my attorney, I understand that if I am not a citizen of the United States, my conviction for the offense charged may have the consequence 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 although the court advised me that my conviction may have immigration consequences if I am not a citizen, conviction of some crimes carries mandatory immigration consequences, which will result in adverse immigration actions being taken against me if I am not a citizen. My attorney has advised me of the actual immigration consequences that currently apply to my case(s) based upon the charges I am pleading to and my personal circumstances.
- ☐ **25.** I understand that if I am currently on probation, parole, PRCS, or mandatory supervision for any other matter, this conviction will act as a violation of that probation, parole, PRCS, or mandatory supervision, and I could be given a separate and additional sentence in that case.
- ☐ **26.** IF APPLICABLE: I am advised that given the nature of my conviction, I am prohibited against owning, purchasing, receiving, possessing, or having custody or control of firearms, ammunition, or ammunition feeding devices, including but not limited to, magazines. If I am in possession, have custody, control, or ownership of any of these enumerated items, I am ordered to relinquish them in the manner provided for in Penal Code section 29810.
- ☐ **27.** IF APPLICABLE: I have been provided the Prohibited Persons Relinquishment Form and understand I am obligated to complete this form and return it as directed by the court. I understand that if the court finds that probable cause exists to believe that I have failed to relinquish any of these items, a search warrant will issue for a search and removal of the item(s) at the location(s) at which the court believes the item(s) shall be located.
- ☐ **28.** I understand that there are also the following consequences of my plea(s):
- ☐ Minimum mandatory jail time ☐ Prior enhancement (increased penalties for future offenses)
- ☐ Not able to own, possess, or have under my control or custody any firearm
- ☐ Registration pursuant to: 186.30(a) PC - Gang Years 457.1 PC - Arson 11590 HS - Narcotic Offender
290 PC - Sex Offender: 10 Year 20 Years Lifetime
- ☐ Points on DMV driver's record/Possible DMV mandated license suspension
- ☐ Loss of driving privilege ☐ AIDS education program ☐ Blood test and saliva sample
- ☐ Other: _____

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

I declare that the initials that appear above and on any addendums 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 and on any addendums 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 any attached addendums and 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) and that this/these document(s) 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.

Date: _____ Signature: _____

District Attorney Statement

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

Date: _____ Signature: _____

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).

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 on this form and any attached addendums.

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