

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA

Defendant:

DOB: \_\_\_\_\_

**MISDEMEANOR PLEA FORM WITH WAIVER OF RIGHTS**

COURT CASE NUMBER:

**INSTRUCTIONS**

Fill out this form only if you want to plead guilty or no contest. Read this form carefully. For each item, if you understand and agree with what you read, put your initials in the box to the right of the item. **OR P UN PUGH T X L U H G ´ P X V W E** completed. For any item that does not apply to you or that you do not understand, leave the box blank. **Sign and date the form under “DEFENDANT’S STATEMENT” on page 4.** Keep in mind that the court cannot give legal advice. If you have an attorney and have questions about anything in this form, ask your attorney.

I, the defendant in the above-entitled case, personally and/or by my attorney, declare as follows:				<b>INITIALS</b>																																																						
1.	<b>Charges and Maximum Penalties.</b> I want to plead guilty or no contest to the charges listed below. I understand that the maximum penalties for the charges to which I am pleading guilty or no contest are listed below.	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">COUNT</th> <th colspan="2">CHARGES</th> <th colspan="2">MAXIMUM PENALTY</th> </tr> <tr> <td></td> <th style="width: 25%;">SECTION</th> <th style="width: 20%;">DESCRIPTION</th> <th style="width: 15%;">FINE</th> <th style="width: 25%;">JAIL</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	COUNT	CHARGES		MAXIMUM PENALTY			SECTION	DESCRIPTION	FINE	JAIL																																														(Required)
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2.	I have not been induced to enter the above plea by any promise or representation of any kind, except: (State any agreement with the prosecutor not described in paragraphs 9, 10, 11.)			(Required)																																																						
2a.	<b>Harvey Waiver:</b> I understand that ordinarily I cannot be punished for any charges that are dismissed. I give up that right and I agree the Court can consider dismissed charges when I am sentenced in this case and order:																																																									
3.	<b>Prior Convictions and Special Allegations.</b> I understand that I am also charged with having a prior conviction in case number(s):																																																									

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	And/or that the following special allegation applies:	
4.	<b>Probation Violations.</b> I understand that I am also charged with a violation of probation in case number(s):	
5.	<b>Right to an Attorney</b> (Leave this box blank if you have an attorney). I understand that I have the right to an attorney of my choice to represent me throughout the proceedings. If I cannot afford to hire an attorney, the Court will appoint one to represent me. <b>I hereby give up my right to be represented by an attorney and wish to represent myself.</b>	
5a.	I understand I have the right to be present in court to enter my plea and for sentencing. I expressly authorize my attorney to enter this plea on my behalf, in my absence. I expressly authorize my attorney to appear for me at sentencing.	
6.	<b>Other Constitutional Rights.</b> I understand that I am entitled to each of the following rights concerning the charges and prior convictions (if any) listed in items 1 and 3 (above):	(Required)
6a.	<b>Right to a Jury Trial.</b> I understand that I have the right to a speedy and public jury trial by 12 members of the community and that I would have the right to participate in jury selection. I understand that I would be presumed innocent and I could not be convicted unless, after hearing all the evidence, all 12 jurors agree that I am guilty of the charged offenses beyond a reasonable doubt.	(Required)
6b.	<b>Right to Confront and Cross-examine Witnesses.</b> I understand that I have the right to confront and cross-examine all witnesses testifying against me. This means that the prosecution must produce the witnesses in court to testify under oath in my presence and I or my attorney may question them.	(Required)
6c.	<b>Right to Remain Silent and Not Incriminate Myself.</b> I understand that I have the right to remain silent and my silence cannot be considered as evidence against me. I understand that I also have the right not to incriminate myself and I cannot be forced to testify.	(Required)
7.	<b>Rights for Probation Violations</b> ( / H D Y H W K L V E R [ E O D Q N L I \ R X D U H Q R W Y L R O ) D W I L E R S ) And that I have all the constitutional rights listed above for all probation violations charged against me, except that I do not have a right to a jury trial, only a court hearing before a judge and the People are required to prove I violated the terms of my probation by a preponderance of the evidence.	
<b>CONSEQUENCES OF MY PLEA</b>		
8.	<b>No Contest Plea.</b> I understand that a no contest plea has the same effect as a guilty plea, but it cannot be used against me in a civil suit unless the offense is a felony.	(Required)
8a.	<b>Effect of Conviction on Other Cases.</b> I understand that a conviction in this case may be used to increase my punishment for future convictions and may constitute a violation of any other current grant of parole or probation, which may result in additional punishment.	
9.	<b>Conditions of Probation (Domestic Violence Offense).</b> I understand that if I am granted probation, the terms and conditions will include D V H D V W H A L L the following (see Pen. Code, § 1203.097): (1) A minimum of either 36 months (3 years) or 48 months (4 years) of probation (2) ____ days in county jail with credits of: _____ ( ____ + ____ ) (3) A criminal court protective order that may include residence exclusion or stay-away conditions and an order to relinquish any firearms in my possession or control (4) Booking within one week of sentencing if I have not already been booked (5) Several statutory fines, fees, and assessments, including a domestic violence fee, restitution fine, probation revocation fine (stayed), criminal conviction assessment, and court security fee	

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	<p>(6) Successful completion of a 52 week <del>EDWW</del> <del>MWHUDT</del> <del>SVR</del> <del>QWD</del> <del>P</del></p> <p>(7) Community Service of at least 40 hours</p> <p>(8) Restitution to the victim</p> <p>(9) Other:</p>	
9a.	I understand that a conviction in this case may result in a rebuttable presumption that an award of sole or joint physical or legal custody of a child is detrimental to the best interest of the child under Family Code section 3044.	
10.	<p><b>Conditions of Probation (Driving Under the Influence Offense):</b></p> <p>(1) Minimum of 36 months of probation; 12 months for reckless driving with alcohol</p> <p>(2) _____ days in county jail with credits of: _____ ( _____ + _____ )</p> <p>(3) Court fines and fees not to exceed \$2000</p> <p>(4) Completion of a    Level 1    Level 1 enhanced    Level 2    Level 2 enhanced program,  <input type="checkbox"/> 12 hour educational</p> <p>(5) Do not drive unless licensed and insured, do not drive with any measurable amount of alcohol, and do not fail to submit to a test of your BAC if stopped under suspicion of DUI</p> <p>(6) IID _____ (initial if applicable)</p> <p>(7) HTO _____ (initial if applicable)</p> <p>(8) Restitution to the victim _____ (initial if applicable)</p> <p>(9) Other:</p>	
10a.	I acknowledge that my BAC was a .15 % or higher, knowing this admission will increase my penalties.	
10b.	I understand that being under the influence of alcohol and/or drugs impairs my ability to safely drive a motor vehicle. It is extremely dangerous to human life to drive under the influence. If I continue to drive under the influence of alcohol or drugs or a combination of the two, and as a result of my driving someone is killed I can be charged with murder.	
10c.	I understand the Department of Motor Vehicles may suspend or revoke my privilege to operate a motor vehicle.	
11.	<p><b>Mandatory Minimum (Other Offenses):</b></p> <p>(1) A minimum of _____ months of probation</p> <p>(2) _____ days in county jail with credits of: _____ ( _____ + _____ )</p> <p>(3) Registration as a sex offender for _____ years</p> <p>(4) Statutory fines, fees and assessments</p> <p>(5) Restitution as determined by probation or \$ _____</p> <p>(6) Other:</p>	
12.	<b>Effect of Future Probation Violation.</b> I understand that if I violate any of the terms or conditions of probation, I may be returned to court and sentenced up to the maximum punishment on each charge as indicated in item 1.	

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| 13. | <b>Immigration Consequences.</b> I understand that if I am not a citizen of the United States, my plea of guilty or no contest may result in my deportation, exclusion from admission and reentry to the United States, and denial of naturalization pursuant to the laws of the United States. I have had the full opportunity to discuss with my attorney the consequences of this plea, including any mandatory immigration consequences that apply to me. I have been counseled and considered all viable alternatives to this plea. | (Required) |
| 14. | <b>Firearm Prohibition.</b> I understand that a conviction in this case prohibits me from owning, using or possessing firearms, ammunition, ammunition components or ammunition feeding devices.   |            |

**OTHER WAIVERS**

- |     |   |            |
|-----|---|------------|
| 15. | <b>(Appeal Rights)</b> I give up my right to appeal any issues in this case.                    | (Required) |
| 16. | <b>(Arbuckle Waiver)</b> I give up my right to be sentenced by the judge who accepts this plea. |            |

**BEFORE THE PLEA**

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|-----|---|------------|
| 17. | <b>Discussion with my Attorney</b> ( / H D Y H E R K L E O L D R X I D Q R W U H S U H V E D Q W W R G U E H V )<br>Before entering this plea, I have had a full opportunity to discuss with my attorney the facts of the case, the elements of the charged offenses and prior convictions (if any), any defenses that I may have, my constitutional and statutory rights and waiver of those rights, the consequences of this plea, and anything else I think is important to my case. |            |
| 18. | <b>Questions.</b> I have no further questions for the Court or for my attorney regarding my plea and admissions in this case, any of my rights, or anything else on this form.  | (Required) |
| 19. | <b>Waiver of Constitutional Rights.</b> For each of the charges, prior convictions (if any), and probation violations (if any) listed in items 1, 3, and 4, I give up my right to a jury trial, my right to a court hearing, my right to confront and cross-examine witnesses, and my right to remain silent and not to incriminate myself. I understand that I am, in fact, incriminating myself with my plea.   | (Required) |
| 20. | <b>The Plea</b> ( F K H F N ). Freely and voluntarily plead <input type="checkbox"/> GUILTY <input type="checkbox"/> NO CONTEST to the charges listed in item 1. I offer my plea with full understanding of everything in this form. No one has made any threats; used any force against me, my family, or loved ones; or made any promises to me, except as listed in this form, in order to convince me to plead guilty or no contest.  | (Required) |
| 21. | <b>Prior Convictions and Special Allegations.</b> I freely and voluntarily admit the prior convictions and any special allegations (if any) listed in item 3, and I understand that this admission may increase the penalties that are imposed on me.   |            |
| 22. | <b>Probation Violations.</b> I freely and voluntarily admit the probation violations (if any) listed in item 4.   |            |
| 23. | <b>Sentencing.</b> I understand that I have a right to delay my sentencing at least 6 hours and as long as 5 days after my plea. I give up this right and agree to be sentenced at this time.   |            |

**DEFENDANT'S STATEMENT**

**I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, and the effects of any prior convictions and probation violations have been explained to me. I understand each of the rights outlined above and I give up each of them to enter my plea.**

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Street City State Zip Code	( )

<b>SIGNATURE:</b> _____ Defendant	<b>DATE:</b> _____
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### ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have gone over this form, and any attachments, with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions about this form and the plea(s). I have discussed the facts of the case with the defendant and have explained the nature of the charges, the elements of the offense(s), any possible defenses, and the consequences of the plea(s) including the immigration consequences that apply to the defendant, and whether any of these immigration consequences are mandatory. I have counseled on all viable alternatives to this plea and complied with any duties imposed upon me by Penal Code Section 1016.3. I join in the waivers and consent to the plea(s).

SIGNATURE: _____ Attorney for Defendant	Print Name:	DATE:
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### PROSECUTOR'S STATEMENT

I am the prosecutor in this case. I have reviewed the information above and consent to the plea(s) being entered on the terms and conditions indicated. I stipulate there is a factual basis for the plea(s).

SIGNATURE: _____ Deputy District Attorney	Print Name:	DATE:
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### INTERPRETER'S STATEMENT

I, the interpreter in this proceeding, having been sworn, or having a written oath on file, certify that I interpreted this form, and any attachments to the defendant in the language indicated below.

Language:  Spanish       Other (specify) \_\_\_\_\_

SIGNATURE: _____ Court Interpreter	Print Name:	DATE:
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### COURT'S FINDINGS AND ORDER

The Court, having reviewed this form, together with any attachments, and having questioned the defendant concerning his constitutional and statutory rights, finds that the defendant understands his or her rights and that the defendant expressly, knowingly, voluntarily, and intelligently waived those rights. The Court finds the defendant understands the nature of the charges and the consequences of the plea(s) and admission(s). The Court finds the plea(s) and admission(s) have been made freely and voluntarily. The Court further finds there is a factual basis for the plea(s) and admission(s).

The Court accepts the defendant's plea(s), admission(s), and waiver of rights, and the defendant is hereby convicted based thereon.

It is ordered that this document be filed with the Court's records of this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this court.

SIGNATURE: _____ Judge of the Superior Court	DATE:
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