

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL <input type="checkbox"/> 220 Main Street, Brawley, CA 92227 <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243	FOR COURT USE ONLY
People of the State of California, <div style="text-align: center;">vs.</div> Defendant(s):	
PLEA OF GUILTY/NO CONTEST – FELONY (PC 1016, 1016.5, 1017)	CASE NUMBER:

1. I plead (GUILTY) (NO CONTEST) to the following violations: (List Crimes and Code Sections)
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-
-
-
- a. **(If applicable)** I also admit the following enhancement(s)/Prior conviction(s) (list court docket number and date of any prior conviction).
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-
-
-
2. No one has made any promises or representations in order to get me to enter into this plea, except: (Briefly state any agreement with the District Attorney.)
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-
-

RIGHT TO A LAWYER

3. I understand that I have the right to be represented by a lawyer at all stages of the proceeding and that the Court will appoint a lawyer for me if I cannot afford one.

CONSTITUTIONAL RIGHTS

I understand that I also have the following constitutional rights, each of which I now give up to plead either GUILTY or NO CONTEST.

- | | I understand this right | I give up this right |
|--|-------------------------|----------------------|
| 4. The right to be tried by a jury, in a speedy, public trial | _____ | _____ |
| 5. The right to confront and to cross-examine witnesses against me. | _____ | _____ |
| 6. The right to remain silent (unless I choose to testify on my own behalf). | _____ | _____ |
| 7. The right to present evidence on my behalf and to have witnesses subpoenaed to testify in my behalf at no cost to me. | _____ | _____ |

CONSEQUENCES OF PLEADING GUILTY OR NO CONTEST

8. a) I understand that I may receive this maximum penalty as a result of my plea: _____ years in State Prison, \$_____ fine and _____ years parole (4/7/life), with up to one year return to prison for every parole violation. If I am given probation, (for a period up to the maximum prison term), I understand that I may be given up to a year in local custody, plus the fine, and other conditions deemed reasonable by the court. If I violate any term or condition of probation, I can be sent to State Prison for the maximum term.
- b) I understand that I shall be required to pay a mandatory restitution fine of not less than \$200 and not more than \$10,000.
- c) I understand that I shall also have to pay a similar fine if I violate my parole.
- d) My attorney has explained to me that other possible consequences of this plea may be: (Circle applicable consequences)
- | | | |
|---------------------------------------|--|---|
| (1) consecutive sentences | (6) blood test and saliva sample | (11) ineligibility for probation/presumptive prison |
| (2) loss of driving privileges | (7) registration as a narcotics offender | (12) Attorney's fee/probation fees |
| (3) batterers treatment program | (8) AIDS education program | |
| (4) registration as an arson offender | (9) restitution | |
| (5) registration as a sex offender | (10) priorable | |

Other: _____

- 9. If I am not a citizen of the United States a plea of Guilty or No Contest could result in my being deported, excluded from admission to this country, and/or denied U.S. citizenship.
- 10. My plea of Guilty or No Contest in this case could result in revocation of my probation or parole in other cases.
- 11. I understand that I have the right to appeal my adverse decision and I give up that right.
- 12. **(If applicable)** I understand that my conviction in this case will be a STRIKE resulting in a mandatory detail of probation and substantially increased penalties in any future felony case and/or reduction in good behavior and work time credits in this case.
- 13. I now plead GUILTY/NO CONTEST to the charge(s) described in #1 above and admit that on the date charged I: (Describe facts as to each charge in #1.)

- a. **(If applicable)** I understand that as to any and all prior convictions/enhancements alleged against me in this case, I have all the rights listed in #3-#7 above and give up those rights. As to any prior convictions alleged, I understand that if I request a jury trial on the current case the jury would neither learn of nor decide the prior conviction(s) unless and until the jury found me guilty on the current charges.
- b. **(If applicable)** I admit the prior conviction(s)/enhancement(s): listed in this form, and give up my constitutional rights, including the right to a separate jury determination on the issue of the prior conviction(s).
- 14. Unless previously agreed to as indicated in paragraph 2, I understand that the matter of probation and/or sentence will be determined solely by the Court.
- 15. **(Harvey Waiver)** The sentencing judge may consider my prior criminal history and the entire factual background of the case, including any unfiled, dismissed or stricken charges or allegations or cases when granting probation, ordering restitution or imposing sentence.
- 16. **(Arbuckle Waiver)** I understand that I have the right to be sentenced by the same judge who accepts this plea. I waive the right, and agree that sentence may be imposed by the judge who accepted this plea or by a different judge.
- 17. I am entering my plea freely and voluntarily, without threat or coercion.
- 18. a) I am pleading Guilty because in truth and fact I AM GUILTY; or to avoid the harsher consequences that could result if I am convicted at trial.
b) I understand that a plea of No Contest is the same as a plea of Guilty in this criminal case and for all purposes has the same consequences as a plea of Guilty.
- 19. I have not consumed any drug, alcohol or narcotic within the past 24 hours and my judgment is not impaired. I understand fully and completely what I am doing, and have read this form or had it translated for me and understand what it means.
- 20. I understand that the Court is accepting this plea pursuant to the provisions of Penal Code § 1192.5. This means that the Court may change its mind about accepting this plea at any time prior to sentencing. If it does, I will be allowed to withdraw my plea, and my criminal case will resume where it was before I changed my plea or I can still change my plea to GUILTY or NO CONTEST and the Court will sentence me just as if I had been convicted after trial.
- 21. I declare under penalty of perjury, under the laws of the State of California, that I have read, understood, and initialed each item above, and everything on the form is true and correct.

Dated: _____ Defendant's Signature _____

Defendant's Address: _____ Defendant's Telephone No. _____

ATTORNEY STATEMENT

I am the attorney for the defendant in the above entitled case. I personally read and explained the contents of the above declaration to the defendant and each item thereof. I have discussed this case with my client, as well as his or her rights and the consequences of his/her plea, including immigration consequences. I believe that under the circumstances the entry of this plea is in the best interest of my client. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge the explanation of the contents of each. I observed the defendant date and sign the declaration and I concur with the defendant's plea and waiver of constitutional rights.

Dated: _____ Attorney for Defendant _____

INTERPRETER’S STATEMENT (If applicable)

I, the interpreter in this proceeding, having been duly sworn truly translated this form and all the questions therein to the defendant in the _____ Language. The defendant indicated understanding of the contents of the form and then initialed and signed this form.

Dated: _____ Court Interpreter _____

PROSECUTOR’S STATEMENT

The People of the State of California, plaintiff in the above entitled criminal case, by and through its attorney, concurs in the defendant’s plea of Guilty/No Contest and (if applicable) joins in the sentence recommendation, as set forth above for the following reasons:

Dated: _____ Deputy District Attorney _____

COURT’S FINDINGS AND ORDER

The Court, having questioned the defendant concerning the defendant’s constitutional rights, finds that the defendant understands these rights and has voluntarily and intelligently waived these constitutional rights. The Court finds that the defendant’s pleas and admissions are freely and voluntarily made, that the defendant understands the nature of the charges and the consequences of the plea, and that there is a factual or legal basis for the plea. The Court accepts the defendant’s plea pursuant to the provisions of Penal Code section 1192.5, and the defendant is hereby convicted on the plea.

Dated: _____

Judge of the Superior Court