

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:

I, the defendant in the above-entitled case, in support of my plea of Guilty/No Contest, personally declare as follows:

1. Of those charges now filed against me in this case, I plead _____ to the following offenses and admit the enhancements, allegations and prior convictions as follows:

COUNT	CHARGE	ENHANCEMENT/ALLEGATION
PRIORS: (LIST ALLEGATION SECTION, CONVICTION DATE, COUNTY, CASE NUMBER, AND CHARGE)		

2. I have not been induced to enter this plea by any promise or representation of any kind, except: *(State any agreement with the District Attorney.)*

3. I am entering my plea freely and voluntarily, without fear or threat to me or anyone closely related to me.

4. I understand that a plea of No Contest is the same as a plea of Guilty for all purposes.

5. I am sober and my judgment is not impaired. I have not consumed any drug, alcohol or narcotic within the past 24 hours.

CONSTITUTIONAL RIGHTS

6a. I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer or the Court will appoint a lawyer for me if I cannot afford one.

I understand that as to all charges, allegations and prior convictions filed against me, and as to any facts that may be used to increase my sentence, now or in the future, I also have the following constitutional rights, which I now give up to enter my plea of guilty/no contest:

6b. I have the right to a **speedy and public trial by jury**. I now give up this right.

6c. I have the right to **confront and cross-examine all the witnesses** against me. I now give up this right.

6d. I have the right to **remain silent** (unless I choose to testify on my own behalf). I now give up this right.

6e. I have the right to **present evidence in my behalf** and to have the court subpoena my witnesses at no cost to me. I now give up this right.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

- 7a. I understand that I may receive this maximum punishment as a result of my plea: _____ years imprisonment or imprisonment plus a term of mandatory supervision; \$ _____ fine; and _____ years parole or post-release community supervision, with return to custody for every violation of a condition thereof. If I am not sentenced to imprisonment, I may be granted probation for a period up to 5 years or the maximum term of imprisonment, whichever is greater. As conditions of probation I may be given up to a year in 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 sentenced to imprisonment for the maximum term as stated above.
- 7b. I understand that I must pay a restitution fine (\$300 - \$10,000), that I will also be subject to a suspended fine in the same amount, and that I must pay full restitution to all victims.
- 7c. I understand that my conviction in this case will be a serious/violent felony (“strike”) resulting in mandatory denial of probation, substantially increased penalties, and a term in State Prison in any future felony case.
- 7d. I understand that if I am not a U.S. citizen, this plea of Guilty/No Contest may result in my removal/deportation, exclusion from admission to the U.S. and/or denial of naturalization. Additionally, if this plea is to an “Aggravated Felony” then I **will** be deported, excluded from admission to the U.S., and denied naturalization.
- 7e. I understand that my plea of Guilty or No Contest in this case could result in revocation of my probation, mandatory supervision, parole or post-release supervision in other cases, and consecutive sentences.
- 7f. My attorney has explained to me that other possible consequences of this plea may be:
(Circle applicable consequences.)
- | | | |
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| <ul style="list-style-type: none"> (1) Consecutive sentences (2) Loss of driving privileges (3) Lifetime registration as an arson / sex offender (4) Registration as a narcotic / gang offender (5) Cannot possess firearms or ammunition (6) Blood test and saliva sample (7) Priorable (increased punishment for future offenses) (8) Restitution, Attorney’s fee’s, Probation fee’s | <ul style="list-style-type: none"> (9) Prison prior (10) Mandatory imprisonment (11) Mandatory State Prison (12) Presumptive imprisonment (13) Presumptive State Prison (14) Sexually Violent Predator Law (15) Possible/Mandatory hormone suppression treatment (16) Reduced conduct/work credits | <ul style="list-style-type: none"> a. Limited local credits (290/serious/prior) b. Violent Felony (No credit or max. 15%) c. Prior Strike(s) (No credit to max. 20%) d. Murder on/after 6/3/98 (No credit) (17) Domestic Violence treatment program (18) Other: _____ |
|--|--|---|
8. **(Appeal Rights)** I give up my right to appeal the following: 1) denial of my 1538.5 motion, 2) issues related to strike priors (under PC sections 667(b)-(i) and 1170.12), and 3) any sentence stipulated herein.
9. **(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.
10. **(Cruz Waiver)** Negotiated Disposition pursuant to PC 1192.5: I understand that if pending sentencing I am arrested for or commit another crime, violate any condition of my release, or willfully fail to appear for my probation interview or my sentencing hearing, the sentence portion of this agreement will be cancelled. I will be sentenced unconditionally, and I will not be allowed to withdraw my guilty/no contest plea(s).
11. **(Arbuckle Waiver)** I give up my right to be sentenced by the judge who accepts this plea.
12. **(Probation Report)** I give up my right to a full probation report before sentencing.
13. Unless previously agreed to as indicated in paragraph two (2), I understand that the matter of probation and/or sentence will be determined solely by the court.
14. **(Evidence Disposal Waiver)** I give up my interest in all non-biological property/evidence impounded during the investigation of this case except _____ and acknowledge that if I listed any property here, I must also file a claim with the impounding agency within 60 days after pronouncement of judgment or my ability to make a claim will expire.

DEFENDANT: _____	CASE NUMBER: _____
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PLEA

15. I now plead Guilty/No Contest and admit the charges, convictions and allegations described in paragraph #1, above. I admit that on the dates charged, I: *(Describe facts as to each charge and allegation)*

16. I declare under penalty of perjury that I have read, understood, and initialed each item above and any attached addendum, and everything on the form and any attached addendum is true and correct.

Dated: _____ Defendant's Signature _____

Defendant's Address: _____
Street

City State Zip

Telephone Number: (____) _____

Defendant's Right Thumb Print

ATTORNEY'S STATEMENT

I, the attorney for the defendant in the above-entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges and possible defenses with the defendant, and the consequences of this plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his/her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Dated: _____
(Print Name) **Attorney for Defendant** (Signature)
(Circle one: PD / AC / RETAINED)

INTERPRETER'S STATEMENT (If Applicable)

I, the sworn _____ language interpreter in this proceeding, truly translated for the defendant the entire contents of this form and any attached addendum. The defendant indicated understanding of the contents of this form and any addendum and then initialed and signed the form and any addendum.

Dated: _____
(Print Name) Court Interpreter (Signature)

PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff, by its attorney, the District Attorney for the County of Imperial, concurs with the defendant's plea of Guilty/No Contest as set forth above.

Dated: _____
(Print Name) Deputy District Attorney (Signature)

COURT'S FINDING AND ORDER

The Court, having questioned the defendant and defendant's attorney concerning the defendant's plea of Guilty/No Contest and admissions of the prior convictions and allegations, if any, finds that: The defendant understands and voluntarily and intelligently waives his/her constitutional rights; the defendant's plea and admissions are freely and voluntarily made; the defendant understands the nature of the charges and the consequences of the plea and admissions; and there is a factual basis for same. The Court accepts the defendant's plea and admissions, and the defendant is convicted thereby.

Dated: _____
Judge of the Superior Court