

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL</b> <input type="checkbox"/> 650 Wake Avenue, El Centro, CA 92243 <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):	
<b>PLEA OF GUILTY/NO CONTEST – FELONY</b> (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

7. Imposition of Upper Term – CRC 4.421 Factors in Aggravation

Pursuant to 1170.1(d)(2) the upper term sentence may only be imposed when there are circumstances in aggravation that justify the imposition of a term of imprisonment exceeding the middle term and the facts underlying those circumstances have been stipulated to by the defendant or found true beyond a reasonable doubt at trial by the trier of fact. Understanding my rights as to the imposition of the upper term, I now give up this right and agree to admit the following aggravating factors:

o CRC Rule 4.421 \_\_\_\_\_

o CRC Rule 4.421 \_\_\_\_\_

o CRC Rule 4.421 \_\_\_\_\_

8a. I understand that installation of an ignition interlock device (IID) on a vehicle does not allow a person to drive without a valid driver’s license. VC 23575(c)

8b. 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.

8c. 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.

8d. 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.

8e. IMMIGRATION CONSEQUENCES:

(1) I understand that if I am not a U.S. citizen, this plea of Guilty/No Contest may, and for certain offenses will (see page 4), have the consequences of removal/deportation, exclusion from admission to the United States, and/or denial of naturalization and citizenship pursuant to the laws of the U.S.; (2) I understand I have the right to request additional time to consider my plea in light of this advisement; (3) I have, in fact, discussed my immigration status with my attorney and have had sufficient time to consider and discuss the immigration consequences of my plea with him/her or an immigration attorney. Despite any pertinent immigration consequences, I choose to proceed with the plea as outlined herein.

8f. 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.

8g. My attorney has explained to me that other possible consequences of this plea may be: (Circle applicable consequences.)

- (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 fees, Probation fees (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) Domestic Violence treatment program (17) Reduced conduct/work credits 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) (18) Other: \_\_\_\_\_

9. (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.

10. (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.



**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**IMMIGRATION CONSEQUENCES**

If you are not a U.S. Citizen, you should consult with your attorney or an immigration attorney about the immigration consequences of your plea, particularly if your offense might qualify as an "aggravated felony," crime of moral turpitude, controlled substance offense, firearm offense, or domestic violence offense (see below). It is your attorney's obligation to provide you with accurate and affirmative advice about the immigration consequences of your plea, and you have the right to additional time to evaluate those immigration consequences. By entering a plea, you are indicating to the court you know of and understand the specific immigration consequences that will result from your conviction.

Immigration consequences are a matter of federal law. Whether an offense qualifies as one of the "aggravated felonies" listed below is determined by federal statutes and case law. (See *Esquivel-Quintana v. Sessions* (2017) 137 S. Ct. 1562) **Certain offenses defined as misdemeanors under State law may be considered "aggravated felonies" under federal law.**

Any conviction of a non-citizen for an "aggravated felony" **will** result in removal/deportation, exclusion, and/or denial of naturalization. (See 8 U.S.C. § 1227(a)(2)(A)(iii).) "Aggravated felonies" (see 8 U.S.C. § 1101(a)(43)) include but are not limited to:

- (1) Murder; rape; or sexual abuse of a minor;
- (2) A crime of violence, as defined in 18 U.S.C. § 16, but not including a purely political offense;\*
- (3) Trafficking of a controlled substance, firearms, destructive devices or explosive materials;
- (4) Money laundering if the amount exceeds \$10,000;
- (5) An explosive materials offense;
- (6) A firearms offense;
- (7) A theft offense, including receipt of stolen property, or burglary offense;\*
- (8) Child pornography;
- (9) Pimping, pandering, or operating a prostitution business;
- (10) Human trafficking;
- (11) Fraud or deceit in which the loss to the victim or victims exceeds \$10,000;
- (12) Failure to appear by a defendant for service of a sentence if the underlying offense is punishable by imprisonment for a term of five years or more, or failure to appear to answer or resolve a felony for which a sentence of two years' imprisonment or more may be imposed;
- (13) Commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered;\*
- (14) Obstruction of justice, perjury or subornation of perjury, or bribery of a witness;\*
- (15) An attempt or conspiracy to commit any of the above offenses.

\* If the term of imprisonment is at least one year.

Other crimes (*as defined by federal law*) that **may** result in removal/deportation, exclusion, and/or denial of naturalization or other severe immigration consequences include, but are not limited to:

- (1) A crime of moral turpitude (see 8 U.S.C. §§ 1182(a)(2)(A)(i), 1227(a)(2)(A)(i));
- (2) A controlled substance offense (see 8 U.S.C. §§ 1182(a)(2)(A)(i), 1182(a)(2)(C), 1227(a)(2)(B));
- (3) A firearm or destructive device offense (see 8 U.S.C. § 1227(a)(2)(C));
- (4) A domestic violence, stalking, or child abuse offense (see 8 U.S.C. § 1227(a)(2)(E)(i));
- (5) Violation of a protective order (see 8 U.S.C. § 1227(a)(2)(E)(ii));
- (6) A human trafficking offense (see 8 U.S.C. §§ 1182(a)(2)(H), 1227(a)(2)(F));
- (7) Multiple criminal convictions with an aggregate sentence of five years or more (see 8 U.S.C. § 1182(a)(2)(B));
- (8) A prostitution offense (see 8 U.S.C. § 1182(a)(2)(D));

A "serious criminal offense," which includes any felony, a crime of violence, and reckless driving or DUI with injury (see 8 U.S.C. § 1182(a)(2)(E)).