

SUPERIOR COURT OF CALIFORNIA, COUNTY OF NAPA	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
<b>MISDEMEANOR PLEA FORM (SELF-REPRESENTED DEFENDANTS ONLY)</b>	CASE NUMBER:

**INSTRUCTIONS:** Fill out this form if you wish to plead guilty or no contest, or admit a violation of probation. If you have any questions about your case, the possible sentence, or the information on this form, ask the judge.

### RIGHTS FOR ALL CHARGES, PRIOR CONVICTIONS, AND PROBATION VIOLATIONS

**Right To An Attorney** - I understand that I have the right to be represented by an attorney in this case. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but, at the end of the case, I may be asked to pay all or part of the cost of that attorney, if the Court determines I have the ability to pay. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself. I give up my right to an attorney, and I choose to represent myself.

**Right To A Trial** - I understand that I have the right to a speedy, public jury trial or court trial. At a trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors (or the judge at a court trial) were convinced of my guilt beyond a reasonable doubt. (For a probation violation, I understand that I have a right to a hearing in front of a judge who would decide if I violated conditions of my probation.) I give up my right to a jury trial and my right to a court trial (or probation hearing).

**Right To Confront And Cross-Examine Witnesses** - I understand that I have a right to see and hear all witnesses who may testify against me at the trial. I understand that I have a right to ask them questions during the trial. I give up my right to confront and cross-examine witnesses.

**Right To Produce Evidence** - I understand that I have a right to present evidence, to testify in my own behalf, and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me. I give up my right to produce evidence.

**Right To Remain Silent** - I understand that I have a right to remain silent and not incriminate myself. I understand that by pleading guilty or no contest I am incriminating myself. I give up my right to remain silent.

**Time Waiver For Sentencing** - I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced. I give up this right and agree to be sentenced now.

**Temporary Judge** - I understand that I have the right to enter my plea(s) before, and to be sentenced by, a judge. I give up this right and agree to enter my plea(s) before, and be sentenced by, a temporary judge.

### NATURE OF CHARGES

I understand the nature of the charge(s) against me and the possible pleas and defenses.

### CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST OR ADMISSION

I understand that a plea of no contest has exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit.

I understand that a plea of guilty or no contest, or an admission of a violation of probation, may be grounds for violating probation or parole which has been previously granted to me in any other case.

I understand that the Court or the Department of Motor Vehicles may suspend or revoke my privilege to operate a motor vehicle.

I understand the following: If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

I understand that a 210% penalty assessment will be added to any penalty fine.

I understand that I may be ordered to pay restitution to the victim(s), if any.

I understand that I will be ordered to pay a restitution fine of \$100 to \$1,000.

Attachment Two (DUI Offenses) contains additional consequences.

Attachment Three (Suspended License) contains additional consequences.

- Attachment Four (Deferred Entry Of Judgment)** contains additional consequences.
- Attachment Five (Deferred Entry Of Judgment Driving Program)** contains additional consequences.
- Attachment Six (General Misdemeanor Deferred Entry of Judgment Program)** contains additional consequences.

**MAXIMUM PUNISHMENT**

I understand the maximum punishment is \_\_\_\_\_.

**PLEA(S)**

I declare I am of sound mind and I am not under the influence of alcohol, drugs, or medication of any kind. No one has used any threats, force, violence, duress or undue influence of any kind on me, or anyone close to me, in order to get me to plead guilty or no contest (or admit a violation of probation). I am entering this plea because I did in fact commit the crimes (and probation violations) I am charged with, and for no other reason.

I **hereby** freely and voluntarily (circle one):

PLEAD GUILTY                      PLEAD NO CONTEST                      ADMIT A VIOLATION OF PROBATION

to (*list charges*) \_\_\_\_\_.

I understand the contents of this form and any attachments.

\_\_\_\_\_ Date

\_\_\_\_\_ Defendant's Signature

**INTERPRETER'S STATEMENT**

I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the following language:  Spanish  Other (specify)\_\_\_\_\_

\_\_\_\_\_ Date

\_\_\_\_\_ Interpreter's Name

\_\_\_\_\_ Interpreter's Signature

**PROSECUTOR'S STATEMENT**

I am the prosecutor in this case. I have reviewed the information above and I  consent  do not consent to the plea(s) being entered on the terms and conditions indicated. I stipulate there is a factual basis for the plea(s) in the police report.

\_\_\_\_\_ Date

\_\_\_\_\_ Attorney's Name

\_\_\_\_\_ Attorney's Signature

**COURT'S FINDINGS AND ORDER**

The Court, having reviewed this form, together with any attachments, and having questioned the defendant concerning the defendant's constitutional and statutory rights, finds that the defendant understands those rights and that the defendant expressly, knowingly, voluntarily, and intelligently waived those rights. The Court finds that 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 finds there is a factual basis for the plea(s) and admission(s). The Court accepts the plea(s) and admission(s) and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

\_\_\_\_\_ Date

\_\_\_\_\_ Judge