

SUPERIOR COURT OF CALIFORNIA, COUNTY OF NAPA	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA  v.  DEFENDANT:	
<b>PLEA FORM</b>	CASE NUMBER:

**INSTRUCTIONS:** Fill out this form if you wish to plead guilty or no contest (or admit a violation of probation). Initial the box for each item that applies to you, but only if you understand it, and sign and date the form on page 3. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

**YOU MUST READ AND INITIAL SECTIONS 1, 2, AND 3**

- 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, by a preponderance of the evidence standard, if I violated conditions of my probation.) I have a right, through my counsel, to participate in jury selection. 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.

**Penalty For Charges I Am Pleading Guilty Or No Contest To (Or Admitting Special Allegation(s), Enhancement(s), or A Violation Of Probation To)** - I understand the possible consequences of my plea(s) include the following:

<b>INITIALS</b>
1.

Count No.	Charge (code & section no.)	Minimum Penalty (jail & fine)	Maximum Penalty (jail & fine)
Other Consequences			
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Other Consequences			

**I understand** that in addition to the base fine, I will have to pay various legislatively imposed penalties, fees, and assessments. Such penalties, fees, and assessments will exceed 3 times the amount of the base fine.

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

INITIALS
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2. **Immigration Consequences** - I understand that if I am not a United States citizen, a plea of guilty or no contest could result in my deportation, exclusion from admission to this country, or denial of naturalization.
3. **I understand** if I am sentenced to county jail pursuant to Penal Code § 1170(h), a portion of my term may be suspended and, upon release from jail, I may be placed on mandatory supervision. If I violate any of the terms and conditions of my mandatory supervision, I could be returned to county jail for up to the remainder of my suspended jail term.  
**I understand** that I may be ordered to pay restitution to the victim(s), if any. I may request a hearing.  
**I understand** that I will be ordered to pay a restitution fine. The fine is \$150 to \$1,000 for one or more misdemeanors and \$300 to \$10,000 for one or more felonies (if I am sent to prison or to county jail pursuant to Penal Code § 1170(h), I will pay an additional, identical restitution fine which will be suspended unless parole or community supervision is revoked).  
**I stipulate** there is a factual basis for my plea(s) in the police report.  
**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 unless the offense is a felony.  
**I understand** the nature of the charge(s) against me and the possible pleas and defenses.  
**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.  
**I declare** I am of sound mind and I am not under the influence of alcohol, drugs, or medication of any kind.  
**I hereby** freely and voluntarily (circle one):

PLEAD GUILTY                       PLEAD NO CONTEST                       ADMIT A VIOLATION OF PROBATION

to the charges listed in section(s) 1 (and 11).

**INITIAL SECTIONS 4 THROUGH 18 ONLY IF THEY APPLY TO YOUR CASE**

4. **Plea Bargain** - The following promises have been made to me as a condition of my plea(s). No other promises have been made. I understand that if the Court refuses to follow this plea bargain then I will be allowed to withdraw my plea(s) of guilty or no contest and enter a not guilty plea.

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5. **Harvey Waiver** - I understand that ordinarily dismissed charges cannot be considered by the Court in deciding punishment for this case, or in ordering victim restitution. I agree the Court can consider the following dismissed charges when I am sentenced in this case and may order restitution for them:

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List Counts and/or Cases Dismissed

6. **Right To A Preliminary Hearing** - I understand that I have a right to a preliminary hearing if I am charged with a felony. I give up my right to a preliminary hearing.
7. **Parole Period** - I understand that if I am sent to state prison, I will be placed on parole or local community supervision when released. The maximum parole period is for the remainder of my life if I am sentenced to a life term for first or second degree murder. The maximum parole period is ten years if I am sentenced for an offense specified in paragraph (3), (4), (5), (6), (11), (15), (16), or (18) of Penal Code § 667.5(c), or if I receive a life term under Penal Code §§ 209(b), 269, 288.7, 667.51, 667.61, or 667.71. The maximum parole period is five years if I am sentenced to a life term for any other offense. The maximum parole period or local community supervision is three years in all other cases.
8. **Mandatory Registration** - I understand that I will be required to register as a (circle one):  
 GANG OFFENDER                       SEX OFFENDER                       DRUG OFFENDER                       ARSON OFFENDER  
with the police or sheriff of any city or county where I live, if I am sentenced or granted probation.
9. **Presumptive State Prison** - I understand that I will not be eligible for probation unless the Court finds my case involves unusual circumstances.
10. **Mandatory State Prison** - I understand that I will not be eligible for probation.
11. **Attachment One (Additional Charges)** lists additional charges I am pleading guilty or no contest to.
12. **Attachment Two (DUI Offenses)** contains additional consequences.

INITIALS
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13. **Attachment Three (Suspended License)** contains additional consequences.
14. **Firearms** - I understand that I am prohibited from owning, purchasing, receiving, possessing, or having in my custody or control any firearms, ammunition, and ammunition feeding devices (including, but not limited to, magazines) and am required to relinquish all firearms pursuant to Penal Code section 29810.
15. **Arbuckle Waiver** - I understand that I may have a right to be sentenced by the judge who accepts my plea(s). I give up that right and agree to be sentenced by another judge.
16. **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.
17. **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.
18. **Appeal** - I understand I have the right to appeal the judgment of the court by filing a notice of appeal with the clerk of this court within 30 days of the day I am sentenced for a misdemeanor and within 60 days of the day I am sentenced for a felony. I am entitled to a free lawyer and transcript on appeal.

**DEFENDANT'S STATEMENT**

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

**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). I join in the waivers, stipulate there is a factual basis in the police report, and consent to the plea(s).

\_\_\_\_\_ Date

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

\_\_\_\_\_ Attorney'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 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