

SUPERIOR COURT OF CALIFORNIA COUNTY OF MERCED	Reserved for Clerk's File Stamp
PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT	
FELONY ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM	CASE NUMBER
	INITIALS
1. I stipulate to a court commissioner and/or temporary judge until final determination of the cause.	
2. Right to an attorney: I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but at the conclusion of my case, I might be ordered to pay all or part of the costs of that representation based on my ability to pay. I understand that there are dangers and disadvantages of giving up my right to an attorney, and that it is almost always unwise to represent myself.	
3. I have had enough time to discuss my case with my attorney. My attorney has explained the elements of the charged offenses, as well as the elements of any enhancements and allegations against me. I have told my attorney all the facts that are known to me about my case. We have discussed my constitutional and statutory rights, the waiver of those rights, any possible defenses relating to the charges, enhancements, and allegations and any possible consequences of this plea.	
4. Right to a Court or Jury Trial: I understand I have a Constitutional right to a speedy and public trial by the Court, or by a jury of 12 citizens selected from the community where I would participate in the selection of the jurors. At the trial, I would be presumed innocent, and I could not be convicted unless the Court or all 12 jurors were convinced of my guilt beyond a reasonable doubt. I give up my right to a jury trial and a trial before a judge.	
5. Right to confront and cross-examine witnesses: I understand I have the right to confront and cross-examine all witnesses against me. I give up my right to confront and cross-examine witnesses.	
6. Right to produce evidence: I understand that I have the Constitutional right to have the Court use its power to subpoena witnesses and documents on my behalf and to present evidence, at no cost to me. I give up the right to compel the attendance of witnesses and production of evidence. I give up the right to call witnesses on my behalf.	
7. Right against self-incrimination: I understand that I have a right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, or by admitting prior conviction(s) or probation violation(s), I am incriminating myself. I give up my right to remain silent and to not incriminate myself.	
8. Preliminary Examination: I understand I have the right to a preliminary hearing to determine if there is probable cause to order me to stand trial on these charges. If applicable – I give up this right.	
9. I waive and give up the above constitutional and statutory rights as to the charges I am pleading guilty/ no contest to. I also waive and give up the above constitutional and statutory rights as to the enhancements and allegations that I am admitting, including any prior prison, serious felony, or prior conviction allegations. Having waived the above rights, I intend to enter a plea of guilty/no contest to the following charge(s) (include all charges, prior convictions, and enhancements to which a plea or admission will be made): <div style="display: flex; justify-content: space-around; margin-top: 10px;"> CODE SECTION SENTENCE RANGE </div> <hr style="width: 80%; margin: 5px auto;"/> <hr style="width: 80%; margin: 5px auto;"/> <hr style="width: 80%; margin: 5px auto;"/> <hr style="width: 80%; margin: 5px auto;"/> <hr style="width: 80%; margin: 5px auto;"/> <hr style="width: 80%; margin: 5px auto;"/> <hr style="width: 80%; margin: 5px auto;"/> <hr style="width: 80%; margin: 5px auto;"/>	
10. I understand that the maximum possible sentence if convicted of all counts and enhancements charged in the Complaint or Information is _____.	

<p>11. Penal Code § 1170(h) County Jail Cases: I understand that the maximum sentence of imprisonment in county jail that I can receive pursuant to Penal Code § 1170(h) is _____. I understand that if I am sentenced to county jail pursuant to Penal Code §1170(h), a portion of my term may be suspended and, upon my release from jail, I may be placed on Mandatory Supervision. If I violate any of the terms or conditions of Mandatory Supervision, I could be returned to county jail for up to the remainder of my suspended term. In exchange for my plea of guilty/no contest, I will receive a split sentence of _____ in county jail (Pen. Code, § 1170(h)) with the execution of _____ suspended during which time I will be subject to the conditions of Mandatory Supervision.</p>	
<p>12. I understand that I may be eligible for conviction relief pursuant to Penal Code § 1203.425, have the right to petition the Court for expungement in accordance with Penal Code § 1203.41, and may apply for a certificate of rehabilitation and pardon in accordance with the Penal Code §§4800, et seq.</p>	
<p>13. Restitution: I understand that I may be ordered to make restitution and to pay a restitution fine of \$150 to \$1,000 for a misdemeanor, or \$300 to \$10,000 for a felony, unless the Court finds compelling and extraordinary reasons not to impose the fine, and that if I went to prison, I could be ordered to pay another fine not exceeding \$10,000 (\$20,000 on drug cases). Depending on my ability to pay, I will also be required to pay for the cost of my placement in treatment and supervision services to the Courts and Probation. I understand that I may be ordered to pay restitution to the victim(s).</p>	
<p>14. I understand that if I receive a state prison term, I will be placed on parole or Post Release Community Supervision (PRCS) after completing the term. The maximum term of parole or PRCS in my case is _____. If I violate any terms of parole and am a nonlifer parolee, I could be returned to prison for up to 180 days for each violation. If I violate any terms of parole and I am a lifer parolee, I could be returned to state prison for life. If I violate any of the terms of PRCS, I could be incarcerated in county jail for up to 180 days for each violation.</p>	
<p>15. Probation: I understand that as a result of this plea, I will be placed on felony probation. I further understand that if I am placed on probation and later violate the terms of that probation, I can be sentenced to prison for one of the terms referred to in No. 9.</p>	
<p>16. Firearms: I understand that as a result of my plea, I am prohibited from owning, purchasing, receiving, possessing, or having under my custody or control, any firearms, body armor, ammunition, and ammunition feeding devices, including but not limited to magazines, for life.</p>	
<p>17. Sex Registration: I understand that pursuant to Penal Code § 290, I must register as a sex offender for life with law enforcement in the jurisdiction in which I live, that failure to do so would constitute a Felony, and that I may be eligible to petition the Court to have the registration requirement terminated after the mandated minimum registration period expires and other criteria are met.</p> <p>SVP: I understand I may be subject to screening by the State Department of State Hospitals to determine whether I qualify for trial as a sexually violent predator, which could result in my being committed to a secure medical facility indefinitely.</p>	
<p>18. Registration: I understand that I will be required to register with the local police agency or sheriff's department in the city where I reside as a/an: <input type="checkbox"/> Arson Offender or <input type="checkbox"/> Gang Member.</p>	
<p>19. Theft Advisement: I understand that a misdemeanor theft offense can be charged as a felony if I have two or more prior theft convictions, including but not limited to, violations of Penal Code sections 488, 459, 459.5, 487, 530.5, 368(d), 211, 496 or 215. I could be sentenced to up to three years in county jail or state prison if charged and convicted of a felony theft offense. I further understand that an additional three-year sentence can be imposed for felony theft conviction if the offense was committed with three or more people.</p>	
<p>20. Narcotics Murder Advisement: Pursuant to Health and Safety Code section 11369, you are hereby advised that it is extremely dangerous and deadly to human life to illicitly manufacture, distribute, sell, furnish, administer, or give away any drugs in any form, including real or counterfeit drugs or pills. You can kill someone by engaging in this conduct. All drugs and counterfeit pills are dangerous to human life. These substances alone, or mixed, kill human beings in very small doses. If you illicitly manufacture, distribute, sell, furnish, administer, or give away any real or counterfeit drugs or pills, and that conduct results in the death of a human being, you could be charged with homicide, up to and including the crime of murder, within the meaning of Section 187 of the Penal Code.</p>	
<p>21. I understand that I will be ineligible for cash aid under the Welfare laws, and that family members who live with me will be restricted in their Welfare benefits.</p>	
<p>22. Immigration: If you are not a citizen of the United States, you are hereby advised that a 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 this. I have had sufficient time to discuss the potential immigration consequences of my plea with my attorney, and I am willingly, knowingly, and voluntarily choosing to enter my plea of guilty or no contest, rather than go to trial.</p>	

<p>23. I understand that my guilty or no contest plea in this case may be grounds for violating probation, mandatory supervision, post-release community supervision or parole, which has previously been granted to me in any other case.</p>	
<p>24. I am not under the influence of any drugs, alcohol, or medication.</p>	
<p>25. There is a factual basis for my plea and the Court may consider any report or transcript in the file in finding there is a factual basis for my plea.</p>	
<p>26. I understand the following additional consequences of my plea:</p> <p>_____</p> <p>_____</p>	
<p>27. The following promises have been made to me in return for my plea:</p> <p>_____</p> <p>_____</p>	
<p>28. I am freely and voluntarily entering a plea; no one has threatened me or anyone close to me to make this plea. No one has made any other promises to me not discussed on this form, such as a lighter sentence, reward, immunity, or any advantage to me or anyone else which has caused me to change my plea.</p>	
<p>29. I hereby freely and voluntarily plead: _____</p> <p style="text-align: center;">GUILTY OR NO CONTEST</p> <p>To the felony charge(s) of:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>I understand a plea of no contest has the same legal effect as a plea of guilty.</p>	
<p>30. I hereby admit as true the allegations of:</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>31. I hereby admit as true the aggravating factors of:</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>32. Strike consequence (if applicable):</p> <p>_____</p>	
<p>33. Priorable: I understand I am pleading guilty or no contest to a crime which can be used against me if I am convicted of a crime in the future to increase my punishment, prevent me from receiving a grant of probation, or require that a sentence be served in state prison.</p>	
<p>34. Appeal Waiver: I hereby waive and give up all rights regarding state and federal writs and appeals. This includes, but is not limited to, the right to appeal my conviction, the judgment and any other orders previously issued by this court. I agree not to file any collateral attacks on my conviction or sentence at any time in the future.</p>	
<p>35. I understand that if I am convicted of a felony, I have the right to be sentenced within 20 judicial days. If I am convicted of a misdemeanor, I have a right to be sentenced no sooner than 6 hours and no longer than 5 days from the time I enter my plea. I give up this right.</p>	
<p>36. P.C. 2933.1/667.5(c): I understand that if sentenced to prison, I shall accrue no more than 15 percent of work time credits or, if sentenced to a period of confinement in the county jail, the maximum credits that may be earned against such a period of confinement following arrest and prior to placement in the custody of the Department of Corrections shall not exceed 15 percent of the actual period of confinement.</p>	
<p>37. Arbuckle Waiver: I understand that I have the right to be sentenced by the same judge or court commissioner who takes my plea. I give up that right and agree that any judge or court commissioner may sentence me.</p>	
<p>38. Harvey Waiver: The sentencing Judge may consider the entire factual background of the case, including any dismissed or stricken charges, allegations, or cases, and any charges the District Attorney agrees not to file, when granting probation, ordering restitution, or imposing sentence.</p>	
<p>39. Domestic Violence: I understand that a subsequent conviction of Penal Code section 273.5 will carry increased penalties.</p>	
<p>40. I have been advised that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving, someone is killed, I can be charged with murder.</p>	

DEFENDANT’S STATEMENT

I have personally read and initialed each of the above items that apply to my case. I have discussed these items with my attorney and my attorney has answered all of the questions I have about this plea. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, the possible defenses, and the effects of any prior convictions, enhancements, and allegations have been explained to me. I understand each of the rights outlined above, and I give up each of them as to the charged offenses, as well as any enhancements and allegations, to enter my plea.

SIGNATURE OF DEFENDANT

DATE

ATTORNEY’S STATEMENT

I am the attorney of record for the defendant. I have reviewed this form with my client. I have explained each of the defendant’s rights to the defendant and answered all of the defendant’s questions with regard to this plea. I have also discussed the facts of the defendant’s case with the defendant, and explained the consequences of this plea, including the immigration consequences, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant’s decision to waive his or her constitutional rights, and I stipulate that there is a factual basis for this plea.

SIGNATURE OF DEFENDANT’S ATTORNEY

DATE

PROSECUTING ATTORNEY’S STATEMENT

I stipulate there is a factual basis for this plea and further, if applicable, the People waive their right to a preliminary hearing. I have reviewed this plea form and do not believe any further statement of consequences or advisement of rights are necessary.

SIGNATURE OF PROSECUTING ATTORNEY

DATE

INTERPRETER’S STATEMENT (if applicable)

I, _____, declare that I made a true translation of this document in its entirety to the defendant in a language that they understand.

Language: Spanish Other (specify): _____

SIGNATURE OF COURT INTERPRETER

#

TYPE OR PRINT NAME

DATE

COURT’S FINDINGS AND ORDER

The Court, having reviewed this form and having questioned the defendant or their attorney concerning the defendant’s constitutional rights and the defendant’s admission of prior conviction(s) and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly, and intelligently waived their constitutional rights. The Court finds that the defendant’s plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant’s plea(s), the defendant’s admission of prior conviction(s) and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

(If applicable) I find the defendant guilty of any felony to which the defendant has entered a plea of no contest.

JUDICIAL OFFICER OF THE SUPERIOR COURT

DATE

Temporary Judge of the Superior Court