

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF MERCED</b> <input type="checkbox"/> Superior Courts Building 2260 N Street Merced, CA 95340 (209) 725-4100 <input type="checkbox"/> Los Banos Division 1159 G Street Los Banos, CA 93635 (209) 725-4124		<i>Reserved for Clerk's File Stamp</i>
People of the State of California  v.  Defendant:		
<b>MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM</b>		Case No.
<b>INITIALS</b>	<b>DECLARATIONS</b>	
	1.	By placing my initials in the space to the left, I declare I fully understand each declaration and waiver.
	2.	I stipulate to a court commissioner acting as temporary judge until final determination of the cause.
	3.	I have been informed of the charge(s)/enhancement(s) against me, and each charge/enhancement was fully explained to me by my attorney or the judge, and I understand the nature and the possible consequences of the charge(s)/enhancement(s).
	4.	<b>Right to an attorney:</b> 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 end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford it. 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.
	5.	I have had enough time to discuss my case and all possible defenses with my attorney. My attorney has explained the elements of the charged offense(s), any enhancement(s) and/or allegation(s) against me. I have told my attorney all the facts that are known to me about my case and we have discussed my rights, waiver of those rights, and all possible consequences of this plea.
	6.	<b>[Leave blank if you have an attorney]</b> I am proceeding without an attorney though the Court has advised me of the dangers of doing so.
	7.	<b>Right to a jury trial:</b> I understand I have a constitutional right to a speedy trial by the court or jury open to the public. I must be tried within 30 days of my arraignment if I am in custody or within 45 days if I am not in custody. I understand that a jury is composed of twelve members of the community, that I may participate in the selection of jurors, and that the verdict of the jury must be unanimous.
	8.	<b>Right to confront and cross-examine witnesses:</b> I understand that I have the right to confront and cross-examine all witnesses testifying against me.
	9.	<b>Right against self-incrimination:</b> I understand that I have the 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 admitting prior conviction(s) or probation violation(s), I am incriminating myself.
	10.	<b>Right to produce evidence:</b> 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.
	11.	<b>Parole/Probation:</b> I understand that if I am now on parole, post-release community supervision, mandatory supervised release, or probation, my plea of guilty or no contest will constitute a violation of my probation.
	12.	<b>Immigration:</b> I understand that if I am not a citizen of the United States, a conviction of the offense(s) to which I am pleading guilty or no contest will have the consequences of deportation (removal), exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. 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.
	13.	I understand that I have a right to wait a minimum of 6 hours, and up to 5 days, to be sentenced after entering my plea. However, I understand the Court may extend this time if it orders a pre-sentencing probation report.
	14.	I understand that a plea of no contest has the same effect as a plea of guilty in this proceeding, but may not be used against me in a civil action out of this incident.
<b>INITIALS</b>	<b>WAIVER OF RIGHTS</b>	
	15.	I understand the word "waive" means that I give up the rights I have.
	16.	<b>[Leave blank if you have an attorney]</b> I hereby waive my right to have an attorney represent me.
	17.	I hereby waive my right to a jury trial and my right to a court trial.
	18.	I hereby waive my right to confront and cross-examine any witnesses against me.
	19.	I hereby waive my right to have witnesses and documents subpoenaed on my behalf and my right to present evidence.
	20.	I hereby waive my right to remain silent and to not incriminate myself.
	21.	I hereby waive time for sentencing so the Court may sentence me now.
<b>INITIALS</b>	<b>ENTRY OF PLEA</b>	
	22.	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, such as a lighter sentence, reward, immunity or anything not discussed in this form.
	23.	I am not under the influence of any drugs, alcohol, or medication.
	24.	I freely and voluntarily plead guilty or no contest to:  _____
	25.	I admit my prior conviction(s):

	26.	I understand the charge(s) carry a maximum of _____ in county jail.
	27.	I understand that in addition to the fine imposed, the law requires the Court to add assessments which will increase the amount I must pay. I understand that I may also be ordered: (1) to make restitution to the victim, if the offense involved a victim, or to a Restitution Fund and/or battered women's shelter; and (2) to pay the expenses incurred by a public agency which responded to any incident caused by my vehicle at the time of my arrest.
	28.	<b>Factual Basis:</b> I admit the facts as stated in the police report constitute a factual basis for my plea.
	29.	<b>Arbuckle Waiver:</b> 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.
	30.	<b>Harvey Waiver:</b> The sentencing judge or court commissioner may consider the entire factual background of the case, including any dismissed or stricken charges or allegations or cases, and any charges the District Attorney agrees not to file, when granting probation, ordering restitution or imposing sentence.
	31.	<b>Domestic Violence:</b> I understand that a subsequent conviction of Penal Code section 273.5 will carry increased penalties.
	32.	I understand that I will have to attend and complete a batterer's treatment program.
	33.	<b>Sex Registration:</b> I understand that, pursuant to Penal Code Section 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 crime, 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.
	34.	<b>Narcotics Registration:</b> I understand that I must register as a controlled substance offender pursuant to Health and Safety Code section 11590. Failure to do so would constitute a misdemeanor.
	35.	<b>Firearms:</b> I understand that I am prohibited from owning, purchasing, receiving, possessing, or having under my custody or control any firearms, ammunition, and ammunition-feeding devices, such as a magazine or a speed-loader, for a period of ten (10) years.
	36.	Other consequences:

#### **DEFENDANT'S STATEMENT**

I have read or have had this form read to me. I understood all items above and personally initialed each item that applies to my case. I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

\_\_\_\_\_  
Date

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

#### **ATTORNEY'S STATEMENT**

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

\_\_\_\_\_  
Date

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

#### **INTERPRETER'S STATEMENT (if applicable)**

I, \_\_\_\_\_, having been duly sworn or having a written oath on file, certify that I truly interpreted this form to the defendant in the \_\_\_\_\_ language. The defendant stated that he/she understood the contents in the form and then he/she initialed and signed the form.

\_\_\_\_\_  
Date

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

# \_\_\_\_\_

#### **PROSECUTING ATTORNEY'S STATEMENT**

I stipulate there is a factual basis for this plea. I have reviewed this plea form and do not believe any further statement of consequences or advisement of rights are necessary. If applicable, I stipulate to a court commissioner acting as temporary judge until final determination of the cause.

\_\_\_\_\_  
Date

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

#### **COURT'S FINDINGS AND ORDER**

The Court, having reviewed this form and having questioned the defendant, finds that (a) the defendant has read or has had this form read to him/her and understands each of the initialed terms on this form; (b) the defendant understands the nature of the crimes and allegations listed and the consequences of the plea and any admissions; (c) the defendant expressly, knowingly, understandingly, and intelligently waives his/her constitutional and statutory rights; and (d) the defendant's plea, admissions, and waiver of rights are made freely and voluntarily and there is a factual basis for the plea.

The Court accepts the defendant's plea, admissions, and waiver of rights and the defendant is hereby convicted based thereon.

It is ordered that this document be filed with the Court's records of this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this Court.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of the Court