

<b>Superior Court of California, County of El Dorado</b> <input type="checkbox"/> 2850 Fairlane Court Placerville, CA 95667		<input type="checkbox"/> 1354 Johnson Blvd. South Lake Tahoe, CA 96150		For court use only
Case Name:				
Citee:				
WAIVER OF CONSTITUTIONAL RIGHTS FOR ENTRY OF GUILTY OR NO CONTEST PLEA			Case Number:	
<b>INSTRUCTIONS</b>				
Initial the box for each applicable item only if you understand and agree with it. Please sign and date your name on page 2. If you have any questions about this plea, your case or what will happen based upon your plea, please ask your attorney or the Judge/Commissioner. Do not initial and sign this document unless you understand it.				

I declare the following:

- \_\_\_\_\_ 1. My name as listed above is true, complete and accurate.
- \_\_\_\_\_ 2. I am not under the influence of anything which impairs my ability to understand this contempt proceeding.
- \_\_\_\_\_ 3. I am pleading **GUILTY** or **NO CONTEST** (circle one) to the offense(s) and admit prior conviction(s) listed below. I understand that a **NO CONTEST** plea will be treated like a **GUILTY** plea and I will be sentenced as if I pled **GUILTY**.

Counts	Charge (code section & description)	Priors	Maximum Consequences
	CCP section 1209(a)(5) Noncompliance with lawful order or judgment	None	\$1000 fine and/or 120 hours' community service or five days imprisonment for each count. CCP1218(c)(1)
	CCP section 1209(a)(5) Noncompliance with lawful order or judgment	1	\$1000 fine and/or 120 hours' community service or five days imprisonment for each count. CCP1218(c)(2)
	CCP section 1209(a)(5) Noncompliance with lawful order or judgment with 2 or more prior conviction(s)	2 or more	\$1000 fine and/or 240 hours' community service or ten days imprisonment for each count. CCP1218(c)(3)

- \_\_\_\_\_ 4. The only promises made in exchange for my plea are: (Leave blank if no promises made)
- \_\_\_\_\_ 5. I understand that in the future, the Court may modify the terms of this order upon a showing of changed circumstances or non-compliance with a previous order, finding and/or purging condition.
- \_\_\_\_\_ 6. I am entering this plea freely and voluntarily. No one has placed any pressure on me or threatened me or anyone close to me to obtain this plea of **GUILTY** or **NO CONTEST**.

- \_\_\_\_\_ 7. I understand that if I am currently on probation for another matter, this conviction could be considered a violation of that probation and I could be given a separate and additional sentence in that case.
- \_\_\_\_\_ 8. I understand that if I am not a citizen, conviction of the offenses(s) for which I 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 if I request, the Court shall allow me additional time to consider the appropriateness of my plea in light of this advisement.
- \_\_\_\_\_ 9. I understand that I may have other court orders in this case which are outside this contempt proceeding. I understand that if I fail to comply with the other court orders, future contempt actions may be filed.
- \_\_\_\_\_ 10. I admit during the time periods for which I am pleading guilty that: There was a valid Court Order. I had knowledge of the Order. I had the ability to pay some amount towards the ordered support during each of the above months.

**I understand I have the following Constitutional Rights:**

- \_\_\_\_\_ 11. **Right to an attorney** – I understand that I have the right to be represented by an attorney at all court appearances in this action. I understand that I can hire an attorney, and if I cannot afford an attorney, the Court will appoint an attorney for me.
- \_\_\_\_\_ 12. **Right to a court trial** – I understand that I am entitled to a speedy and public court trial on all charges and prior convictions alleged.
- \_\_\_\_\_ 13. **Right to present evidence** – I understand I have the right to present evidence in defense of the pending charges at court trial.
- \_\_\_\_\_ 14. **Right to subpoena witness** – I understand I have the right to have the Court order my witness(es) to attend the court trial at no expense to me.
- \_\_\_\_\_ 15. **Right against self-incrimination** – I understand I have the right to remain silent and require the prosecuting party to prove my guilt beyond a reasonable doubt. I understand that I cannot be compelled to testify by the court, my attorney or the prosecuting party. However, I can testify in my defense if I choose to do so, even if my attorney has advised me not to testify.
- \_\_\_\_\_ 16. **Right to a presumption of innocence** – I understand I have the right to a presumption of innocence until and unless the prosecuting party proves my guilt beyond a reasonable doubt.
- \_\_\_\_\_ 17. **Waiver of Constitutional Right to Court Trial** – I understand my Constitutional rights for a court trial outlined in items 11- 15 above. I am freely and voluntarily waiving these rights. I am waiving my right to a trial.
- \_\_\_\_\_ 18. **Sufficient time** – I have had enough time to speak to my attorney and/or the Court about my Constitutional rights, any defenses to the charges, and the consequences of my plea.

\_\_\_\_\_ 19. **Sentencing:** I understand that I may not be sentenced earlier than six hours or later than five days after my plea.

\_\_\_\_\_ a. I give up this right and agree at this time

OR

\_\_\_\_\_ b. I understand that imposition of sentence will be suspended to \_\_\_\_\_

I declare that the initials which appear on this form are my own and that I have either read or have had each item that I have initialed explained to me so that I understand each declaration and waiver.

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Certificate of Interpreter:** I declare that I interpreted the complete contents of this form from English to

\_\_\_\_\_ in the presence of, and directly to, the citee and that I witnessed the citee initial and sign this document.

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Attorney Statement:** I am the attorney for the above-named citee. I have explained each of the rights to the citee and have discussed the facts, possible defenses to the charge(s), and consequences of a guilty/no contest plea. I concur with his/her waiver of rights and entry of plea. I stipulate that the Court can find a factual basis for this plea, and that this document may be received by the Court as evidence of the citee's waiver of these rights. I have personally witnessed the citee initial and sign this form.

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

### Findings and Orders

The Court finds:

1. Defendant and/or his/her attorney appeared in open court and entered his/her plea and admission(s).
2. Defendant has knowingly, intelligently, and voluntarily waived his/her rights as set forth above.
3. Defendant understands the nature of the charge(s) and the consequences of his/her plea an admission(s).
4. There is factual basis for the plea.
5. Defendant's waivers of his/her rights and his/her plea and admission(s) are free and voluntary.

**IT IS ORDERED THAT:**

1. Defendant's plea and admission(s) be entered.
2. This document be filed and incorporated in the minutes of this case.

**Date:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Judicial Officer**