

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO: FAX NO: EMAIL ADDRESS: ATTORNEY FOR:	STATE BAR NUMBER:       <i>FOR COURT USE ONLY</i>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO</b> <input type="checkbox"/> 495 Main Street, Placerville, CA 95667 <input type="checkbox"/> 1354 Johnson Blvd., South Lake Tahoe, CA 96150	
<b>PEOPLE OF THE STATE OF CALIFORNIA v.</b>  Defendant:	<b>CASE NUMBER</b>
<b>PLEA AND WAIVER—MISDEMEANOR</b>	

**INSTRUCTIONS:**

- Fill out this form only if you want to plead guilty or no contest.
- Read this form carefully. For each item, if you understand and agree with what you read, put your initials in the box to the right of the item. For any item that does not apply to you or that you do not understand, leave the box blank.
- On Page 8, sign and date the form under "DEFENDANT'S STATEMENT."
- Keep in mind that the court cannot give legal advice. If you have any questions about anything in this form, ask your attorney.
- My true full name: \_\_\_\_\_

1. **CHARGES AND MAXIMUM TERM.** I want to plead guilty or no contest ("nolo contendere") to the charges and admit the following prior convictions, enhancements, and allegations listed below. I understand that the minimum and maximum penalties for the charges to which I am pleading guilty or no contest are listed below.

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COUNT	CHARGES (SECTION & DESCRIPTION)	PRIOR CONVICTIONS, ENHANCEMENTS, & ALLEGATIONS (SECTION & DESCRIPTION)	YEARS / MONTHS		TOTAL MAXIMUM TIME
			MINIMUM	MAXIMUM	
<b>AGGREGATE MAXIMUM TIME OF IMPRISONMENT</b>					

Additional count(s)/prior(s) listed on Plea & Waiver Attachment Page (Local Form CR-017A)

2. **PLEA AGREEMENT.** I understand that I must tell the court on this form about any promises anyone has made to me about the sentence I will receive or the sentence recommendations that will be made to the court. My attorney, the court, or the prosecutor has explained to me that if I plead guilty or no contest to the charges and admit the prior convictions, enhancements, and allegations listed above, the court will sentence me as follows:

a. **County Jail** for

(1)  \_\_\_\_\_ years and \_\_\_\_\_ months or

(2)  Other (specify): \_\_\_\_\_

b. **Probation** for \_\_\_\_\_ months under conditions to be set by the court, including:

(1)  \_\_\_\_\_ days in the **county jail** as follows: \_\_\_\_\_ days in county jail and \_\_\_\_\_ days alternatives; or

(2)  \_\_\_\_\_ days in the **county jail**.

(3) Maximum period of probation: \_\_\_\_\_ months

I understand that a violation of any of the conditions of probation, including failure to complete a drug education or treatment program, if ordered by the court, may cause the court to send me to **county jail** for up to the "**Aggregate Maximum Time of Imprisonment**" specified in item 1.

**c. Proposition 36 Drug Cases – Deferred Entry of Judgment**

I understand that judgment and sentencing will be deferred for a minimum of 12 months and up to a maximum of 24 months.

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In addition to a substance abuse treatment program, the Court may also order that I complete Mental Health treatment, job training, or other programs the Court finds appropriate.

I agree to waive any issue of confidentiality and understand the treatment program(s) will report any violations, failures, or other issues to the Court.

I understand that for any time spent in a residential treatment program, I will receive credit for only actual days spent in the program and will not receive any conduct credits pursuant to Penal Code Section 4019.

I understand that if I fail to successfully complete a drug treatment program, or other program, as ordered by the Court, it may cause the court to find me unamenable to treatment, terminate Proposition 36 conditions, and sentence me up to the maximum aggregate time of imprisonment or place me on a grant of probation.

I understand I have a right to a hearing to determine if I have violated any terms or conditions prior to the Court finding me unamenable to treatment.

I further understand that while participating in Proposition 36 treatment program(s), I will be on Pre-Trial Release Supervision through the Probation Department and subject to specific terms and conditions including testing and search and seizure.

I agree to waive time for judgment and sentencing.

I understand that if I successfully complete the terms and conditions of treatment as ordered by the Court, I will be allowed to withdraw my plea, the charge(s) will be dismissed, and the arrest will be deemed to have never occurred.

**d. Open Plea**

I understand the maximum and minimum sentences for the charges, enhancements, and allegations stated on page 1. No one has made any other promises to me about what sentence the court may order.

**e. Restitution, Statutory Fees, and Assessments**

I understand that the court will order me to pay the following amounts (if an amount is not yet known, "TBD" for "to be determined" is entered next to the \$); I must prepare financial disclosure statements to assist the court in determining my ability to pay; and refusal or failure to prepare the required financial disclosure statements may be used against me at sentencing:

- (1)  \$ \_\_\_\_\_ to the Victim Restitution Fund (\$150-\$1000) PC1202.4(b)
- (2)  \$ \_\_\_\_\_ restitution to actual victims, name(s): \_\_\_\_\_
- (3)  \$ \_\_\_\_\_ restitution to the State of California, Victim of Crime Fund
- (4)  \$ \_\_\_\_\_ criminal lab analysis fee (\$195 per count) HS11372.5
- (5)  \$ \_\_\_\_\_ court operations assessment (\$40 per count) PC1465.8
- (6)  \$ \_\_\_\_\_ court facilities assessment (\$30 per count) GC70373
- (7)  \$ \_\_\_\_\_ base fine plus any applicable penalties, assessments, and surcharges
- (8)  \$ \_\_\_\_\_ domestic violence fund fee PC1203.097(a)(5) (\$500)
- (9)  \$ \_\_\_\_\_ other (specify): \_\_\_\_\_
- (10)  \$ \_\_\_\_\_ other (specify): \_\_\_\_\_
- (11)  Court reserves jurisdiction over issue of restitution.
- (12)  An (additional) amount to be determined by the court at sentencing or such other hearing as the court may set

**f. Dismissal of Other Counts**

I understand that as part of this plea agreement bargain, the following counts will be dismissed after sentencing:

I understand and agree that the sentencing judge may consider facts underlying dismissed counts to determine restitution and to sentence me on the counts to which I am entering a plea. (**Harvey Waiver**)

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g. **Other Terms (specify):** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**3. CONSEQUENCES OF MY PLEA**

**a. No Contest (“Nolo Contendere”) Plea**

I understand that a no contest plea is the same as pleading guilty and that if I plead no contest, I will be convicted and my no contest plea could be used against me in a civil case.

**b. Effect of Conviction on Other Cases**

I understand that a conviction in this case may constitute a violation of any other current grant of parole, mandatory supervision, postrelease community supervision, or probation in any other case and that I may receive additional punishment as a result of that violation.

**c. Registration**

I understand that I will be required to register with the local police agency or sheriff’s department in the city or county in which I reside as

- (1)  a gang member (PC 186.30)
- (2)  a sex offender (lifelong requirement) (PC 290)
- (3)  Other (specify): \_\_\_\_\_

and that if I fail to register or to keep my registration current for any reason, new felony criminal charges may be filed against me.

**d. Drug Charges**

I understand that I am pleading to a violation of Health and Safety code section 11350, 11377, or 11395 and that this conviction is priorable and may be used to enhance or increase a similar charge in the future.

**e. Driving Under the Influence Charges**

I understand that if I am charged with violating Vehicle Code section 23152, 23153, 23103, as specified in Vehicle Code section 23103.5, this conviction is priorable and may be used to enhance or increase a similar charge in the future.

I understand that my privilege to drive a motor vehicle may be revoked or suspended by the court, or the California Department of Motor Vehicles, and my vehicle may be ordered forfeited if it was involved in the offense. The DMV may restrict, suspend, or revoke my license under a procedure which is separate from this criminal action. The DMV’s action, if any, will be in addition to the court’s sentence and I must obey it. I understand that the DMV may consider any of my other convictions for DUI or reckless driving, even those that are not charged in this proceeding, and may impose a more severe license suspension or revocation as a result.

I understand my driving privilege will be revoked for 4 years by the DMV if I have a prior felony conviction for a violation of Vehicle Code section 23152, 23153 or Penal Code sections 191.5(b) or 192(c)(1) in the past 10 years, or for any conviction within 10 years of Penal Code sections 191.5(a) or 192.5(a). This privilege will not be reinstated until I complete an 18-month DUI program and file proof of financial responsibility.

I understand that if convicted of Vehicle Code section 23152 or 23153 with two or more priors (third offense) I will be designated as a habitual traffic offender for a period of 3 years pursuant to Vehicle Code § 23546(b). I must surrender my license to the court (VC23548(a)(2)). I understand my driving privilege will not be reinstated until I complete an 18-month DUI program as determined by the Department of Motor Vehicles and file proof of financial responsibility.

The court may independently order my license revoked for 10 years if I have been convicted of three or more separate violations of Vehicle Code section 23152 or 23153 (VC23597(a)).

The DMV will prevent me from operating a commercial vehicle for one year upon a first DUI conviction in any vehicle, or if I willfully refuse to submit to or complete a chemical test to determine blood-alcohol content. A second or subsequent DUI conviction in any vehicle or subsequent refusal will result in the DMV issuing a lifetime ban on my right to drive a commercial vehicle.

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If I was under the age of 21 at the time of my arrest, my driver's license will be suspended for 1 year, and I must surrender my license to the court. If I do not have a valid driver's license, the court will order the DMV to delay issuing a license to me for 1 year after I become eligible to drive (VC § 13202.5). INITIALS  
 

I understand that if I am charged with violating Vehicle Code section 23103, as specified in Vehicle Code section 23103.5, or Vehicle Code sections 23152 or 23153, I may be required to pay expenses incurred by a public agency which responded to any incident caused by my vehicle at the time of arrest (GC § 53150).

I understand that if my blood-alcohol content was .15 percent or more, or if I refused to take a chemical test, the court shall consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation (VC § 23578).

I understand that if I am the registered owner of the vehicle used in the offense:

- (1) Upon my first conviction, the court may impound my vehicle at my expense for up to 30 days (VC23594(a));
- (2) Upon my second conviction within 5 years, the court shall impound my vehicle at my expense for up to 30 days, unless it is determined that it is in the interest of justice not to do so (VC23594(a));
- (3) Upon my third conviction within 5 years, the court shall impound my vehicle at my expense for up to 90 days, unless it is determined that it is in the interest of justice not to do so (VC23594);
- (4) The court may declare my vehicle to be a nuisance and order it sold following a hearing if I have two or more prior convictions for driving under the influence, vehicular manslaughter (PC § 191.5 or 192(c)(3)), or any combination thereof, in the past seven years. My vehicle will also be subject to forfeiture as a nuisance if I am convicted of a second or subsequent violation of driving with a suspended or revoked license (VC § 14601 et seq.) or driving without a license (VC § 12500(a)).

For a first offense involving alcohol, I understand that the court shall require the installation of a functioning, certified ignition interlock device on any vehicle owned or operated by me for a period not to exceed 6 months (VC23575.3(a), (h)(1)(A)).

For a second offense involving alcohol, I understand that the court shall require the installation of a functioning, certified ignition interlock device on any vehicle owned or operated by me for a mandatory period of 1 year (VC23575.3(a), (h)(1)(B)).

For a third offense involving alcohol, I understand that the court shall require the installation of a functioning, certified ignition interlock device on any vehicle owned or operated by me for a mandatory period of 2 years (VC23575.3(a), (h)(1)(C)).

If I am required to install an ignition interlock device, I understand I must provide proof I installed the device to the Court and DMV within 30 days of my conviction, or my release from jail or prison, or the DMV shall revoke my license for an additional year. Also, the court shall suspend my license and issue an arrest warrant if I fail to comply with any notice to (1) install the device, (2) report on the operation of the device, or (3) maintain or calibrate the device on three or more occasions.

I understand that in addition to the fine, the Court will add assessments which will significantly increase the amount I must pay.

I understand that if I am placed on probation, it is unlawful for me to drive with a blood alcohol level of .01 percent or higher and that my license will be suspended by the DMV for up to one year if I do so.

<b>SENTENCE FOR RECKLESS DRIVING (ALCOHOL AND/OR DRUGS) (VC23103, 23103.5)</b>		
Offense	Minimum and Maximum Sentences	Other
Reckless driving reduced from driving under the influence.	If probation is not granted, 5 days to 90 days in jail or \$145 to \$1000 fine, or both.	Because alcohol or drugs are involved, this conviction will act as a separate conviction for driving under the influence (DUI) if I commit a subsequent DUI offense within 10 years.

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<b>SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152)</b>		
<b>Offense</b>	<b>Minimum and Maximum Sentences When Probation is Granted (3 To 5 Year Probation Term)</b>	<b>Minimum and Maximum Sentences without Probation</b>
<b>First offense</b> within 10 years	The Court may order a jail term of 48 hours to 6 months in jail. It will impose a fine of \$390 to \$1000 and order me to complete a 3-month alcohol/drug treatment program. If my blood alcohol content was .20% or more, or if I refused a chemical test upon my arrest, I must complete a 9-month treatment program. The DMV will also impose a 6-month driver's license suspension, or a 10-month suspension if a 9-month treatment is required.	96 hours to 6 months in jail and a \$390 to \$1,000 fine. The DMV will impose a 6-month driver's license suspension.
<b>Second offense</b> within 10 years	A jail term of either: (a) 10 days to 1 year, or (b) 96 hours to 1 year, a \$390 to \$1000 fine, and completion of an 18-month alcohol/drug treatment program. The DMV will impose a 2-year driver's license suspension.	90 days to 1 year in jail and a \$390 to \$1,000 fine. The DMV will impose a 2-year driver's license suspension.
<b>Third offense</b> within 10 years	120 days to 1 year in jail, a \$390 to \$1000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 3-year driver's license revocation. The Court may impose a 10-year driver's license revocation.	120 days to 1 year in jail and a \$390 to \$1,000 fine. The DMV will impose a 3-year driver's license revocation. The Court may impose a 10-year driver's license suspension.
<b>Fourth or subsequent offense</b> within 10 years	180 days to 1 year in jail, a \$390 to \$1000 fine, and a completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 4-year driver's license revocation. The Court may impose a 10-year driver's license suspension.	16 months, or 2 to 3 years imprisonment, (or 180 days to 1 year in county jail) and a \$390 to \$1,000 fine. The DMV will impose a 4-year driver's license revocation. The Court may impose a 10-year driver's license revocation.

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your 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 you continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving someone is killed, you can be charged with murder. **(Watson Advisement)**

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**f. Additional Penalty for Violations of Vehicle Code section 14601, 14601.1, 14601.2 or 14601.5**

(If applicable) I understand that if I am convicted of a violation of Vehicle Code section 14601.2, or if the charge was for a violation of that section but I am pleading to section 14601, 14601.1 or 14601.5, the Court will order me to install an ignition interlock device (IID) on any vehicle that I own or operate for up to 3 years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license.

I understand that if I am convicted of violating Vehicle Code section 14601, 14601.1, 14601.2 or 14601.5, this conviction is priorable and may be used to enhance or increase a similar charge in the future.

<b>SENTENCES FOR DRIVING IN VIOLATION OF A LICNSE SUSPENSION, REVOCATION, OR RESTRICTION</b>		
<b>Vehicle Code Section</b>	<b>First Offense</b>	<b>Second or Subsequent Offense:</b>
		I have one or more prior convictions in the past 5 years of sections 14601, 14601.1, 14601.2, or 14601.5.
14601	5 days to 6 months in jail, and a fine of \$300 to \$1000	10 days to 1 year in jail, and a fine of \$500 to \$2000. 10 days in jail required if probation is imposed.
14601.1	Up to 6 months in jail, or a fine of \$300 to \$1000, or both	5 days to 1 year in jail, and a fine of \$500 to \$2000.
14601.2	10 days to 6 months in jail, and a fine of \$300 to \$1000. 10 days in jail required if probation is imposed. If I have been designated as a habitual traffic offender within 3 years of this conviction, in addition to the penalties above, I will be sentenced to serve 180 days in jail and to pay a \$2000 fine.	30 days to 1 year in jail, and a fine of \$500 to \$2000. 30 days in jail required if probation is imposed.
14601.5	Up to 6 months in jail, or a fine of \$300 to \$1000, or both.	10 days to 1 year in jail, and a fine of \$500 to \$2000. Note: section 14601.3 also constitutes a prior conviction for this offense.

<b>Vehicle Code Section</b>	<b>First Offense</b>	<b>Second or Subsequent Offense:</b>
		Prior conviction(s) in the past 7 years of section 14601.3
14601.3	30 days in jail, and fine of \$1000.	180 days in jail, and a fine of \$2000.

**g. Domestic Violence**

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- (1) **Mandatory minimum conditions of probation.** I understand that if I am granted probation, the terms and conditions will include *at least* all of the following (see Pen. Code, § 1203.097):
- (a) A minimum of either 36 months (three years) or 48 months (four years) of probation;
  - (b) A criminal court protective order that may include residence exclusion or stay-away conditions;
  - (c) Booking within one week of sentencing if I have not already been booked;
  - (d) Statutory fines, fees, and assessments, including a domestic violence fee, restitution fine, probation revocation fine (stayed), criminal conviction assessment, and court security fee;
  - (e) Successful completion of an appropriate batterer's treatment program lasting at least 52 weeks;
  - (f) Community service;
  - (g) Restitution to the victim (if applicable); and
  - (h) Other: \_\_\_\_\_

- (2) **Firearms (guns), firearm parts, and ammunition prohibition and relinquishment.** I understand that a conviction in this case may prohibit me from owning, using, purchasing, possessing, receiving, or having under my custody and control firearms (guns), firearm parts, ammunition, reloaded ammunition, and ammunition feeding devices, including but not limited to, magazines for 10 years under state law and may be a lifetime ban under federal law (Penal Code sections 29805 and 30305). This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). I understand that a conviction in this case may require me to relinquish any firearm or firearm parts I own, possess, or have under my custody or control (Penal Code section 29810).

- (3) **Body armor prohibition and relinquishment.** I understand that a conviction in this case will prohibit me from purchasing, owning, or possessing body armor (as defined in Penal Code section 16288). I must relinquish any body armor I have in my possession (see Penal Code section 31360).

- (4) **Child custody consequences.** I understand that a conviction in this case may result in a rebuttable presumption that an award of sole or joint physical or legal custody of a child is detrimental to the best interest of the child under Family Code section 3044.

- (5) **Other consequences (specify):** \_\_\_\_\_

**h. Immigration Consequences**

I understand that if I am not a citizen of the United States, my plea of guilty or no contest will result in my deportation, exclusion from admission to the United States, or denial of naturalization under the laws of the United States.

- i. **Other Consequences (specify):** \_\_\_\_\_

**4. RIGHT TO AN ATTORNEY**

I understand that I have the right to an attorney of my choice to represent me throughout the proceedings. If I cannot afford to hire an attorney, the court will appoint one to represent me.

**I hereby give up my right to be represented by an attorney.**

**5. OTHER CONSTITUTIONAL RIGHTS**

I understand that I am entitled to each of the following rights as to the charges, enhancements, and allegations listed in item 1 (on page 1):

**a. Right to a Jury Trial**

I understand that I have a right to a speedy and public jury trial. At the trial, I would be presumed to be innocent, and I could not be convicted unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were unanimously convinced beyond a reasonable doubt that I am guilty. I have a right, through my counsel, to participate in jury selection.

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- b. **Right to a Court Trial**  
 I understand that, as an alternative to a jury trial, if the prosecutor agrees, I may give up a jury trial and have a court trial in which the judge alone, without a jury, hears the evidence. I still could not be convicted unless, after hearing all of the evidence, the judge was convinced beyond a reasonable doubt that I am guilty. INITIALS
- c. **Right to Confront and Cross-Examine Witnesses**  
 I understand that I have the right to confront and cross-examine all witnesses testifying against me. This means that the prosecution must produce the witnesses in court, they must testify under oath in my presence, and my attorney may question them.
- d. **Right to Remain Silent and Not to Incriminate Myself**  
 I understand that I have the right to remain silent, and my silence cannot be considered as evidence against me. I understand that I also have the right not to incriminate myself, and I cannot be forced to testify.
- e. **Right to Produce Evidence and to Present a Defense**  
 I understand that I have a right to present evidence and to have the court issue subpoenas to bring to court all witnesses and evidence favorable to me, at no cost to me. I also have the right to testify on my own behalf.
- f. **Right to Jury Determination of Enhancements and Allegations**  
 I understand I have the right to have a jury determine the sentencing enhancements or allegations that may increase my sentence on any charge.
- g. **Rights for Probation Violations** *(Leave this box blank if you are not charged with a probation violation).*  
 I understand that I have all the constitutional rights listed above for all probation violations charged against me, except that I do not have a right to a jury trial, only a court hearing before a judge.

**6. BEFORE THE PLEA**

- a. **Discussion With My Attorney**  
**Before entering this plea, I have had a full opportunity to discuss the following with my attorney:** 
  - (1) The facts of my case;
  - (2) The elements of the charged offenses, prior convictions, enhancements, and allegations;
  - (3) Any defenses that I may have;
  - (4) My constitutional and statutory rights and waiver of those rights;
  - (5) The consequences of this plea, including the immigration consequences; and
  - (6) Anything else I think is important to my case.
- b. **Questions**  
 I have no further questions of the court or of my attorney with regard to my plea and admissions in this case, any of the rights, or anything else on this form.
- c. **Medications or Controlled Substances**  
 I am not taking any medication that affects my ability to understand this form and the consequences of my plea, have not recently consumed any alcohol or drugs, and am not suffering from any medical condition, except for the following: \_\_\_\_\_  
 \_\_\_\_\_
- d. **Court Approval of Plea Agreement**  
 I understand that the plea agreement in item 2 (on pages 1, 2, and 3) is based on the facts before the court. I understand that if the court approves this plea agreement, the approval of the court is not binding, and that the court may withdraw its approval of the plea agreement upon further consideration of the matter. I understand that if the court withdraws its approval of this plea agreement, I will be allowed to withdraw my plea. (Pen. Code, § 1192.5.)

**7. WAIVER OF CONSTITUTIONAL AND STATUTORY RIGHTS**  
 I give up, for each of the charges, enhancements, and allegations listed in item 1 (on page 1), my right to a jury trial, my right to a court trial, my right to confront and cross-examine witnesses, my right to remain silent and not to incriminate myself, and my right to produce evidence and to present a defense, including my right to testify on my own behalf. I understand that I am, in fact, incriminating myself with my plea.

**8. WAIVER OF APPEAL**  
 I understand I have the right to appeal in this matter. I have discussed this right with my attorney, and I freely and voluntarily waive my right to appeal.

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**9. THE PLEA**

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I freely and voluntarily plead  GUILTY  NO CONTEST to the charges listed in item 1 (on page 1) and admit the prior convictions, enhancements, and allegations listed in item 1 (on page 1), understanding that this plea and admission will lead to the penalties listed in item 2 (on pages 1, 2, and 3).

a. I offer my plea of guilty or no contest freely and voluntarily and with full understanding of everything in this form. No one has made any threats; used any force against me, my family, or my loved ones; or made any promises to me, except as listed in this form, in order to convince me to plead guilty or no contest.

b. I understand that the court is required to find a factual basis for my plea to make sure that I am entering a plea to the proper offenses under the facts of the case.

I offer to the court the following as the basis for my plea of guilty or no contest and any admissions:

(1) I understand that the court may consider the following as proof of the factual basis for my plea:

- (a)  Preliminary hearing transcript
- (b)  Police report, report # \_\_\_\_\_
- (c)  Probation report, dated \_\_\_\_\_
- (d)  Welfare investigator's declaration
- (e)  Court documents regarding any alleged prior offenses
- (f)  Other (specify): \_\_\_\_\_
- (g)  (Specify facts): \_\_\_\_\_

**10. AFTER THE PLEA**

**a. Surrender**

I understand that the court is allowing me to surrender at a later date to begin serving time in custody.

I agree that if I fail to appear on the date set for surrender or sentencing without a legal excuse, or if I am arrested for or commit a new crime, or violate any condition of my release, my plea will become an "open plea" to the court, I will not be allowed to withdraw my plea, and I may be sentenced up to the maximum allowed by law. **(Cruz Waiver)**

**b. Sentencing Court**

I understand that I have the right to be sentenced by the same judge or commissioner who takes my plea. I give up that right and agree that any judge or commissioner may sentence me. **(Arbuckle Waiver)**

**c. Sentencing Date**

I understand that I have the right to be sentenced not sooner than 6 hours or more than 5 days from my change of plea. I give up that right and agree to be sentenced immediately or on \_\_\_\_\_.



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**DEFENDANT'S STATEMENT**

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I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. 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, possible defenses, and 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 to enter my plea.

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

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF DEFENDANT)

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**ATTORNEY'S STATEMENT**

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I am the attorney of record for the defendant. I have reviewed this form with my client. I have explained each of the items in the form, including the defendant's constitutional and statutory rights, to the defendant and have answered all of his or her questions with regard to those rights, the other items in this form, and the plea agreement. I have also discussed the facts of the case with the defendant and have explained the nature and elements of each charge; any possible defenses to the charges; the effect of any prior convictions, enhancements, and allegations; and the consequences of the plea.

I concur in the plea and admissions and join in the waiver of the defendant's constitutional and statutory rights, and I hereby stipulate that there is a factual basis for the plea and refer the court to the  police report  preliminary hearing transcript  probation report  other (*specify*): \_\_\_\_\_.

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

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF ATTORNEY)

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**INTERPRETER'S STATEMENT**

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I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language noted below.

Language:  Spanish  Other (*specify*): \_\_\_\_\_

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

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(CERTIFICATION NUMBER)

\_\_\_\_\_  
(SIGNATURE OF INTERPRETER)

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**DISTRICT ATTORNEY'S STATEMENT**

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I have read this form and understand the terms of the plea agreement.

I  agree  do not agree with the terms of the plea agreement and the indicated sentence.

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

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF DISTRICT ATTORNEY)

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**COURT'S FINDINGS AND ORDER**

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The court, having reviewed this form (and any addenda), and having orally examined the defendant, finds as follows:

1. The initialed items in this form have been read by or read to the defendant, and the defendant understands each of them.
2. The defendant understands the nature of the crimes, prior convictions, enhancements, and allegations listed in item 1 (on page 1) and the consequences of the plea and any admissions.
3. The defendant expressly, knowingly, understandingly, and intelligently waives the constitutional and statutory rights associated with this plea.
4. The defendant's plea, admissions, and waiver of rights are made freely and voluntarily.
5. A factual basis exists for the plea and admissions, or the defendant is pleading under a plea bargain under People v. West.

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 JUDICIAL OFFICER)