

<p>Superior Court of the State of California County of Marin 3501 Civic Center Dr PO Box 4988 San Rafael, CA 94913-4988</p>	
<p>People of the State of California vs. , Defendant</p>	
<p>FELONY ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM</p>	
Case Number(s):	

INSTRUCTIONS

- Fill out this form only if you wish to plead guilty to the charges against you.
- Read this form carefully. Initial the applicable boxes only if you understand and agree with what you read.
- Sign and date the form on page 3 where “Defendant’s Signature” is indicated.
- If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

RIGHT TO AN ATTORNEY

Initial

1.	I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint an attorney for me if I cannot afford to hire one. 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.				
2.	My attorney, _____ is present, and I have discussed the charges and possible defenses with my attorney.				
3.	I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney)				

CHARGES AND MAXIMUM TERM

Initial

4.	I desire to and do hereby plead GUILTY to the charge(s) and allegation(s) listed below. My attorney has explained, and I understand, the possible sentence and sanctions that could be imposed as a result of my plea of GUILTY. I understand that the maximum penalties for the charges to which I am pleading GUILTY (including imprisonment and fines) are as described below:				
5.	Count	Charge	Maximum Imprisonment	Maximum Fine	Prior conviction, enhancement and/or special allegations
6.					
7.					
8.					
9.					
10.					
11.					
12.	Aggregate maximum fine:		Aggregate maximum term of imprisonment:		
13.	I also freely and voluntarily admit the following probation violations, and I understand these admissions may increase the penalties imposed on me: _____ _____				
14.	Additional charges are listed on the attached addendum				

CONSEQUENCES OF GUILTY PLEA

Initial

15.	I understand that the <i>term of imprisonment</i> described above must be served in the state prison, county jail, or a combination of county jail plus mandatory supervision by the probation department, as required by law.	
16.	I understand that if I am sentenced to imprisonment in the county jail pursuant to Penal Code Section 1170(h), the court may suspend a portion of that imprisonment, to be served under mandatory supervision by the probation department under terms imposed by the court. If I receive such a split sentence and violate the terms of the mandatory supervision, I may be ordered to serve the balance of the suspended term of imprisonment in custody.	
17.	I understand that if I am granted probation, as conditions of probation I may be required to serve up to _____ in the county jail plus any other reasonable conditions the court deems appropriate. I understand that if I violate any condition of probation, I may be sentenced up to the maximum term of imprisonment plus fines described on page 1.	
18.	I understand that I may not be granted probation unless the court finds this to be an unusual case in which the interests of justice would best be served by a grant of probation.	
19.	I understand that if I am sentenced to a term of imprisonment in the state prison, thereafter, I will be subject to a period of either post release community supervision for up to 3 years (if I am eligible), or state parole for up to _____ years or life. If I violate the terms of any post release community supervision, or parole, I may be returned to custody as provided by law.	
20.	I understand the nature of the charge(s) against me and have had adequate time to discuss the case with my attorney. I have advised my attorney of all the facts and circumstances of the case. We have discussed the charge(s) and the possible defenses.	
21.	I understand that at the end of my sentence, for this offense, 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.	
22.	<p>By initialing the box, you acknowledge that you have been advised pursuant to HS 11369.</p> <p>H&S Code section 11369(b) – 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>	

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS

Initial

23.	Right to a Preliminary Examination – I understand that I have the right to a preliminary examination. I give up this right.	
24.	Right to a Speedy Jury Trial – I understand that I have the right to a speedy public jury trial on the charge(s) filed against me and on any alleged prior conviction(s). I further understand I have the right to a trial by jury of twelve persons, all of whom must agree to a verdict beyond a reasonable doubt before I may be found guilty. I give up these rights. For an alleged violation of probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge. If applicable, I give up this right.	
25.	Right against Self-Incrimination and to Testify – I understand that I have the right against self-incrimination, which means the right to remain silent and not incriminate myself. I also understand that I have the right to testify on my own behalf. I understand that by pleading guilty or admitting other convictions(s) or probation violation(s), I am incriminating myself. I give up my right to remain silent and not incriminate myself. I also give up my right to testify on my own behalf.	
26.	Right to Produce Evidence – I understand that I have the right to present evidence 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 this right.	
27.	Right to Confront and Cross-examine Witnesses – I understand that I have the right to confront and cross-examine all witnesses testifying against me. I give up these rights.	
28.	Enhancements/Special Allegations - I understand that I have the above constitutional rights with respect to the enhancements and special allegations that are set forth in the complaint or Information. I give up these rights with respect to such enhancements and special allegations.	
29.	Right to appeal - I understand that I have a right to appeal from any judgment of this court. I waive my right of appeal and my right to attack the final judgment by any statutory or non-statutory means, except as to any sentencing error the court may make.	

ADDITIONAL CONSEQUENCES OF GUILTY PLEA		Initial
30.	Citizenship – If you are not a citizen of the United States, you are hereby advised that 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. [PC § 1016.5]	
31.	Forfeiture - I understand that my plea of GUILTY may be used as evidence against me with respect to any forfeiture of any property that may be seized in connection with the investigation giving rise to these charges against me.	
32.	Fines and Fees - I understand that a further consequence of my plea of GUILTY is that the court may impose other fees and assessments in addition to the penal fines described above, as provided by law. The court is also required to order restitution to the victim(s). The court must also order a restitution fine, probation revocation restitution fine, and potentially a parole revocation restitution fine, each of not less than \$300 or more than \$10,000 per felony count or not less than \$150 or more than \$1,000 for misdemeanors, pursuant to Penal Code Sections 1202.4(b), 1202.44 and 1202.45.	
33.	Registration - I understand that as a further consequence of my plea of GUILTY, I will be required to register pursuant to: <input type="checkbox"/> Sex Offender – PC § 290, Tier _____ for _____ <input type="checkbox"/> Arson – PC § 457.1 <input type="checkbox"/> Gang – PC § 186.30	
34.	Revocation of Supervision - I understand that my plea of guilty may be grounds for revoking probation, parole, mandatory supervision, or post-release community supervision, previously imposed on me in any other case.	
35.	No impairment - I have not taken any drugs or consumed any alcoholic beverages within 24 hours prior to entering this plea, except _____, which does not in any way affect my ability to understand the waivers I have given or my knowing and voluntary decision to plead GUILTY. I am not impaired at this time by any drug or alcoholic beverage.	
36.	Harvey waiver - I understand and agree that the sentencing judge may consider facts and circumstances underlying the dismissed counts in determining the appropriate sentence (including the amount and recipients of restitution) for the counts to which I am entering a plea.	
37.	Court not bound - I understand that the matter of probation and sentence is to be determined solely by the court. The court is not bound by this plea agreement. If the court does not agree with any of the promises or representations stated above, I understand that I will be allowed to withdraw my GUILTY plea and proceed to preliminary hearing, if not yet held and applicable, and/or trial.	

There have been no promises to me of rewards, immunity, probation, or anything else to induce my plea of guilty and admission of prior convictions or probation violations other than those promises listed below:

DEFENDANT'S DECLARATION

I declare under penalty of perjury I have read (or have had read to me) and fully understand this form and all the rights set forth above. I have initialed each of the items that applies to my case. 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 I have initialed. If I have an attorney, I have discussed each item with my attorney. The nature of the charge(s), possible defense(s), and the effects of any prior conviction(s), enhancement(s), and special allegation(s), have been explained to me. I freely and voluntarily waive (give up) all rights set forth above. I have read and understand the charges and special allegations made against me, and I have read and understand the penalties and other consequences of a conviction for those offenses. I freely and voluntarily enter this plea with these consequences in mind. My decision to plead guilty, and to admit any special allegation(s) and/or allegations of any prior conviction(s) and/or any probation violations, has been made freely and voluntarily, without threat to or coercion of me or anyone closely related to or associated with me. If I will be on supervised probation, I shall notify the Probation Department within 48 hours of any change of my mailing or residence address or telephone number.

Date: _____ Defendant's signature: _____

Defendant's address: _____

Defendant's Driver's License: _____

ATTORNEY ACKNOWLEDGEMENT

I certify that I have explained all the above-mentioned rights to the above-named defendant and have answered all the defendant's questions regarding this plea. I have also discussed the facts of the case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I am satisfied that the defendant has knowingly and intelligently waived all of the rights enumerated above and has a full understanding of the nature and the consequences of the charge(s).

Date: _____ Attorney's signature: _____

DISTRICT ATTORNEY'S STATEMENT

The People of the State of California, Plaintiff in the above-entitled action, by and through its attorney, the Marin County District Attorney, concur in the defendant's plea of GUILTY as set forth by the defendant in the above declaration. The People stipulate there is a factual basis for the plea(s) [and admission(s)].

Date: _____ Attorney's signature: _____

INTERPRETER'S STATEMENT (IF APPLICABLE)

I certify that I have been sworn or having a written oath on file, certify that I well and truly translated the entire contents of this form to the defendant in the language indicated below. The defendant stated to me that they understood the contents of this form, and then the defendant initialed and signed the form.

The form was translated for the defendant into Spanish Other (specify): _____

Date: _____ Interpreter's signature: _____ printed name: _____

COURT FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant and/or defendant's attorney concerning the defendant's waiver of their constitutional rights and the defendant's admission of other convictions(s), special allegations and probation violation(s), if any, finds that:

1. There is a factual basis to support the charge(s) to which the defendant is pleading;
2. The defendant understands their constitutional rights, the nature of the crime(s) and special allegations charged, the consequences of this plea; and
3. That the defendant is knowingly and voluntarily entering this plea and waiving the rights listed above and the right to have the charges read.

IT IS HEREBY ORDERED that the defendant's plea(s) of Guilty, the admission of special allegations including any prior conviction(s), the admission of probation violations, if any, and the waiver of constitutional rights is expressly, intelligently, knowingly, and voluntarily entered by defendant and that the court accepts the plea and admissions and finds the defendant guilty of the charge(s) and that they be entered in the minutes of this court, and that the defendant's preceding declaration be filed.

Date: _____
Judge of the Superior Court