Notice:
The court requires that this form be printed on goldenrod-colored paper.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	FOR COURT USE ONLY
PEOPLE vs. Defendant	
PLEA OF GUILTY/NO CONTEST - MISDEMEANOR	Case #
	DA/CA/ #

INSTRUCTIONS: Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial each applicable item only if you understand it. If you have any questions about your case, the possible sentence, or the information on this form, ask your lawyer or the judge.

I, the defendant in the above-entitled case, personally and/or by my attorney, declare as follows:

1. Of those charges now filed against me in this case, I plead _____ **GUILTY/NO CONTEST** to the following offenses and admit the enhancements, allegations, and prior convictions as follows: ☐ 1.

COUNT	CHARGE	ENHANCEMENT/ALLEGATION

PRIORS: (LIST ALLEGATION SECTION, CONVICTION DATE, CASE NUMBER AND CHARGE)

_____

_____

2 I have not been induced to enter the above plea by any promise or representation of any kind, except: (State any agreement with the prosecutor.) ☐ 2.

_____

_____

3. I am entering a plea freely and voluntarily, without threat or fear to me or anyone closely related to me. ☐ 3.

4. I understand that a plea of No Contest is the same as a plea of Guilty for all purposes. ☐ 4.

5. I am sober and my judgment is not impaired. I have not consumed any drug, alcohol or narcotic within the past 24 hours. ☐ 5.

RIGHT TO A LAWYER

6. I understand that I have the Constitutional right to be represented by a lawyer at all stages of the proceedings including sentencing. I can hire my own lawyer or the Court will appoint a lawyer for me if I cannot afford one. I understand the dangers and disadvantages of representing myself and that it is usually unwise to represent myself. ☐ 6.

6a. I understand that I have the right to be present in Court to enter my plea and for sentencing. I expressly authorize my lawyer to enter this plea on my behalf, in my absence. I expressly authorize my lawyer to appear for me at sentencing. ☐ 6a.

6b. I give up the right to an attorney and wish to represent myself. ☐ 6b.

CONSTITUTIONAL RIGHTS

I understand that as to all charges, allegations and prior convictions filed against me I also have the following constitutional rights, which I now give up to enter my plea of guilty/no contest:

7. I have the right to a **speedy and public trial by jury. I now give up this right.** ☐ 7.

8. I have the right to **confront and cross-examine all the witnesses** against me. **I now give up this right.** ☐ 8.

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9. I have the right to **remain silent** (unless I choose to testify on my own behalf). **I now give up this right.** ☐ 9.

10. I have the right to **present evidence in my behalf** and to have the court subpoena my witnesses at no cost to me. **I now give up this right.** ☐ 10.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

11. I understand the possible consequences of entering a plea of Guilty/No Contest include a maximum sentence of up to _____ months/year(s) in jail and fine(s) of up to _____ plus additional consequences specified in any attached addendum, and any other reasonable conditions of probation, which could be for a maximum of 3/5 years. ☐ 11.

12. My attorney has explained to me that other possible consequences of this plea may be (circle appropriate consequences): (1) lifetime registration as a sex offender; (2) limited local custody credits (290/serious/prior); (3) qualified for sentencing under PC § 1170(h)(3) in future cases. ☐ 12.

13. I understand that in addition to any fine imposed, the law requires the Court to add penalty assessments which will substantially increase the amount I must pay. In addition, I understand that I may be ordered to make restitution to the victim, if the offense involved a victim, or to a restitution fund. I understand that I shall be ordered to pay a mandatory restitution fine ($100 - $1,000). ☐ 13.

14. I understand that I may not be sentenced earlier than six (6) hours, nor later than five (5) days after my plea. I give up this right and agree to be sentenced at this time. ☐ 14.

15. I understand that if I am not a U.S. citizen, this plea of Guilty/No Contest may result in my removal/ deportation, exclusion from admission to the U.S. and denial of naturalization. Additionally, if this plea is to any offense listed on the back of this form, then I **will** be deported, excluded from admission to the U.S., and denied naturalization. ☐ 15.

16. I understand that my plea of Guilty or No Contest in this case could result in revocation of my probation or parole in other cases and consecutive sentences. ☐ 16.

OTHER WAIVERS

17. (**Appeal rights**) I give up my right to appeal the following: 1) denial of my 1538.5 motion, 2) issues related to strikes priors (under PC sections 667(b)-(i) and 1170.2), and 3) any sentence stipulated herein. ☐ 17.

18. (**Harvey Waiver**) The sentencing judge may consider my prior criminal history and the entire factual background of the case, including any unfiled, dismissed, or stricken charges or allegations or cases when granting probation, ordering restitution, or imposing sentence. ☐ 18.

19. (**Arbuckle Waiver**) I give up my right to be sentenced by the judge who accepts this plea. ☐ 19.

PLEAS

20. I now plead Guilty/No Contest and admit the charges, convictions, and violations of probation described in paragraph #1, above, because I am guilty. I admit that on the dates charged, I *(Describe facts as to each charge and allegation)*

_____

_____

I further agree that a duly appointed Commissioner, Referee, or Temporary Judge may act as a Judge, accept this plea, impose sentence, and conduct any other post-conviction proceedings. I declare under penalty of perjury, under the laws of the State of California, that I have read, understood, and initialed each item above, and any attached addendum, and everything on the form and any attached addendum is true and correct.

Dated:_____ Defendant's Signature:_____

Defendant's Address:_____
Street City State Zip

Defendant's Telephone No: (_____)_____

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ATTORNEY'S STATEMENT

I, the attorney for the defendant in the above-entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges and possible defenses with the defendant, and the consequences of this plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his/her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Dated:_____ _____

(Print Name) Attorney for Defendant (Signature)

(Circle one: PD / APD / OAC / RETAINED)

INTERPRETER'S STATEMENT (If Applicable)

I, the interpreter in this proceeding, having been duly sworn, truly translated this form, and any attached addendum, and all the questions therein to the defendant in the _____language. The defendant indicated understanding of the contents of the form and then initialed and signed the form and any attached addendum.

Dated:_____ _____

(Print Name) Court Interpreter (Signature)

PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff in the above-entitled criminal case, by and through its attorney concurs with the defendant's plea of Guilty/No Contest as set forth above.

Dated:_____ _____

(Print Name) Deputy District Attorney/Deputy City Attorney (Signature)

COURT'S FINDING AND ORDER

The Court, having questioned the defendant/defendant's attorney concerning the defendant's plea of Guilty/No Contest and admissions of the prior convictions and allegations, if any, finds that: The defendant understands and voluntarily and intelligently waives his/her constitutional rights; the defendant's plea and admissions are freely and voluntarily made; the defendant understands the nature of the charges and the consequences of the plea and admissions; and there is a factual basis for same. The Court accepts the defendant's plea and admissions, and the defendant is convicted thereby.

Dated:_____ _____

Judge/Commissioner/Referee of the Superior Court

CERTAIN OFFENSES DEFINED AS MISDEMEANORS UNDER STATE LAW MAY BE CONSIDERED "AGGRAVATED FELONIES" UNDER FEDERAL LAW. ANY CONVICTION OF A NON-CITIZEN FOR AN "AGGRAVATED FELONY" AS DEFINED UNDER 8 U.S.C. 1101(a)(43) WILL RESULT IN REMOVAL/DEPORTATION, EXCLUSION AND DENIAL OF NATURALIZATION.

"AGGRAVATED FELONIES" include, but are not limited to, the following crimes and any attempt or conspiracy to commit such crimes, even if the conviction is a misdemeanor under state law. **(NOTE: Conviction of an aggravated felony is not the exclusive basis for which a defendant may or will be deported.)**

1. **ANY CRIME OF VIOLENCE*** (Includes any offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another. (18 U.S.C. §16).)
2. **BURGLARY (Except a vehicle or vessel, unless used as a residence.) ***
3. **CHILD PORNOGRAPHY OFFENSES**
4. **CONTROLLED SUBSTANCES:****
   a) **MISDEMEANOR POSSESSION OF ANY CONTROLLED SUBSTANCE when the defendant has previously been convicted of a drug** related **offense.**
   b) **POSSESSION FOR SALE OF CERTAIN CONTROLLED SUBSTANCES**
   c) **SALE OF CERTAIN CONTROLLED SUBSTANCES**
   d) **TRANSPORTATION OF CERTAIN CONTROLLED SUBSTANCES**
   e) **MANUFACTURE/DISTRIBUTION OF CERTAIN CONTROLLED SUBSTANCES**
5. **FORGERY ***
6. **FRAUD (Where loss to victim or victims exceeds $10,000.)**
7. **MONEY LAUNDERING (If amount over $10,000.)**
8. **PERJURY/SUBORNATION of Perjury or Bribery of a Witness**
9. **PIMPING/PANDERING/OPERATING A PROSTITUTION BUSINESS**
10. **STATUTORY RAPE ("Unlawful Sexual Intercourse")**
11. **RECEIVING STOLEN PROPERTY ***
12. **SEXUAL ABUSE OF A MINOR (Touching is not required, e.g.: Indecent Exposure.)**
13. **THEFT (Any type or amount)***
14. **TRAFFICKING IN VEHICLES WITH ALTERED VINS***

*** Where the term imposed is at least one year, whether or not any or all of that term is stayed or suspended at the time of sentencing.**

****See 21 USC. 802. Note, however, federal and state statutes defining controlled substances are not identical.**

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