

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	<i>FOR COURT USE ONLY</i>
PEOPLE vs _____ Defendant	
PLEA OF GUILTY/NO CONTEST – FELONY	COURT CASE NUMBER
	DA CASE NUMBER

I, the defendant in the above-entitled case, in support of my plea of Guilty/No Contest, personally declare as follows:

1. Of those charges now filed against me in this case, I plead _____ to the following offenses and admit the enhancements, allegations, circumstances in aggravation, and/or prior convictions as follows:

COUNT	CHARGE	ENHANCEMENT(S)/ALLEGATION(S)/CIRCUMSTANCE(S) IN AGGRAVATION (List all for each count)

PRIOR (SECTION NO.)	CONVICTION DATE	COUNTY	CASE NO.	CHARGE(S)

Additional count(s)/prior(s) listed on Plea of Guilty/No Contest-Felony Attachment Page (SDSC Form #CRM-012A).

2. I have not been induced to enter this plea by any promise or representation of any kind, except: *(State any agreement with the District Attorney.)*

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

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

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

CONSTITUTIONAL RIGHTS

I understand that as to all charges, enhancements, allegations, circumstances in aggravation, and/or prior convictions described in Item 1, I also have the following constitutional rights, which I now give up in order to enter my plea of guilty/no contest:

6a. I understand that I have the **right to be represented by an attorney** at all stages of the proceedings. I can hire my own **attorney** or the court will appoint an **attorney** for me if I cannot afford one.

6b. I have the right to a **speedy and public trial by jury**. I now give up this right.

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6c. I have the right to **confront and cross-examine all the witnesses** against me. **I now give up this right.**

6d. I have the right to **remain silent** (unless I choose to testify on my own behalf). **I now give up this right.**

6e. I have the right to **present evidence on my own behalf** and to have the court subpoena my witnesses at no cost to me. **I now give up this right.**

CONSEQUENCES OF PLEA OF GUILTY/NO CONTEST

7a. I understand that I may receive this maximum punishment as a result of my plea: _____ years imprisonment or imprisonment plus a term of mandatory supervision; \$ _____ fine; and _____ years parole or post-release community supervision, with return to custody for every violation of a condition thereof. If I am not sentenced to imprisonment, I may be granted probation. As conditions of probation, I may be given up to one year in jail custody, plus the fine, and any other conditions deemed reasonable by the court. I understand that if I violate any condition of probation I may be sentenced to imprisonment for the maximum term as stated above.

7b. I understand that I must pay a restitution fine (\$300 - \$10,000), that I will also be subject to a suspended fine in the same amount, and that I must pay full restitution to all victims.

7c. I understand that my conviction in this case will be a serious/violent felony ("strike") resulting in mandatory denial of probation, substantially increased penalties, and a term in State Prison in any future felony case.

7d. **Immigration consequences:** (1) I understand that if I am not a U.S. citizen, this plea of Guilty/No Contest may, and for certain offenses **will** (see page 4), have the consequences of removal/deportation, exclusion from admission to the United States, and/or denial of naturalization pursuant to the laws of the U.S.; (2) I understand I have the right to request additional time to consider my plea in light of the advisement in this paragraph; (3) I have discussed my immigration status with my attorney and have had sufficient time to consider and discuss the immigration consequences of my plea with him/her or an immigration attorney.

7e. I understand that my plea of Guilty/No Contest in this case could result in revocation of my probation, mandatory supervision, parole or post-release supervision in other cases, and consecutive sentences.

7f. My attorney has explained to me that other possible consequences of this plea may be:
(Circle applicable consequences.)

- | | | |
|--|---|--|
| (1) Consecutive sentences | (8) Mandatory imprisonment | a. Limited local credits (290/serious/prior) |
| (2) Loss of driving privileges | (9) Mandatory State Prison | b. Violent Felony (No credit or max. 15%) |
| (3) Lifetime registration as an arson / sex offender | (10) Presumptive imprisonment | c. Prior Strike(s) (No credit to max. 20%) |
| (4) Registration as a / gang offender | (11) Presumptive State Prison Law | d. Murder on/after 6/3/98 (No credit) |
| (5) Cannot possess firearms / ammunition / or body armor | (12) Sexually Violent Predator | (15) Loss of public assistance |
| (6) Blood test and saliva sample | (13) Possible/Mandatory hormone suppression treatment | (16) AIDS education program |
| (7) Priors (increased punishment for future offenses) | (14) Reduced conduct/work credits | (17) Other: _____ |

8. **(Appeal Rights)** I give up my right to appeal the following: 1) denial of my 1538.5 motion, 2) issues related to strike priors (Pen. Code, §§ 667(b)-(i), 1170.12), and 3) any sentence stipulated herein.

9. **(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, enhancements, allegations, or cases when granting probation, ordering restitution, or imposing sentence.

10. **(Cruz Waiver)** Negotiated Disposition pursuant to Penal Code section 1192.5: I understand that if pending sentencing I am arrested for or commit another crime, violate any condition of my release, or willfully fail to appear for my probation interview or my sentencing hearing, the sentence portion of this agreement will be cancelled. I will be sentenced unconditionally, and I will not be allowed to withdraw my guilty/no contest plea(s).

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- 11. **(Arbuckle Waiver)** I give up my right to be sentenced by the judge who accepts this plea.
- 12. **(Probation Report)** I give up my right to a full probation report before sentencing.
- 13. **(Evidence Disposal Waiver)** I give up my interest in all non-biological property/evidence impounded during the investigation of this case except _____ and acknowledge that if I listed any property here, I must also file a claim with the impounding agency within 60 days after pronouncement of judgment or my ability to make a claim will expire.

PLEA

14. I now plead Guilty/No Contest and admit the charges, enhancements, allegations, circumstances in aggravation, and prior convictions described in Item 1. I admit that on the dates charged, I: *(Describe facts establishing all elements of the offense as to each charge, enhancement, allegation, and circumstance in aggravation)*.

15. I declare under penalty of perjury 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

Telephone Number: (____) _____

Defendant's Right Thumb Print

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; any enhancements, allegations, circumstances in aggravation, or prior convictions; possible defenses; and consequences of this plea with the defendant. **I have asked the defendant about his/her immigration status, advised defendant of the immigration consequences of this plea to the best of my ability, and advised defendant of the right to additional time to discuss this matter with an immigration attorney.** 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)
 (PD / APD / OAC / RETAINED)

INTERPRETER'S STATEMENT

I, the sworn _____ language interpreter in this proceeding, truly translated for the defendant the entire contents of this form and any attached addendum. The defendant indicated understanding of the contents of this form and any addendum and then initialed and signed the form and any addendum.

Dated: _____ (Print Name) _____ Court Interpreter (Signature)

PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff, by its attorney, the District Attorney for the County of San Diego, concurs with the defendant's Plea of Guilty/No Contest as set forth above.

Dated: _____ (Print Name) _____ Deputy District Attorney (Signature)

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COURT'S FINDING AND ORDER

The court, having questioned the defendant and defendant's attorney concerning the defendant's plea of Guilty/No Contest and admissions of the enhancements, allegations, circumstances in aggravation, and prior convictions, 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 of the Superior Court

IMMIGRATION CONSEQUENCES

- If you are not a U.S. citizen, you should consult your attorney or an immigration attorney about the immigration consequences of your plea, particularly if your offense might qualify as an "aggravated felony," crime of moral turpitude, controlled substance offense, firearm offense, or domestic violence offense (see below). It is your attorney's obligation to provide you with accurate and affirmative advice about the immigration consequences of your plea, and you have the right to additional time to evaluate those immigration consequences. By entering a plea, you are indicating to the court you know of and understand the specific immigration consequences that will result from your conviction.
- Immigration consequences are a matter of federal law. Whether an offense qualifies as one of the "aggravated felonies" listed below is determined by federal statutes and case law. (See *Esquivel-Quintana v. Sessions* (2017) 581 U.S. 385, 137 S.Ct. 1562, 198 L.Ed.2d 22.) **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" **will** result in removal/deportation, exclusion, and/or denial of naturalization. (See 8 U.S.C. § 1227(a)(2)(A)(iii).) "Aggravated felonies" (see 8 U.S.C. § 1101(a)(43)) include **but are not limited to**:

- (1) Murder; rape; or sexual abuse of a minor;
- (2) A crime of violence, as defined in 18 U.S.C. § 16, but not including a purely political offense;*
- (3) Trafficking of a controlled substance, firearms, destructive devices or explosive materials;
- (4) Money laundering if the amount exceeds \$10,000;
- (5) An explosive materials offense;
- (6) A firearms offense;
- (7) A theft offense, including receipt of stolen property, or burglary offense;*
- (8) Child pornography;
- (9) Pimping, pandering, or operating a prostitution business;
- (10) Human trafficking;
- (11) Fraud or deceit in which the loss to the victim or victims exceeds \$10,000;
- (12) Failure to appear by a defendant for service of a sentence if the underlying offense is punishable by imprisonment for a term of five years or more, or failure to appear to answer or resolve a felony for which a sentence of two years' imprisonment or more may be imposed;
- (13) Commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered;*
- (14) Obstruction of justice, perjury or subornation of perjury, or bribery of a witness;*
- (15) An attempt or conspiracy to commit any of the above offenses.

*If the term of imprisonment is at least one year.

Other crimes (*as defined by federal law*) that **may** result in removal/deportation, exclusion, and/or denial of naturalization or other severe immigration consequences include, **but are not limited to**:

- (1) A crime of moral turpitude (see 8 U.S.C. §§ 1182(a)(2)(A)(i), 1227(a)(2)(A)(i));
- (2) A controlled substance offense (see 8 U.S.C. §§ 1182(a)(2)(A)(i), 1182(a)(2)(C), 1227(a)(2)(B));
- (3) A firearm or destructive device offense (see 8 U.S.C. § 1227(a)(2)(C));
- (4) A domestic violence, stalking, or child abuse offense (see 8 U.S.C. § 1227(a)(2)(E)(i));
- (5) Violation of a protective order (see 8 U.S.C. § 1227(a)(2)(E)(ii));
- (6) A human trafficking offense (see 8 U.S.C. §§ 1182(a)(2)(H), 1227(a)(2)(F));
- (7) Multiple criminal convictions with an aggregate sentence of five years or more (see 8 U.S.C. § 1182(a)(2)(B));
- (8) A prostitution offense (see 8 U.S.C. § 1182(a)(2)(D));
- (9) A "serious criminal offense," which includes any felony, a crime of violence, and reckless driving or DUI with injury (see 8 U.S.C § 1182(a)(2)(E)).