

SUPERIOR COURT OF CALIFORNIA		<i>Reserved for Clerk's File Stamp</i>	
COUNTY:	COUNTY OF TRINITY, 11 Court St. Weaverville, CA 96093		
PLAINTIFF:	PEOPLE OF THE STATE OF CALIFORNIA		
DEFENDANT:			
MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM		CASE NUMBER:	DEPARTMENT:

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 3**. 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

1. I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. 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.

INITIALS ↓
1.

NATURE OF THE CHARGES (Complete all items you are charged with.)

2. I understand that I am charged with the following offense(s):

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

2.

3. **If applicable** – I understand that I am also charged with having the following **prior conviction(s)**:

LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)

3.

4. **If applicable** – I am also charged with violating the **probation order(s)** in the following case(s):

CASE NUMBER(S) AND DATE(S)

4.

5. I understand the charge(s) against me, and the possible pleas and defenses.

5.

CONSTITUTIONAL RIGHTS

6. **RIGHT TO A JURY TRIAL** – I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 jurors were convinced of my guilt beyond a reasonable doubt.

6.

7. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine all witnesses testifying against me.

7.

8. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating myself.

8.

9. **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.

9.

RIGHT ON CHARGES OF PRIOR CONVICTION(S) AND PROBATION VIOLATION(S)

INITIALS ↓

10. **If applicable** – I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for **all** of the charges against me, including any alleged prior conviction(s) or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, although I do have the right to a hearing before a judge.

10.

WAIVER OF RIGHTS

Understanding all of the above, for all of the charges against me, including any other alleged prior conviction(s) or probation violation(s):

11. I give up my right to an attorney, and I choose to represent myself. (Does not apply if I have an attorney)

11.

12. I give up my right to a jury trial.

12.

13. I give up my right to confront and cross-examine witnesses.

13.

14. I give up my right to remain silent and to not incriminate myself.

14.

15. I give up my right to produce evidence and witnesses on my own behalf.

15.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

16. **Penalty:** I understand that the possible consequences for the offense(s) charged include the following:

• _____
SECTION NUMBER JAIL – MIN. MAX. FINE – MIN. MAX.

OTHER CONSEQUENCES: _____

• _____
SECTION NUMBER JAIL – MIN. MAX. FINE – MIN. MAX.

OTHER CONSEQUENCES: _____

• _____
SECTION NUMBER JAIL – MIN. MAX. FINE – MIN. MAX.

OTHER CONSEQUENCES: _____

• _____
SECTION NUMBER JAIL – MIN. MAX. FINE – MIN. MAX.

OTHER CONSEQUENCES: _____

• _____
SECTION NUMBER JAIL – MIN. MAX. FINE – MIN. MAX.

OTHER CONSEQUENCES: _____

• _____
SECTION NUMBER JAIL – MIN. MAX. FINE – MIN. MAX.

OTHER CONSEQUENCES: _____

16.

17. I understand that in addition to the fine, **the Court will add assessments which will significantly increase the amount I must pay.** I will also be ordered to make restitution and to pay a restitution fine of \$150 to \$1,000, unless the Court finds compelling and extraordinary reasons not to impose the fine.

17.

18. I understand that if I am not a citizen, a plea of guilty or no contest could result in my deportation, exclusion from admission to this country or denial of naturalization.

18.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

- 19. I understand that a plea of no contest (*nolo contendere*) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony.
- 20. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case.

INITIALS ↓
19.
20.

PLEA(S)

21. I hereby freely and voluntarily plead _____ to the following:
GUILTY OR NO CONTEST

LIST CHARGE(S)

- 22. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced. I give up my right and agree to be sentenced at this time.
- 23. **If applicable** – I freely and voluntarily admit the prior conviction(s) that I listed on this form. I understand that this admission will increase the penalties which are imposed on me.
- 24. **If applicable** – I freely and voluntarily admit the probation violation(s) I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s).
- 25. **If applicable** – I understand that I have the right to enter my plea before, and to be sentenced by a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

TEMPORARY JUDGE'S NAME

21.
22.
23.
24.
25.

PROPOSITION 63

26. **If Applicable** - I understand that by entering this qualifying **misdemeanor** plea, I cannot own, possess purchase or have under my control any firearm, ammunition, and ammunition feeding device, including an ammunition magazine, for the next ten years, under state law. I also understand that it is a crime to possess such items. Further, I understand that as a result of my plea, I must timely turn over such items to the proper authorities, and that failure to do so may subject me to a compliance search and criminal penalties.

26.

PROPOSITION 63: THE SAFETY FOR ALL ACT OF 2016:

Upon any conviction listed below, the defendant is prohibited from owning, purchasing, receiving, possessing, or having under my custody or control, any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines and I am ordered and required to relinquish all firearms as detailed in California Penal Code section 29810, based on a plea to:

Any felony, or being subject to California Penal Code section 29800

A violent offense within the meaning of Penal Code section 23515(a), (b), or (c), to wit: Penal Code sections 245(a)(2), (3), 245(d), 246, 417(a)(2), 417(c).

Penal Code section 29805 misdemeanor plea causing 10 year relinquishment of firearm and 10 year prohibition:

		Max custody
Penal Code § 71	Threatening school or public officers or employees	One year
Penal Code § 76	Threatening public officials	One year
Penal Code § 136.1	Preventing or dissuading witness or victim from testifying or doing other acts	One year
Penal Code § 136.5	Possession of deadly weapon with intent to violate Section 136.1	One year
Penal Code § 140	Use of force/ threat of force /violence against person/ property of crime wit/victim	One year
Penal Code § 148(d)	Removal of weapon from person or presence of public or peace officer	One year
Penal Code § 171b	Possessing weapon in state or local public building or public open meeting	One year
Penal Code § 171c(a)(1)	Possessing weapon in state or local public building or public open meeting	One year
Penal Code § 171d	Possessing loaded firearm in Governor’s or constitutional officer’s residence	One year
Penal Code § 186.28	Supplying, selling, or giving possession or control of firearm to another	One year
Penal Code § 240	Assault	6 months
Penal Code § 241	Punishment for assault; Punishment for assault against specified officers or others	
Penal Code § 242	Battery	6 months
Penal Code § 243	Punishment for battery; Punishment for battery against specified officers or others	
Penal Code § 243.4	Sexual battery; Seriously disabled or medically incapacitated victims	One year
Penal Code § 244.5	Assault with stun gun or less lethal weapon	One year
Penal Code § 245	Assault with deadly weapon or by force likely to produce great bodily injury	One year
Penal Code § 245.5	Assaults with deadly weapons on school employees	One year
Penal Code § 246.3	Discharge of firearm or BB device in grossly negligent manner	One year
Penal Code § 247	Discharge of firearm at unoccupied aircraft, motor vehicle, uninhabited building, dwelling house	One year
Penal Code § 273.5	Infliction of injury on present/ former spouse, cohabitant, dating partner, child’s parent	One year
Penal Code § 273.6	Violation of protective order	One year
Penal Code § 417	Brandishing a weapon (could have mandatory minimums 30-180 days)	One year
Penal Code § 417.6	Intentional infliction of serious bodily injury in commission of specified weapons offenses	One year
Penal Code § 422	Punishment for threats	One year
Penal Code § 626.9	Possession of firearm in school zone /on grounds of public/private university/college	One year
Penal Code § 646.9	Stalking	One year
Penal Code § 830.95	Wearing uniform of peace officer while picketing/participating in other informational activities	

former Section 12100, as that section read at any time from when it was enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to when it was repealed by Section 18 of Chapter 23 of the Statutes of 1994, Section 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, Section 490.2 if the property taken was a firearm, or of the conduct punished in Section 27590(c)

DEFENDANT'S SIGNATURE: _____

DATE

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

ATTORNEY'S SIGNATURE

DATE

INTERPRETER'S STATEMENT
(If Applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form. Language: Spanish Other (specify): _____

INTERPRETER'S SIGNATURE

TYPE OR PRINT NAME

DATE

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s) and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The Court accepts the defendant's plea(s), the defendant's admission of the other conviction(s) and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

JUDGE OF THE SUPERIOR COURT

DATE