

<b>SUPERIOR COURT OF CALIFORNIA,  COUNTY OF SUTTER  1175 Civic Center Blvd  Yuba City, California 95993</b>	For Court Use Only
<b>People of the State of California</b>  v.  Defendant: _____	
Plea Form -- Felony (With Explanations & Waiver of Rights)	CRF _____

## I. INSTRUCTIONS

- Fill out this form if you want to plead guilty or no contest.
- Read this form carefully. If you understand and agree with what you read, put your initials on the line next to any marked box. If you do not understand any marked box, leave the line blank.
- Sign and date the form in the box entitled "Defendant's Statement."
- If you have any questions about anything on this form, ask your attorney or the judge.

## II. CHARGES AND MAXIMUM SENTENCE

I want to plead guilty or no contest to the charges 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.

Count	Charges & Allegations (Code Section & Description)	Statutory Minimum (if any)	Maximum Possible Sentence	Total Maximum Sentence	Stipulated Sentence (if any)
<b>TOTAL:</b>					

Custody Credits: \_\_\_\_\_

### III. PLEA TERMS AND CONSEQUENCES

#### A. PRISON STIPULATION

- \_\_\_\_\_  I understand that if I plead guilty or no contest to the charges and admit the allegations listed above, the court will sentence me to:  
                                   \_\_\_ years, \_\_\_ months in state prison.
- \_\_\_\_\_  I further understand that I am not eligible to serve my sentence in the county jail pursuant to Penal Code section 1170(h)(3) because:  
                                   \_\_\_ Offense Not Eligible      \_\_\_ PC 290      \_\_\_ PC 667.5(b) / 1192.7

#### B. LOCAL PRISON STIPULATION (PC 1170(h))

- \_\_\_\_\_  I understand that if I plead guilty or no contest to the charges and admit the allegations listed above, the court will sentence me to a total sentence of: \_\_\_ years, \_\_\_ months.
- \_\_\_\_\_  I understand that my state prison sentence will be served in the county jail pursuant to Penal Code section 1170(h).
- \_\_\_\_\_  I further understand that my sentence will be split between serving time in the county jail and on mandatory supervision. I will be ordered to serve \_\_\_ years, \_\_\_ months in the county jail and I will serve the remainder of my sentence on mandatory supervision. I further understand that if I violate any of the terms of my mandatory supervision, I may be ordered to serve the remaining balance of my mandatory supervision period in the county jail.

#### C. PROBATION STIPULATION (NISP)

- \_\_\_\_\_  I understand that the court will place me on felony probation for \_\_\_ years.
- \_\_\_\_\_  I understand that as a condition of probation, the court will sentence me to \_\_\_ days in county jail, OR the court may sentence me to up to 364 days in county jail.
- \_\_\_\_\_  As part of this bargain, I agree that I will not request that the charge(s) be reduced to a misdemeanor pursuant to Penal Code Section 17(b) until after I have successfully completed probation. I further understand that at the end of my probation period, I am not guaranteed a reduction to a misdemeanor and the People may oppose that request if and when I make it.
- \_\_\_\_\_  I understand that if I fail on probation the judge may sentence me up to the Total Maximum Time of Imprisonment on this form.
- \_\_\_\_\_  Conditional Plea: I understand that if the sentencing court does not agree with the terms of my plea bargain, I will be allowed to withdraw my plea and be placed in the same position as prior to the plea.

#### D. STRAIGHT UP PLEA

- \_\_\_\_\_  I understand the minimum and maximum sentence for the charges and allegations to which I am pleading. No one has made any other promises to me about what sentence the court may order.
- \_\_\_\_\_  I understand that I am not eligible for probation.
- \_\_\_\_\_  I understand that I will not be granted probation unless the court finds at the time of sentencing that this is an unusual case where the interests of justice would be best served by granting probation.

**E. CONSEQUENCES OF MY PLEA**

**1. Probation Term**

\_\_\_\_  I understand that the court may place me on probation for up to 5 years (or \_\_\_\_ years).

**2. Jail**

\_\_\_\_  I understand that as a condition of probation, the court may sentence me to serve up to 364 days in county jail for each count.

**3. Prison Sentence if Probation is Denied or Violated**

\_\_\_\_  I further understand that if I am sentenced to prison in this case, I am not eligible to serve my sentence in the county jail pursuant to Penal Code section 1170(h)(3).

**4. Fines/Fees**

\_\_\_\_  I understand that the Court will order me to pay the amounts below:

- Fines: Up to \$10,000 in fines, if placed on probation;
- Restitution Fines: Up to \$10,000;
- Victim restitution: Any actual restitution;
- Probation supervision: \$30/month, if placed on probation;
- Court operations Assessment: \$40, for each count;
- Probation/Parole: Up to \$10,000, if I fail on probation or parole;
- Conviction Assessment: \$30 per felony or misdemeanor conviction
- Booking fee: \$44.50, if arrested by Yuba City Police Department;
- Other: \_\_\_\_\_

**5. Violation of Any Current Probations/Parole**

\_\_\_\_  I understand that a conviction in this case may constitute a violation of any other current grant of probation or parole in any other case and that I may receive additional punishment as a result of that violation.

**6. Prior Prison Term**

\_\_\_\_  I understand that if I am sentenced to prison, regardless of whether it was served in the local jail (pursuant to Penal Code section 1170(h)(3)) or in the state prison, the penalty for any future felony conviction may be increased by one year as a result of my prison term in this case.

**7. Post-Release Community Supervision**

\_\_\_\_  I understand that if I am sentenced to state prison:

- Upon release from prison, I may be placed on post-release community supervision for a period of time not to exceed three years, supervised by county officers.
- I could be sent to county jail for up to ten days on the order of the post-release community supervision authority without a court hearing.
- Following a court hearing, if I am found in violation of any terms or conditions of post-release community supervision, I could be sent to county jail for up to 180 days each time I am found in violation.

**8. Parole**

- \_\_\_\_\_  I understand that upon release from state prison I will be placed on parole for a period of time ranging from three years to life, supervised by the California Department of Corrections and Rehabilitation.
- If I violate the terms of my parole, I can be returned to state prison for up to one year for each violation; and
  - If I abscond from parole supervision, this can extend the total time of parole supervision.

**9. Print and DNA Samples**

- \_\_\_\_\_  I understand that I must provide biological samples and prints for identification purposes including buccal (mouth) swab samples, right thumb prints, palm prints, and blood specimens or other biological samples required by law and that failure to do so constitutes a new criminal offense.

**10. Strike Offenses**

- \_\_\_\_\_  I understand that this offense constitutes a "strike." I understand that if I commit any felony in the future, I will not receive probation, I must serve at least 80% of my future sentence, and my sentence will be doubled. I understand if I accumulate enough strikes in my lifetime (currently two strikes), and I commit another serious or violent felony, I may be **sentenced to life** in prison.

**11. Serious or Violent Felonies**

- \_\_\_\_\_  I understand that this conviction may be used to enhance the sentence of any future felony by (3), (5) or (10) years.
- \_\_\_\_\_  I understand that if I commit any felony in the future, I will not be eligible to serve my sentence in the county jail pursuant to Penal Code section 1170(h)(3).

**12. Probation Ineligibility**

- \_\_\_\_\_  I understand that if I commit any felony offenses in the future I am presumed ineligible for probation because I have at least two felony convictions.

**13. Credit**

- \_\_\_\_\_  I understand that the jail or prison conduct/work-time credit I may accrue will not exceed 15% of the total term of imprisonment.
- \_\_\_\_\_  I understand that I am admitting a prior strike conviction, and my prison conduct/work- time credit will not exceed 20% of the total term of imprisonment.

**14. Arson Offenses**

- \_\_\_\_\_  I understand I must register as an **arson offender for life**, pursuant to Penal Code section 457.1.

**15. Child Abuse**

\_\_\_\_  I understand that if I am granted probation, the term of probation must be at least 48 months and I must complete no less than one year of a child abuser's treatment counseling program.

**16. Driving Offenses**

\_\_\_\_  **Driving Privilege:** I understand that my privilege to drive a motor vehicle may be revoked or suspended and my vehicle may be ordered forfeited if it was involved in the offense.

\_\_\_\_  **DUI Class:** I understand that I must complete a driving under the influence class and cannot have my privilege to drive restored until I complete that class.

\_\_\_\_  **Future DUI:** I understand that this offense may be used to increase both the minimum and maximum punishment for any future driving under the influence offense.

\_\_\_\_  **Advisement:** 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.

**17. Domestic Violence Offenses**

\_\_\_\_  I understand I must pay a minimum \$500 domestic violence fund fine.

\_\_\_\_  I understand that this conviction may be used to increase both the minimum and maximum sentence for any future violation of Penal Code Section 273.5 or 646.9.

\_\_\_\_  I understand that I am required to attend a 52-week Batterer's Treatment Program.

\_\_\_\_  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.

**18. Drug Offenses**

\_\_\_\_  **Register:** I understand I must register as a drug offender, pursuant to Health & Safety Code section 11590, until five years after discharge from prison, release from jail or termination of probation or parole for this offense.

\_\_\_\_  **Diversion:** I understand that if I am not eligible for Deferred Entry of Judgment or if I fail out of the program, I may be sentenced up to the Aggregate Maximum Time of imprisonment provided for on this form. I understand that I must waive time for sentencing to participate in the program.

\_\_\_\_  **Probation per Penal Code section 1210.1:** I understand that if I am not eligible for the probation pursuant to Penal Code section 1210.1 or if I fail out of the program, I may be sentenced up to the Total Maximum Time of Imprisonment provided for on this form.

\_\_\_\_  **Fines/Fees:** I understand that I will be fined a laboratory testing fee in the amount of \$50 as well as all attendant state and local penalties, assessments and surcharges.

\_\_\_\_  **Prior:** I understand that I am pleading to a commercial drug offense. I understand that if I am convicted of a commercial drug offense in the future, this case may be used to add three years to the sentence of the future commercial drug offense.

**19. Firearms/Ammunition**

\_\_\_\_  I understand that I may not own, possess or have custody or control of firearms or ammunition **for life**. I understand that possession of firearms or ammunition is a felony.

\_\_\_\_  I understand that even if my offense is a misdemeanor, I may not own, possess or have custody or control of firearms or ammunition for 10 years.

**20. Gang Offenses**

\_\_\_\_  I understand I must register as a gang offender, pursuant to Penal Code section 186.30, until five years after the imposition of the registration requirement.

\_\_\_\_  I understand that I must serve a minimum of 180 days in county jail if I get probation.

**21. Immigration Consequences**

\_\_\_\_  I understand that if I am not a citizen of the United States, I will be deported from the country, denied citizenship, and denied re-entry into the United States.

**22. Sex Offenses**

\_\_\_\_  **Register:** I understand that I must register as a **sex offender for life**, pursuant to Penal Code section 290.

\_\_\_\_  **DNA:** I understand that I must provide a sample of my DNA for testing of HIV antibodies. I understand that the results of this test will be provided to the People, the Department of Justice and the victim in this case.

\_\_\_\_  **SVP:** I understand that this conviction may be used as a qualifying offense under the Sexually Violent Predator Act. I understand that if I qualify as a sexually violent predator, I may be **civily committed for life**.

\_\_\_\_  **288.1:** I understand that a court may not suspend my sentence until the court receives a report from a reputable psychiatrist or psychologist pursuant to Penal Code section 288.1.

\_\_\_\_  **647.6/314.1:** I understand that any future violation of Penal Code section 647.6 or 314.1 can be charged against me as a felony.

\_\_\_\_  **1170(h)(3):** I understand that if I commit any felony in the future, I will not be eligible to serve my sentence in the county jail pursuant to Penal Code section 1170(h)(3).

**23. Theft Offenses/Welfare Fraud/Check Fraud**

\_\_\_\_  I understand that if I have served or do serve time in custody as a result of this offense, a theft offense I commit in the future may be charged against me as a felony.

\_\_\_\_  I understand that this conviction may affect my ability to receive welfare benefits.

\_\_\_\_  **476:** I understand that any future check offense may be charged against me as a felony.

24. Other Consequences:

\_\_\_\_\_

**IV. CONSTITUTIONAL RIGHTS**

I understand that I am entitled to each of the following rights as to the charges and allegations to which I am pleading:

**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.

**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 convinced beyond a reasonable doubt that I am guilty.

**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.

**IV. CONSTITUTIONAL RIGHTS (continued)**

**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.

**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.

**RIGHT TO PRESENT A DEFENSE AND PRODUCE WITNESSES**

\_\_\_\_\_  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.

**V. WAIVER OF CONSTITUTIONAL RIGHTS**

\_\_\_\_\_  I waive and give up the above constitutional rights, for each of the charges and allegations listed to which I am pleading.

\_\_\_\_\_  Cunningham Waiver: I waive and give up the above constitutional rights, as to any sentencing factors that may be used to increase my sentence.

**VI. RIGHT TO & WAIVER OF PRELIMINARY HEARING**

\_\_\_\_\_  I understand that, before I have a trial, the law gives me the right to a speedy preliminary hearing at which the prosecution would produce evidence and the court must find reasonable cause to believe I committed the crimes with which I have been charged. I understand that I have all of the above constitutional rights at the preliminary hearing, except for the right to a jury trial.

\_\_\_\_\_  I give up my right to a preliminary hearing and the constitutional rights listed above

**VII. ENTRY OF PLEA**

\_\_\_\_\_  I freely and voluntarily plead  GUILTY  NO CONTEST to the charges on page one and admit the allegations on page one, understanding that this plea and admission will lead to the penalties listed above.

\_\_\_\_\_  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 loved ones; or made any promises to me, except as listed on this form, in order to convince me to plead guilty or no contest.

\_\_\_\_\_  I am not under the influence of any drug, medication or alcohol that affects my ability to understand the nature of and consequences of my plea.



\_\_\_\_  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 factual basis for my plea and any admissions:

- (a)  Preliminary Hearing Transcript
- (b)  Police Report
- (c)  Facts: In Sutter County, California, on

(d)  I am pleading to take advantage of a plea agreement and my attorney will stipulate to a factual basis for the plea. (*People v. West* (1970) 3 Cal.3d 595).

**NO CONTEST PLEA**

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

**HARVEY WAIVER**

\_\_\_\_  I understand that as part of the plea agreement, the court will dismiss any counts and allegations to which I have not pled. I understand that the court may consider the facts underlying dismissed counts in sentencing me on the count(s) and allegation(s) to which I am entering a plea.

**VIII. AFTER THE PLEA**

**ARBUCKLE WAIVER (Conditional Pleas Only)**

\_\_\_\_  I understand that I have the right to be sentenced by the same judge who takes my plea. I give up that right and agree that any judge may sentence me.

**PROBATION APPLICATION & REPORT & WAIVER**

\_\_\_\_  I understand that I have the right to apply for probation. I waive and give up the right to apply for probation.

\_\_\_\_  I understand that I have the right to have a written sentencing report. I waive and give up the right to a written sentencing report.

**TIME WAIVER**

\_\_\_\_  I understand that I have the right to be sentenced within 20 court days. I give up that right and agree to a later date.

**DEFENDANT'S STATEMENT**

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 the effects of any prior convictions, enhancements, and special 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

\_\_\_\_\_  
Defendant's Signature

**DEFENSE ATTORNEY'S STATEMENT**

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

I concur in the plea and admissions and join in the waiver of defendant's constitutional and statutory rights. I hereby stipulate that there is a factual basis for the plea.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defense Attorney's Signature

**INTERPRETER'S STATEMENT**

I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the language noted below. The defendant stated that he or she understood the contents on this form and then initialed and signed the form.

Language:     Spanish         Punjabi         Other: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Interpreter's Signature

**PROSECUTOR'S STATEMENT**

I have read this form and understand the terms of the plea agreement. I concur in the Defendant's plea of guilty or no contest as set forth above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Prosecutor's Signature

**COURT FINDINGS AND ORDER**

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

1. The defendant has read or has had read to him or her and understands each of the initialed items in this form.
2. The defendant understands the nature of the crimes and allegations to which the defendant is pleading and the consequences of the plea and any admissions.
3. The defendant expressly, knowingly, understandingly, and intelligently waives his or her constitutional and statutory rights.
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 pursuant to 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 in this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this court.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge's Signature