

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
MISDEMEANOR PLEA FORM**

People v. _____ Case Number: _____

A. ADVISEMENT OF RIGHTS:

Initials

- _____ 1. I have the right to a speedy and public trial by a judge or jury.
- _____ 2. At my trial, I have the right to face and cross-examine any witnesses against me.
- _____ 3. I have the right to ask the court to compel witnesses to attend my trial at no expense to me.
- _____ 4. I have the right against self-incrimination. I cannot be forced to testify against myself, but I also have the right to testify in my own defense if I choose to do so.
- _____ 5. I have the right to be represented by a lawyer at all proceedings. If I cannot afford one, the court will appoint one to represent me at no cost to me.
- _____ 6. I have the right to have a court reporter at all proceedings. If I wish one, I will advise the court in advance. If I cannot afford to pay for the court reporter, the court will provide one at no cost to me.

B. CONSEQUENCES OF PLEA:

- _____ 1. As a convicted misdemeanant subject to Penal Code section 29810, I am 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. The court will order me to relinquish all firearms in the manner provided in Penal Code section 29810. I acknowledge receipt of the Prohibited Persons Relinquishment Forms.
- _____ 2. I will be ordered to pay restitution to the victim(s).
- _____ 3. I agree that the amount of victim restitution is _____. If the parties do not agree, the probation department will determine the amount. If I disagree with the amount, I may request a hearing
- _____ 4. Charges and/or enhancements may have been dismissed as part of this negotiated disposition with the District Attorney's Office. I agree that I will be ordered to pay restitution to the victim(s) of the dismissed charges and/or enhancements.
- _____ 5. I will be ordered to pay a restitution fine of at least \$150 and not more than \$1000. There are several other fines and fees that will be imposed as a result of this guilty plea.
- _____ 6. If I am not a citizen of the United States, I understand that this conviction may and for certain offenses (see Immigration Consequences Addendum) **will** have the consequences of deportation, exclusion from admission to the United States or denial of naturalization pursuant to federal law. I understand I have the right to request additional time to contact an immigration attorney and to consider my plea in light of this advisement. I have had sufficient time to consider the immigration consequences of my plea.
- _____ 7. 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 I drive while under the influence of alcohol or drugs, or both, and as a result of that driving, someone is killed, I can be charged with murder.
- _____ 8. My driving privileges may be suspended or revoked by the Department of Motor Vehicles.
- _____ 9. I understand that I will be ordered to register with law enforcement as a(n) _____ and that if I fail to register or to keep my registration current for any reason, new felony criminal charges may be filed against me. I understand that registration as a sex offender is a life long requirement.
- _____ 10. I may be required to undergo AIDS testing if I am convicted of sex crimes or an assault.
- _____ 11. I may be required to give a DNA sample.
- _____ 12. Other: See attached addendum re: Driving under the Influence; Driving on a Suspended License;

C. DEFENDANT'S STATEMENT:

- _____ 1. All the promises made to me are written on this form, stated in open court, or enumerated in documents filed with this court.
- _____ 2. No one has made any threats to me or anyone close to me, or placed any pressure of any kind on me in order to make me plead guilty.
- _____ 3. I understand that if I violate any of my probation terms, I could be sentenced to the maximum custody term possible under these charges as set forth under "Plea Agreement", Item 3.
- _____ 4. If there are any dismissed charges, they may be considered in determining restitution and the appropriate sentence.
- _____ 5. As part of this plea, I (circle one) do / do not waive any right to appeal that I may have.
- _____ 6. Factual Basis: I agree that I did the things that are stated in the charges that I am admitting.

D. PLEA AGREEMENT:

1. Defendant in Pro Per: I will plead guilty to the complaint as charged.
2. Per agreement with the District Attorney, I will plead guilty to the following charges:
3. Defendant represented by an Attorney: The terms of the disposition are:
4. The maximum possible custody commitment for the admitted charges may be; 1 year, 6 months, or 90 days, depending on the charge. These are per count.
5. My guilty pleas are conditional on receiving the following considerations as to sentence:
 - a) Probation will be granted. The terms are in the Sentencing Memorandum Form which is incorporated into this Plea Form.
 - b) Probation will be denied. The terms are in the Sentencing Memorandum Form which is incorporated into this Plea Form.

E. SIGNATURES:

District Attorney: The above is a correct statement of the Plea Agreement between defense and prosecution.

 (DATE) (PRINT NAME) (SIGNATURE)

Defendant: I have read and understand this entire document and any addendums. I waive and give up all of the rights that I have initialed. I understand the consequences of this plea. I accept this plea agreement. I agree that a commissioner or an attorney acting as a *judge pro tem* may act as a judge in this case.

 (DATE) (PRINT NAME) (SIGNATURE)

Defense Attorney: I am the attorney for the defendant. I am satisfied that (1) the defendant understands his/her constitutional rights and understands that a guilty plea would be a waiver of those rights; (2) the defendant has had an adequate opportunity to discuss his/her case with me, including any defenses he/she may have to the charge(s); (3) 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 his/her right to additional time to discuss this matter with an immigration attorney, and (4) the defendant understands the consequences of his/her guilty plea. I join in the defendant's plea and waiver of his/her constitutional rights.

 (DATE) (PRINT NAME) (SIGNATURE)

Interpreter: Having been duly sworn, or having a written oath on file, certify that: I truly sight translated this form in the _____ language; or I interpreted the attorney/client communication regarding this form in the _____ language. The defendant has stated that he/she fully understood the contents of the form prior to signing.

 (DATE) (PRINT NAME) (SIGNATURE)

F. COURT'S FINDINGS AND ORDER:

The Court, having reviewed this form and any addendums and having questioned the defendant finds that: the defendant has expressly, knowingly, intelligently and understandingly waived 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 the plea. The Court accepts the defendant's waiver of rights, the plea and admissions and the defendant is thereby convicted.

 (DATE) (JUDGE'S SIGNATURE)