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| MARIN COUNTY SUPERIOR COURT P.O. Box 4988 San Rafael, CA 94913-4988 | <i>FOR COURT USE ONLY</i> |
| PEOPLE OF THE STATE OF CALIFORNIA <div style="text-align: right;">vs.</div> | |
| DEFENDANT: | CASE NUMBER: |
| PLEA OF GUILTY (FELONY) | |

I am the defendant in the above-entitled action, and I declare as follows:

My attorney in this action is

INITIALS

1(a) **CHARGES AND MAXIMUM TERM:** I desire to, and do hereby plead GUILTY to the charge(s) and allegation(s) listed below. My attorney has explained, and I understand, the possible sentence and sanctions that could be imposed as a result of my plea of GUILTY. I understand that the maximum penalties for the charges to which I am pleading GUILTY (including imprisonment and fines) are as described below:

1(a)

| Count | Charge | Maximum Imprisonment | Maximum Fine | Prior Convictions, Enhancements & Special Allegations | Maximum Imprisonment (Enhancement) |
|-------|--------|----------------------|--------------|---|------------------------------------|
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1(b)

1(c) Additional charges are listed on addendum, attached to this plea form. (Check box if addendum is attached.)

1(c)

| | | | |
|-------------------------|--|---|--|
| AGGREGATE MAXIMUM FINE: | | AGGREGATE MAXIMUM TERM OF IMPRISONMENT: | |
|-------------------------|--|---|--|

1(d)

1(e) I understand that the *term of imprisonment* described above must be served in the state prison, county jail or a combination of county jail plus mandatory supervision by the probation department, as required by law.

1(e)

2. I understand that if I am sentenced to imprisonment in the county jail pursuant to Penal Code Section 1170(h), the court may suspend a portion of that imprisonment, to be served under mandatory supervision by probation under terms imposed by the court. If I receive such a split sentence and violate the terms of the mandatory supervision, I may be ordered to serve the balance of the suspended term of imprisonment in custody.

2

3. I understand that if I am granted probation, as conditions of probation I may be required to serve up to _____ in the county jail plus any other reasonable conditions the court deems appropriate. I understand that if I violate any condition of probation, I may be sentenced up to the maximum term of imprisonment plus fines described in paragraph 1, above.

3

4. I understand that I may not be granted probation unless the court finds this to be an unusual case in which the interests of justice would best be served by a grant of probation.

4

5. I understand that if I am sentenced to a term of imprisonment in the state prison, thereafter, I will be subject to a period of either post release community supervision for up to 3 years (if I am eligible), or state parole for up to _____. If I violate the terms of any post release community supervision, or parole, I may be returned to custody as provided by law.

5

6. I understand the nature of the charge(s) against me and have had adequate time to discuss the case with my attorney. I have advised my attorney of all the facts and circumstances of the case. We have discussed the charge(s) and the possible defenses thereto.

6

7. My attorney has explained my constitutional rights to me. I understand that I have the following constitutional rights, and I freely and voluntarily waive (give up) each of these rights:

I understand this right

I waive this right

a) the right to a preliminary hearing;

7

a

7

a

b) the right to a speedy, public jury trial;

b

b

c) the right not to make any statements that tend to incriminate me;

c

c

d) the right to testify on my own behalf if I so choose;

d

d

e) the right to produce, and use the court's subpoena power to compel the attendance of, witnesses and evidence on my behalf; and

e

e

f) the right to confront my accuser(s) and to confront and cross-examine any witnesses against me.

f

f

8. I understand that I have the above constitutional rights with respect to the enhancements and special allegations that are set forth in the complaint or Information. I also waive these rights with respect to such enhancements and special allegations.

8

9. I understand that I have a right to appeal from any judgment of this court. I waive my right of appeal and my right to attack the final judgment by any statutory or non-statutory means, except as to any sentencing error the court may make.

9

10. I understand that if I am not a citizen of the United States, my plea of GUILTY may have the consequences of deportation, exclusion from admission to the United States, and/or denial of naturalization or amnesty pursuant to the laws of the United States. I understand that Federal law provides that these consequences are mandatory for certain offenses.

10

11. I understand that my plea of GUILTY may be used as evidence against me with respect to any forfeiture of any property that may be seized in connection with the investigation giving rise to these charges against me.

11

12. I understand that a further consequence of my plea of GUILTY is that the court may impose other fees and assessments in addition to the penal fines described above, as provided by law. The court is also required to order restitution to the victim(s). The court must also order a restitution fine, probation revocation restitution fine, and potentially a parole revocation restitution fine, each of not less than \$300 or more than \$10,000 per felony count or not less than \$150 or more than \$1,000 for misdemeanors, pursuant to Penal Code Sections 1202.4(b), 1202.44 and 1202.45.

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13. I understand that as a further consequence of my plea of GUILTY, I will be required to register as a(n) offender as required by

13

14. I further understand that if I was on parole, probation, post release community supervision, or mandatory supervision by the probation department at the time of this offense, my plea of GUILTY may result in their revocation.

14

15. I have not taken any drugs or consumed any alcoholic beverages within 24 hours prior to entering this plea, except , which does not in any way affect my ability to understand the waivers I have given or my knowing and voluntary decision to plead GUILTY. I am not impaired at this time by any drug or alcoholic beverage.

15

16. I have not been induced to plead guilty by any promise or representation of a lesser sentence, probation, reward, immunity, or anything else, other than those promises listed below:

16

[Empty box for listing promises]

17. I understand and agree that the sentencing judge may consider facts and circumstances underlying the dismissed counts in determining the appropriate sentence (including the amount and recipients of restitution) for the counts to which I am entering a plea. (Harvey waiver)

17

18. I understand that the matter of probation and sentence is to be determined solely by the court. The court is not bound by this plea agreement. If the court does not agree with any of the promises or representations stated above, I understand that I will be allowed to withdraw my GUILTY plea and proceed to preliminary hearing if not yet held, and/or trial.

18

19. I freely and voluntarily plead GUILTY to the charge(s) listed on page 1 (and any addendum) and admit the allegation(s) listed. I offer my plea of GUILTY, and my admissions and waivers freely and voluntarily and with full understanding of everything in this form. My decision to plead guilty, waive my rights, and make any admissions has been made freely and voluntarily, without threat or fear to me or to anyone closely related to me or associated with me.

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DEFENDANT'S DECLARATION

I declare under penalty of perjury that 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 charge(s), possible defense(s), and the effects of any prior conviction(s), enhancement(s), and special allegation(s) have been explained to me. I understand each of the rights outlined above, and I give up each of them to enter my plea(s) and make any admission(s). I shall notify the Probation Department within 48 hours of any change of my mailing or residence address or telephone number.

DATED: ____/____/____, AT SAN RAFAEL, CALIFORNIA

DATE OF BIRTH

DEFENDANT'S SIGNATURE

TELEPHONE NUMBER

ADDRESS

DRIVER'S LICENSE NUMBER

CITY / STATE / ZIP

COUNSEL'S DECLARATION

I declare under penalty of perjury that I am the above-named defendant's attorney in the above-entitled criminal action; I have personally read and explained the contents of the above declaration to the defendant; I personally observed the defendant read said declaration, or I read it to him, and saw him date and sign said declaration. I have made an independent examination of the facts and law applicable to said criminal action. I concur in the defendant's plea(s) of GUILTY to the charge(s) [and allegation(s)] as set forth above. Defendant stipulates there is a factual basis for the GUILTY plea(s) and admission(s).

DATED: ____/____/____, AT SAN RAFAEL, CALIFORNIA

DEFENDANT'S ATTORNEY

DISTRICT ATTORNEY'S STATEMENT

The People of the State of California, Plaintiff in the above-entitled action, by and through its attorney, the Marin County District Attorney, concur in the defendant's plea of GUILTY as set forth by the defendant in the above declaration. The People stipulate there is a factual basis for the plea(s) [and admission(s)].

DATED: ____/____/____, AT SAN RAFAEL, CALIFORNIA

DEPUTY DISTRICT ATTORNEY

INTERPRETER'S CERTIFICATION

I am a certified court interpreter. I have translated the information contained on this form for the defendant from English into _____.

DATED: ____/____/____, AT SAN RAFAEL, CALIFORNIA

INTERPRETER

The Court finds that Defendant has been fully informed of, and understands his/her Constitutional rights and the maximum penalties and consequences that might be imposed as a result of his/her plea(s) of GUILTY [and admission(s)]. The plea(s) and admission(s) is/are accepted and ordered to be entered. The court finds that there is a factual basis for said plea(s) and admission(s) and that the plea(s) and admission(s) has/have been made knowingly, intelligently, and voluntarily by the defendant, and that he/she understood the rights that were being waived and the consequences of such plea(s) and admission(s).

DATED: ____/____/____

JUDGE OF THE SUPERIOR COURT