

SUPERIOR COURT OF CALIFORNIA
COUNTY OF YOLO

THE PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff

Case No. _____

vs.

Declaration and Order Regarding
Plea of **GUILTY/NO CONTEST**
to a Felony

Defendant

DECLARATION BY DEFENDANT

I am the defendant in the above-entitled criminal action. In support of my motion to change my plea(s) to be made in open court personally and by my attorney, I declare that:

_____ 1. I understand the possible punishments and fine prescribed by law (if I am sentenced to State Prison) for the crime(s) to which I wish to plead GUILTY/NO CONTEST are:

Count	Code Section & Name of Crime	Minimum	Middle	Maximum	Max. Fine

_____ 2. I understand that if I am sentenced to imprisonment in the State Prison, upon release I will be subject to a period of parole of up to _____ years. I further understand that by admitting the following "enhancement" charges made by the DISTRICT ATTORNEY in the charging document, my maximum punishment may be increased as follows:

Enhancement Charges	Additional Punishment

_____ 3. I am not suffering any mental disease or defect, which keeps me from understanding this form. I am not now under the influence of any mind-altering substances.

_____ 4. I understand and have discussed the nature of the charge(s), enhancement(s), and any prior conviction(s) against me, and the possible defenses thereto with my attorney and understand the consequences of my plea.

_____ 5. I agree there is a factual basis for this plea. The Court may take facts from probation reports, police reports or other sources to determine the factual basis for this plea.

_____ 6. I waive all right to appeal on both the judgment of the Court and any decisions on motions which precede this plea or judgment. Appeal is not waived as to sentencing errors.

7. I understand that I also have the following constitutional rights, which I now give up to enter my plea; these rights also apply to any prior convictions or enhancements I am charged with:

I understand this right I give up this right

I understand I have the right to be represented by a lawyer at all stages of the proceedings, including this one. I can hire my own lawyer, or represent myself, or the court will appoint a lawyer for me if I cannot afford one.
The right to be tried by jury, in a speedy public trial.
The right to confront and cross-examine all witnesses against me.
The right to remain silent (unless I choose to testify in my own behalf).
The right to present evidence and to have witnesses subpoenaed to testify in my behalf at no cost to me.

____ 8. No one has threatened or promised to reward me, my family or anyone else to get me to enter this plea. No one has told me, or promised or suggested to me, that I will receive a lighter sentence, or probation, or any other favors to get me to enter this plea, except that I have entered into the following PLEA AGREEMENT:

____ 9. If I willfully fail to appear for my probation interview or for judgment and sentencing, without good cause, or later I am found to have violated any term of my probation, I may be sentenced without regard to the conditional terms of this PLEA AGREEMENT.

10. I understand that as a result of my plea, I will be subjected to the following additional consequences:

- ____ If I am not a United States citizen or born in the U.S., I may be deported, excluded from admission to the United States, or denied naturalization (Penal Code Section 1016.5).
- ____ Since I am being convicted of an aggravated felony per 8 U.S.C. sec. 1101(a)(43), if I am not a United States citizen I will be deported, excluded from admission to the United States, or denied naturalization.
- ____ I will not be allowed to own or possess any firearm. (Penal Code Sect. 12021, 12021.1)
- ____ I will be required to pay a restitution fine of \$200 to \$10,000. (Govt. Code Sect. 13967)
- ____ I will be required to register pursuant to Penal Code sect. 290/Health & Safety sect. 11590.
- ____ If I am on probation in any other case, a plea of GUILTY/NO CONTEST may result in a violation of probation in that case and a county jail or state prison sentence.
- ____ I will be required to register pursuant to Penal Code section 457.1.

____ 11. My attorney has explained to me that if the court refuses to accept the above-stated agreement, I will be allowed to withdraw my plea.

____ 12. I understand that the matter of probation and sentence is to be determined solely by the Court.

____ 13. I am freely and voluntarily pleading _____ because in truth and in fact I am guilty or I believe the evidence is sufficient to prove my guilt at trial.

____ 14. My lawyer explained this form and its entire contents to me and I understand what I have said in this Declaration and the consequences thereof.

_____ 15. This is a conditional plea. I will receive no state prison at the outset and will be placed on Penal Code Section 1210.1(a) probation. (Proposition 36) If I refuse drug treatment as a condition of probation, this plea will remain in effect and I will be sentenced without any conditions on the plea.

_____ 16. This is a deferred entry of judgment as to Count(s) _____. If I fail or am terminated from Drug Court, judgment will be entered pursuant to any conditions as set forth in paragraph 8 herein. If I successfully complete Drug Court, the Count(s) listed above shall be dismissed pursuant to Penal Code Section 1000, et seq.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____ California, in the presence of my lawyer.

Defendant's Signature

DEFENSE ATTORNEY'S DECLARATION

I am the attorney for the defendant. I have gone over this form with my client and have explained the foregoing rights to the defendant and answered all the defendant's questions with regard to this plea. I have discussed the facts of this case with the defendant and explained the consequences of the plea(s), the elements of the offense(s), and the possible defenses. To the best of my knowledge and belief, defendant understands the matters set forth in this declaration and each of the statements herein is accurate and true, and is voluntarily and understandingly made. I witnessed the defendant's execution of this declaration. I CONCUR/DO NOT CONCUR in this plea and the defendant's decision to waive constitutional rights.

Date: _____

Attorney's Signature

INTERPRETER'S DECLARATION

I am a qualified interpreter with my affidavit on file with the Court Clerk. I have translated this Plea Agreement to the defendant and I believe he/she understands it completely.

Date: _____

Interpreter's Signature

DISTRICT ATTORNEY'S CONCURRENCE

The District Attorney DOES/DOES NOT concur with this Plea Agreement.

Date: _____

Deputy District Attorney's Signature

ORDER

THE COURT FINDS THAT: there is a factual basis to support the charge(s) to which the defendant is pleading; the defendant understands his/her constitutional rights, the nature of the crime(s) charged, the consequences of this plea, and that the defendant is understandingly and voluntarily pleading and waiving such rights and the right to have the charges read.

IT IS ORDERED that the defendant's plea(s) of GUILTY/NO CONTEST, the admission of special enhancement charges, including any prior felony conviction(s), prior prison term(s), and waiver of rights be accepted and entered in the minutes of this court, as a deferred entry of plea/Judgment as to count(s) _____, and that the preceding Declaration be filed.

Done in open court this _____ day of _____

JUDGE