

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF INYO

Plaintiff: PEOPLE OF THE STATE OF CALIFORNIA

Defendant: _____

Case No. _____

**GENERAL FELONY
ADVISEMENT OF RIGHTS,
WAIVER, AND PLEA FORM¹**

Fill out this form if you wish to plead guilty or no contest to the charges against you. Place your initials within the brackets for each applicable item only if you understand it, and sign and date the form on the last page. Some items, especially those brackets noted by an asterisk (*) may not be applicable in your case. "N/A" may be placed within any brackets for items that are not applicable. If you have any questions about your case, the rights you would be giving up by pleading guilty or no contest, the possible sentence, or the information on this form, ask your attorney.

1.a. **RIGHT TO AN ATTORNEY:** I understand that I have the right to be represented by a qualified attorney throughout the proceedings. I have the right to hire or retain an attorney of my own choice. I understand that if I cannot afford to hire or retain my own attorney, the Court will appoint an attorney to represent me, without any initial cost to me. I understand however that the Court must first find that I am indigent and cannot afford to hire an attorney. I must complete a financial declaration for the Court's review. I also understand that under Penal Code § 987.8(b), at the conclusion of my case the Court will hold a hearing to determine if I then have the present ability(or will within 6 months) to reimburse the County of Inyo for all or a portion of the services provided to me by my court appointed counsel. If the Court makes such a reimbursement order, it will have the same force and effect as a civil money judgment against me, and may be enforced and collected in the same manner as any other money judgment, except by contempt proceedings. []

1.b. 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. * []

¹ Do not use this form when the Defendant is only pleading to a felony DUI or Domestic Violence (DV) charge. If the Defendant is pleading to a felony DUI or DV offense and another felony charge, multiple plea forms should be used – this General Felony form and the appropriate DUI and/or DV form.

NATURE OF THE CHARGES

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

_____ []

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

_____ *[]

4. I understand that I am also charged with violating the **probation order** in case(s):

_____ *[]

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

CONSTITUTIONAL RIGHTS

6. **RIGHT TO A PRELIMINARY EXAMINATION AND A JURY TRIAL**-I understand that I have the right to a speedy and public preliminary examination and a jury trial. I understand that a preliminary examination is a hearing before a judge to determine if there is reasonable and probable cause to believe that the felony offense(s) charged have been committed, and committed by me. I further understand if I am ordered to stand trial after a preliminary examination, I have the right to a speedy and public trial by jury. At the trial, I would be presumed innocent, and I could not be convicted unless all 12 impartial jurors were convinced that the District Attorney’s Office had proven my guilt beyond a reasonable doubt. []

7. **RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES**-I understand that at the preliminary examination and trial, I have the right to confront and cross-examine all witnesses testifying against me. I understand that I have the right to have them appear in Court and testify under oath in front of me, and that I or my attorney may ask them questions. []

8. **RIGHT AGAINST SELF-INCRIMINATION**-I understand that I have the right to remain silent and not incriminate myself. I also understand that I have the right to testify on my own behalf, but only if I want to. I understand that I can not be forced or compelled to testify, and that if I elect to remain silent, my silence will not be considered as any evidence of guilt. I understand that by pleading guilty or no contest, or admitting prior conviction(s) or probation violation(s), I am incriminating myself. I understand that if I am pleading no contest the Court will have no choice but to find me guilty of that charge(s), and a plea of no contest will not have any other benefit to me. []

9. RIGHT TO PRODUCE EVIDENCE-I understand that I have the right at the preliminary examination and at trial to present evidence, and to have the Court issue subpoenas (or orders) to bring into court all witnesses and evidence favorable to me, at no cost to me. []

10. RIGHTS ON CHARGES OF PRIOR CONVICTION(S) AND PROBATION VIOLATION(S)- If applicable-I understand that I have the right to an attorney, the right to a jury trial, the right to confront and cross-examine all witnesses, the right against self-incrimination, and the right to produce evidence for all the charges against me, including any charged 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. *[]

WAIVER OF RIGHTS

Understanding all this, for all the charges against me, including any enhancement(s), special allegation(s), prior conviction(s), and/or probation violation(s):

11. I give up my right to an attorney and I choose to represent myself. * []

12. I give up my right to a preliminary examination (unless I have already had a preliminary examination in this case), and I give up my right to a jury trial. []

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

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

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

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

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

_____ years in state prison followed by a term of parole, Postrelease Community Supervision (PRCS), or Mandatory Supervision, as provided by law, and a \$10,000 fine plus assessments.

Parole is generally for a term of 3 years, except as provided in the footnote below, or as otherwise provided by law.²

² Ten (10) years for defendants sentenced for an offense specified in ¶¶ (3), (4), (5), (6), (11), or (18) of subdivision (c) of Penal Code § 667.5, unless a longer period of parole is specified in PC § 3000.1. Ten (10) years for any defendant receiving a life sentence under PC § 209(b), with the intent to commit a specified sex offense, or PC §§ 667.51, 667.61, or 667.71, unless a longer period of parole is specified in PC § 3000.1. Twenty (20) years and six (6) months for a person convicted of and required to register as a

I also understand that if I violate parole, I may be returned to custody as provided by law. If I abscond or the court tolls my supervision, the total time of parole can be extended. If I violate any of the terms or conditions of my parole I can be sentenced to county jail for up to 180 days for each violation, or returned to state prison for up to one year for each violation.

I understand that I may be released from prison on “Postrelease Community Supervision” (PRCS). If so, I will be under the supervision of the Probation Officer, and required to participate in Reentry Court. If I willfully violate the terms and conditions of PRCS, I may be returned to custody in the County Jail for up to 180 days for each violation, for up to a maximum of 3 years. I will be subject to “flash incarcerations” in the discretion of the Probation Officer as provided by law. If I abscond or the court tolls my supervision, the total time of postrelease community supervision (PRCS) can be extended.

[] Penal Code § 1170(h): I understand that if probation is denied or later revoked, I will be sentenced to state prison. However, I understand that my state prison sentence will be served in the Inyo County Jail as provided by PC § 1170(h). Even though I would serve the sentence in the County Jail, I understand that my conviction and sentence will constitute a prior prison term. As such, if I am convicted of a felony in the future, the prior prison term might be used to enhance any future sentence. I also understand that I may receive a “split sentence.” If so, a portion of the sentence will be served in the county jail, and the remaining portion of my sentence will be served on “mandatory supervision.” I may be required to participate in the Inyo County Reentry Court Program, and will otherwise be under the supervision of the Inyo County Probation Department, under terms and conditions of Mandatory Supervision. I understand that I will not receive PC § 4019 or good time/work time/conduct credits for the days that I serve while released on mandatory supervision.

*[] PC § 1170(h) – Mandatory Supervision – Flash Incarcerations: If probation is denied or revoked, and I am sentenced to state prison, but granted a split-sentence with mandatory supervision, I hereby waive my due process rights (including my right have a violation complaint filed, and have a hearing before a Judge), consent, and agree to be subject to “flash incarcerations” for up to 10 consecutive days in the county jail, in the discretion of the Probation Officer, as provided in Penal Code § 1203.35. I understand that I can refuse to sign or agree to this waiver, and Mandatory Supervision cannot and will not be denied because I refuse to sign or agree to this waiver.

sex offender for the commission of an offense specified PC §§ 261, 262, 264.1, 286, 288a, 288(b)(1), 288.5, or 289, in which one or more of the victims of the offense was a child under 14 years of age, unless for good cause the Board of Parole Hearings determines that the defendant will be retained on parole. As provided by PC § 3000.1, the maximum parole period is the remainder of the defendant’s life, for murder, and any conviction under PC § 209(a), if the offense was committed with the intent to commit a specified sexual offense, PC §§ 269, 288.7, 667.51(c), 667.71, in which one or more of the victims of the offense was a child under 14 years of age, or subdivision (j), (l), or (m) of PC § 667.61.

Probation Ineligibility: I understand and agree that I am statutorily ineligible for a grant of probation, and/or it is agreed as part of my plea agreement in this case that I will not be granted probation. As a result, I understand that the Court will deny me probation, and that I will be sentenced to state prison.

Presumptively Ineligible for Probation: I understand and agree that I am presumptively ineligible for a grant of probation. This means that probation will be denied and I will be sentenced to state prison, unless after considering the criteria in *California Rules of Court*, Rule 4.413, the Court finds that unusual circumstances exist in my case, and that it would best serve the interests of justice to grant me probation. I understand that Courts rarely make such findings.

Probation: If I am eligible for a grant of probation, and if probation is granted, I understand that I may be required to serve up to one year in the county jail, as an initial term and condition of probation. If probation is granted and later revoked, I understand the maximum aggregate sentence can be imposed.

* Probation – Flash Incarcerations [PC § 1203(l)]: If granted probation, I do hereby waive my due process rights (including my right to have a violation complaint filed, and have a hearing before a Judge), consent, and agree to be subject to “flash incarcerations” for up to 10 consecutive days in the county jail, in the discretion of the Probation Officer, as provided in Penal Code § 1203.35. I understand that I can refuse to sign or agree to this waiver, and Probation cannot and will not be denied because I refuse to sign or agree to this waiver.

Serious or Violent Felony Conviction: I understand that my conviction(s) in this is to serious and/or violent felonies within the meaning of Penal Code §§ 1192.7, 1192.8, and/or 667.5. I understand that even if I am otherwise eligible for a grant of probation, the Court can not grant me probation unless the Court is satisfied with the Prosecutors statement of reasons for the plea agreement, as required by Penal Code § 1192.7. I also understand that my conviction(s) will constitute a “strike” conviction. If I am ever convicted of any felony offense(s), at any time in the future, this conviction(s) may be used as a strike prior(s) to enhance the sentence that could otherwise be imposed for the new felony or felonies. The enhancement will include, but is not limited to, rendering me ineligible for a grant of probation, significantly increasing my state prison sentence³, and significantly reducing or limiting the good time, work time, and conduct credits that I would otherwise be eligible to earn while in custody.

Limitation on Credits: I understand that I will be convicted of a “violent” felony under Penal Code § 667.5(c). If I am sentenced to state prison, under Penal Code § 2933.1, a 15% limitation applies to the conduct credits I can earn.

³ The penalty for any future felony conviction will be increased as a result of my conviction in this case, depending on the number of strikes I have and the nature of the future felony conviction, up to a mandatory prison sentence of double the term otherwise provided or a term of at least 25 years to life.

I understand that the 15% limitation on the award of good/work time conduct credits applies if I am convicted of a violent sex offense as provided in Penal Code § 667.61, or am designated as a habitual sex offender under Penal Code § 667.71. I understand that if I am admitting a prior strike conviction, prison time credit that I may accrue will not exceed 20% of the total term of imprisonment. As provided in Penal Code § 2933.2, I understand that if I am convicted of murder under Penal Code § 187, I shall not accrue any credit, as specified in Penal Code §§ 2933 or 2933.05. I understand that under Penal Code § 2933.5, if I am convicted of any offense specified in Penal Code section 2933.5, and have been previously convicted two or more times, on charges separately brought and tried, and have served two or more separate prior prison terms as defined in Penal Code § 667.5(g), I will not earn any good time, work time, conduct credits at all.

Diagnostic Evaluation: I understand that if I am otherwise eligible for a grant of probation, before deciding whether or not to grant me probation, the Court may commit me for up to 90-days to the California Department of Corrections for a diagnostic evaluation.

Youthful Offender: I understand that if I was under the age of 21 years when apprehended, it is possible that I will be committed to the California Department of Corrections and Rehabilitation (CDCR) Division of Juvenile Justice (formerly known as the California Youth Authority). (W&I Code §§ 1731.5, 1766)

[] I understand that there is a minimum jail term of _____ days that must be imposed, and a minimum base fine of \$_____plus assessments.

I understand that the Court may issue a criminal protective order under Penal Code § 136.2, that will require me, among other terms, not to contact, directly or indirectly, by any means whatsoever, and to otherwise stay away from the victim(s) and/or witnesses(s). I understand that I will be prohibited from owning, possessing, or having immediate custody or control over any firearm or ammunition while the protective order is in effect, and if I violate said prohibition, I may be subject to separate federal and/or state felony prosecution.

I understand that fees and/or assessments will significantly increase the amount of the fine that I must pay. I understand that a \$40 Court Operations Assessment will be imposed for each count for which I am convicted. (PC § 1465.8(a)(1)) Also, that that a \$30 Criminal Conviction Assessment will be imposed for each felony and misdemeanor count for which I am convicted, and \$35 for each infraction count for which I am convicted. (Govt. Code § 70373) The Court may also impose a \$10 citation fee (cite and release fee) , or a \$25 Administrative Screening Fee (O.R. release fee) under PC § 1463.07.

I understand the Court may also impose various civil judgments as follows:

- Public Defender Reimbursement under PC § 987.8(b)
- Fees for the Probation Department's Pre-Sentence Investigation Report under PC § 1203.1b
- Cost of Formal Probation Supervision under PC § 1203.1b
- Fees for Probation Drug (including alcohol) testing under PC § 1203.1ab
- Accounts Receivable Fee of \$30 for full payment beyond 90-days, or \$35 for installment payments of fines and fees as provided by PC § 1205(e)

Victim Restitution: I understand that I will be required to pay Victim Restitution, for damage or loss, including medical expenses, cost of counseling, lost wages, and other economic losses and expenses incurred by the Victim(s). [PC § 1202.4] I understand that prior to my probation and sentencing hearing, I must provide the Probation Department and file with the Clerk of this Court a disclosure form (Judicial Council Form CR-115 which is available at the Clerk's Office) as required by Penal Code § 1202.4(f)(4&5), including, but not limited to, identifying all assets, income, and liabilities in which I held or controlled a present or future interest as of the date of my arrest for the crime for which restitution may be ordered. If I am granted probation or a conditional sentence, I understand that I must also file with the Court a new and updated financial disclosure form 120 days before the scheduled termination of my probation or conditional sentence, if I still owe money on a victim restitution order or restitution fine. [PC § 1202.4(f)(11)]

Mandatory State Restitution Fine-In addition to Victim Restitution and other fines and fees, the Court will impose a State Restitution Fine in the minimum amount of \$300 and the maximum amount of \$10,000 [PC § 1202.4(b)(1)] If I am granted probation, I understand a Probation Revocation Restitution Fine will also be imposed in the same amount as the state restitution fine, however, the Probation Revocation Restitution Fine will only become effective if my probation is revoked. [PC § 1202.44] If I am sentenced to state prison, now or upon a revocation of probation, I will also be ordered to pay a Parole Revocation Restitution Fine, Postrelease Community Supervision Revocation Restitution Fine, or Mandatory Supervision Revocation Restitution Fine in the same amount as the State Restitution Fine, which will be suspended upon my successful completion of the entire term of parole, supervised release, or mandatory supervision. [PC § 1202.45]

I understand all of the consequences mentioned above in this section 16 entitled "Penalty." []

17. **CASE/FACTUALLY SPECIFIC PENALTIES AND CONSEQUENCES:**

- [] Arson and Attempted Arson Cases: I understand that I will be required to register as required by Penal Code § 457.1, and if I fail to do so my probation, if any, may be revoked, and/or I will be subjected to separate criminal prosecution.
- [] Gang Offenses: I understand that I will be required to register as provided by Penal Code § 186.30 et seq., and if I fail to do so my probation, if any, may be revoked, and/or I will be subjected to separate criminal prosecution.
- [] Theft Related Offense: I understand that if I am convicted of a violation of either Penal Code §§ 211, 215, 459, 470, 484, 487, 487a(a), 488, or 594 the Court must impose a \$10 base fine plus assessments under Penal Code § 1202.5.
- [] Petit Theft with a Prior: I understand that if I serve at least one day in any penal institution (whether as a sentence or term of probation) for a conviction of petty theft, grand theft, a conviction under subdivision (d) or (e) of Section 368 of the Penal Code, auto theft under Section 10851 of the Vehicle Code, burglary, carjacking, robbery, or a felony violation of Section 496 of the Penal Code, and if I am charged with petit theft in the future, it may be charged as a felony offense. (PC § 666)
- [] Automobiles/Driving Privileges:

I understand that if I am convicted of felony assault (PC § 245) by means of a deadly weapon or instrument, where the Court finds that the deadly weapon or instrument was an automobile, my privilege to operate a motor vehicle will be revoked for the rest of my life. [Vehicle Code § 13351.5]

I understand that my privilege to operate a motor vehicle will be suspended for at least one (1) year under Vehicle Code § 13350, if I am convicted of any felony in which I used a motor vehicle in the commission of the felony, unless another provision of law provides for a longer suspension or revocation.

I understand that if I am convicted of Vehicle Code § 10851, upon recommendation of the Court, the Department of Motor Vehicles must suspend or revoke my privilege to drive.

I understand that if I am convicted of a violation of Penal Code § § 594, 594.3, or 594.4, my privilege to operate a motor vehicle will be suspended for up to two years. [Vehicle Code § 13202.6]

I understand that if I am convicted of one or more offenses specified in Vehicle Code § 1202.5(d) involving controlled substances or alcohol, and if I was under the age of 21 years at the time of the commission of the offense, my driving

privilege will be suspended for one year; or if I don't have a license, my ability to obtain a drivers license will be delayed for one year. [Vehicle Code § 13202.5]

- [_____] Vandalism/Malicious Mischief:

In addition to the drivers license suspension mentioned above, I understand that if I am convicted of a violation of Penal Code § 594, that in addition to incarceration and/or fines and fees, the Court may order me to perform community work service and/or graffiti removal, and to participate in a counseling program.

- [_____] Sex Offenses:

- As provided in Penal Code § 288.1, I understand that I will be required to undergo a psychological/psychiatric evaluation, and that I can not be granted probation, unless the Court receives a favorable report as to my mental condition from a reputable psychologist or psychiatrist who meets the standards set forth in Penal Code § 1027.
- I understand that as a result of this conviction(s) I will be required under Penal Code Sections 290 through and including 290.024, to register as a sex offender for the rest of my life. Failure to register as required will constitute a violation of my probation (if any), and/or subject me to separate criminal prosecution.
- If I am convicted of an offense that requires me to register as a sex offender under Penal Code §§ 290 through and including 290.023, or if the probation report recommends that registration be ordered at sentencing under PC § 290.006, the Probation Officer's Report and Recommendation for sentencing will include the results of the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) administered as provided by Penal Code §§ 290.04 through and including 290.06.
- If I am convicted of any offense specified in subdivision (c) of Section 290 of the Penal Code, in addition to any imprisonment or fine, or both, I understand that I must pay an additional fine as required by PC § 290.3, which shall be \$300 plus penalty assessments for a first conviction, and \$500 plus penalty assessments upon a second or subsequent conviction, unless the court determines that I do not have the ability to pay.
- If convicted of a violent sex offense as specified in Penal Code § 667.61, or I am determined to be a habitual sex offender under Penal Code § 667.71, there will be a limit of 15% on the award of "good/work time" conduct credits that I can earn.

- I understand that a longer period of parole or supervision will be imposed as provided by PC §§ 3000 and 3000.1, or as otherwise provided by law.
- I will not be allowed visitation with any child victim as provided by PC § 1202.05.
- I also understand that I will be required to submit to HIV testing as provided by PC § 1202.1,
- I understand that my state prison sentence may be extended under the civil commitment procedures of Welfare & Institutions Code §§ 6250, 6600 et seq. (sexually violent predator statutes).
- If I am convicted of Penal Code § 261.5 (unlawful sexual intercourse), I may be liable for the payment of civil penalties ranging from \$2,000 to \$25,000 depending upon the age of the victim, as provided in PC § 261.5(e)(1).
- If I am convicted of a violation of Penal Code § 261.5, I may also be assessed a fine of \$70 plus penalty assessments, as provided in PC § 261.5(e)(3).
- If convicted of a violation of Penal Code §§ 273a, 273d, 288.5, 311.2, 311.3, or 647.6, I may be required to pay an additional restitution fine, based on my ability to pay, not to exceed \$5,000 for a felony conviction, and \$1,000 for a misdemeanor conviction.

I understand all of the consequences and statements mentioned above in this section entitled “Sex Offenses.” []

- **Drug Offenses:**
 - If I am convicted a drug related offense, the conviction may prevent me from obtaining federal educational financial aid.
 - If I am convicted of a felony offense involving the use, possession, or distribution of drugs, I will not be eligible to receive CalWORKS aid and food stamps for the rest of my life. [WIC § 11251.3]
 - If I am convicted of a felony and I used a motor vehicle in the commission of the felony (such as transporting controlled substances), my privilege to operate a motor vehicle will be suspended or revoked for at least one (1) year as provided by Vehicle Code § 13350.
 - If I am convicted of a violation of Health & Safety Code § 11350 the Court must impose a minimum fine of \$1,000 plus assessments for a first offense, or a minimum fine of \$2,000 plus assessments for a second or subsequent offense. The Court may require me to perform community work service in lieu of all or a portion of the fines.
 - I will be required to register as a narcotics offender as provided by Health & Safety Code § 11590, and my failure to do so may result in a violation of my probation (if any), and/or a separate criminal prosecution under Health & Safety Code § 11594.
 - If I am convicted of a violation of either Health & Safety Code §§ 11350 or 11377, I will be required to pay \$70 to the Aids Education Fund plus penalty assessments, unless the Court determines I don't have the ability to pay the fine.. [H&S §§ 11350(b) and 11377(b)]
 - For any conviction, I will be required to pay a \$50 lab fee as required by H&S § 11372.5, for any conviction of Health & Safety Code sections 11350, 11351, 11351.5, 11352, 11355, subdivisions (a) or (c) of 11357, 11358, 11359, subdivision (a) of 11360, 11361, 11363, 11364, 11368, 11375, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11382, 11383, 11390, 11391, 11550, 11357 (a) or (c), 11360(a), or Business & Professions Code § 4230.
 - For any drug conviction, except H&S Code § 11357(b), I will be required to pay a \$150 drug program fee plus penalty assessments (even if I don't go to a drug program), as required by H&S § 11372.7, unless the Court determines I don't have the ability to pay,
 - I understand that if the Judge before whom I appear for sentencing determines that I am a narcotics addict or in imminent danger of becoming one, I could be committed to the California Rehabilitation Center for

treatment, and I could remain subject to its jurisdiction and control for up to the maximum term that I could be imprisoned. (W&I Code §§ 3051 *et seq.*)

I understand all of the consequences and statements set forth above in this section entitled “Drug Offenses.” []

OTHER MANDATORY PENALTIES AND CONSEQUENCES:

18. Life-Time Firearm Prohibition-I understand that the Court will order and the law otherwise requires a **lifetime firearm prohibition from the date of conviction, meaning that I cannot own, purchase, receive, possess, or have custody or control over any type of firearm, ammunition, and ammunition feeding devices, including, but not limited to magazines, for the rest of my life.** Violation of that prohibition may subject me to separate federal and/or state felony prosecution. [PC §§ 29800 and 30305] **I also understand that I will be ordered to comply with the firearms relinquishment requirements as provided by Penal Code § 29810.** []

19. Immigration Consequences: I understand that if I am not a citizen of the United States of America, that conviction of the offense(s) for which I have been charged, or to which I plead guilty or no contest, may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. I understand that if I am not a citizen of the United States, my plea of guilty or no contest may, or, with certain offenses, WILL result in my deportation from this country, permanent exclusion from reentry to the United States of America, and denial of naturalization, citizenship, amnesty, and that the appropriate consulate may be informed of my conviction. The offenses that WILL result in such immigration action include, but are not limited to, an aggravated felony, conspiracy, a controlled substance (drug) offense, a firearm offense, and under certain circumstances, a moral turpitude offense. (PC § 1016.5)
[]

20. I understand that if I am on probation or parole in any other case, in this or any other jurisdiction, my plea of guilty or no contest in this case may be used against me and result in the violation or revocation of my probation and/or parole, and subject me to the maximum penalties that could be imposed in any other case or cases that I might be on probation or parole. I understand the maximum penalty that can be imposed for any applicable probation or parole violations. []

21. I understand that at the probation and sentencing hearing the Court has the discretion or right to reject the settlement agreement in this case. If the Court does so, I understand my plea(s) will be tendered back to me, and I will be returned to the same procedural

status I am in now (with the right to a jury trial), but that would occur at some unknown future date. []

22. I understand that if I plead guilty or no contest, I should assume that doing so is a permanent and final decision. I understand that I will not be allowed to simply change my mind at a future date. I understand that pleas are allowed to be withdrawn only if there is a legal basis and good cause shown for doing so. []

23. I understand that a plea of no contest (*nolo contendere*) will have exactly the same effect in this case as a plea of guilty, and will not have any other benefit to me. []

24. I understand that a felony conviction can be used against me in any present or future court proceedings involving issues of child custody and/or visitation. []

25. I understand that as a result of this felony conviction I will be required to comply with the provisions of California Penal Code Section 296. I will be required to provide buccal swab (mouth/saliva) samples, thumbprints, full palm print impression of each hand, and any blood specimens or other biological samples required by law for law enforcement identification analysis, including DNA analysis. Failure to comply with the provisions of PC § 296 would constitute a separate crime. []

I understand all the penalties, consequences, and statements set forth above in the section entitled “Other Mandatory Penalties and Consequences,” including paragraphs numbered 18 through and including 25. []

PLEAS

26. I acknowledge that I have had an adequate opportunity to discuss the decision to plead guilty or no contest with an attorney and to consider this decision. I understand the rights I am giving up and the consequences of pleading guilty or no contest. I do not have any questions. I have not consumed any alcohol or drugs (including prescription and non-prescription medications) that in any way may be adversely affecting my thinking, judgment, or reasoning ability at this time. []

27. In exchange for changing my plea to guilty or no contest, I have been promised the following:

No other promises have been made to me except as set forth above in writing. No one has threatened me, or anyone close to me, to get me to change my plea(s) to guilty or no contest. []

28. *Harvey Waiver* – I understand that if one or more charges and/or cases are dismissed with a “Harvey Waiver,” I am agreeing that the facts and circumstances of the dismissed charge(s) or case(s) may be considered by the Probation Department and the Court in imposing probation terms and/or judgment (sentence) in my case. []

29. 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, any or all of the following as a basis for my plea of guilty or no contest and any admission:

- Preliminary Hearing transcript, law enforcement reports, laboratory results, Probation Report, DMV records, and court documents and records []
- I am pleading guilty or no contest to take advantage of a plea agreement, and understand that my attorney will stipulate to a factual basis for the plea. (*People v. West* (1970) 3 Cal.3d 595) []

30. I hereby freely and voluntarily plead _____
(Guilty or No Contest)

to the following charges, and admit the following enhancements, special allegations, and/or prior convictions:

Felony _____

_____ []

31. I freely and voluntarily admit the prior conviction(s) listed on this form. I understand that this admission will increase the penalties which are imposed on me. *[]

32. I freely and voluntarily admit the probation violation(s) list on this form and give up my right to a hearing before a judge regarding the probation violation(s) where the burden would be on the prosecution to prove that I willfully violated lawfully imposed term(s) of probation as alleged, and I also waive and give up, and the other rights described in sections or paragraphs numbered 7 through and including 10 herein above. *[]

33. I understand that I have the right to a delay of 6 hours prior to being sentenced, and the right to a probation and sentencing hearing where I can present evidence in my behalf. I give up these rights and agree to be sentenced at this time. I also waive or give

up my right to have my case referred to the Probation Department for a pre-sentence investigation, report, and recommendation. I desire to proceed immediately to sentencing. I understand a report will be prepared as provided by PC § 1203c if I am sentenced to state prison. * []

34. I understand that I have the right to have the Court pronounce judgment within twenty (20) judicial days from the date of entry of my plea(s) of guilty or no contest. I waive or give up this right, and agree that my probation and sentencing can be held beyond the 20 day judicial day time period. * []

35. I understand that I have the right to be sentenced by the Judge who accepts my plea(s) of guilty or no contest. I do hereby enter an *Arbuckle* waiver, and give up my right to be sentenced by the Judge who takes my plea, and agree that I may be sentenced by another Judge. * []

36. I understand that I must be present at my probation and sentencing hearing. []

37. *Cruz* Waiver – I understand and agree that if I willfully fail to appear for sentencing, any lid or sentencing agreement will be void, and the maximum sentence may be imposed. (*People v. Cruz* (1988) 44 Cal.3d 1247) * []

DATED: _____
Defendant’s Signature

ATTORNEY’S STATEMENT

I am the attorney of record for the Defendant. I have reviewed this 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.

Signature of Defendant’s Attorney (Print Name) Date

INTERPRETER'S STATEMENT

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) _____

Court Interpreter's Signature Type or Print Name Date

PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff, by its attorney, the District Attorney for the County of Inyo, concur with the Defendant's plea of Guilty/No Contest as set forth above.

Signature (Print Name & Title) 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 plea(s), admission of prior 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 further finds that the defendant's waiver of rights, plea(s) and admission(s) are freely and voluntarily made with a knowing and intelligent understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s) and admission(s). The Court accepts the defendant's plea(s), the defendant's admission to prior 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