

Defendant:

CASE NUMBER:

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

7a. I understand that I may receive this maximum punishment as a result of my plea: _____ years imprisonment or imprisonment plus a term of mandatory supervision; \$_____ fine; and _____ years parole or post-release community supervision, with return to custody for every violation of a condition thereof. If I am not sentenced to imprisonment, I may be granted probation for a period up to 5 years or the maximum term of imprisonment, whichever is greater. As conditions of probation I may be given up to a year in jail custody, plus the fine, and any other conditions deemed reasonable by the Court. I understand that if I violate any condition of probation I can be sentenced to imprisonment for the maximum term as stated above. []

7b. I understand that I must pay a restitution fine (\$300- \$10,000), that I will also be subject to a suspended fine in the same amount, and that I must pay full restitution to all victims. []

7c. I understand that my conviction in this case will be a serious/violent felony ("strike") resulting in mandatory denial of probation, substantially increased penalties, and a term in State Prison in any future felony case. []

7d. I understand that if I am not a U.S. citizen, this plea of Guilty/No Contest may result in my removal/deportation, exclusion from admission to the U.S. and denial of naturalization. Additionally, if this plea is to an "Aggravated Felony" listed on the back of this form, then I will be deported, excluded from admission to the U.S., and denied naturalization. []

7e. I understand that my plea of Guilty or No Contest in this case could result in revocation of my probation, mandatory supervision, parole or post-release supervision in other cases, and consecutive sentences. []

7f. My attorney has explained to me that other possible consequences of this plea may be: (Circle applicable consequences.) []

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|--|---|--|
| (1) Consecutive sentences | (9) Prison prior | a. Limited local credits (290/serious/prior) |
| (2) Loss of driving privileges | (10) Mandatory imprisonment | b. Violent Felony (No credit or max. 15%) |
| (3) Commitment to Youth Authority | (11) Mandatory State Prison | c. Prior Strike(s) (No credit to max. 20%) |
| (4) Lifetime registration as an arson / sex offender | (12) Presumptive imprisonment | d. Murder on/after 6/3/98 (No credit) |
| (5) Registration as a narcotic / gang offender | (13) Presumptive State Prison | (17) Loss of public assistance |
| (6) Cannot possess firearms or ammunition | (14) Sexually Violent Predator Law | (18) AIDS education program |
| (7) Blood test and saliva sample | (15) Possible/Mandatory hormone suppression treatment | (19) Other: _____ |
| (8) Priorable (increased punishment for future offenses) | (16) Reduced conduct/work credits | |

8. (Appeal Rights) I give up my right to appeal the following: 1) denial of my 1538.5 motion, 2) issues related to strike priors (under PC sections 667(b)-(i) and 1170.12), and 3) any sentence stipulated herein. []

9. (Harvey Waiver) The sentencing judge may consider my prior criminal history and the entire factual background of the case, including any unfiled, dismissed or stricken charges or allegations or cases when granting probation, ordering restitution or imposing sentence. []

10. (Blakely waiver) I understand that as to any fact in aggravation that may be used to increase my sentence on any count or allegation to the upper or maximum term provided by law, I have the constitutional rights listed in paragraphs 6b-6e. I now give up those rights and agree that the sentencing judge may determine the existence or non-existence of any fact in aggravation, either at the initial sentencing or at any future sentencing in the event my probation is revoked. []

11. (Cruz Waiver) Negotiated Disposition pursuant to PC 1192.5: I understand that if pending sentencing I am arrested for or commit another crime, violate any condition of my release, or willfully fail to appear for my probation interview or my sentencing hearing, the sentence portion of this agreement will be cancelled. I will be sentenced unconditionally, and I will not be allowed to withdraw my guilty/no contest plea(s). []

12. (Arbuckle Waiver) I give up my right to be sentenced by the judge who accepts this plea. []

13. (Probation Report) I give up my right to a full probation report before sentencing. []

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14. **(Evidence Disposal Waiver)** I give up my interest in all non-biological property/evidence impounded during the investigation of this case except _____ and acknowledge that if I listed any property here, I must also file a claim with the impounding agency within 60 days after pronouncement of judgment or my ability to make a claim will expire.

PLEA

15. I now plead Guilty/No Contest and admit the charges, convictions and allegations described in paragraph #1, above. I admit that on the dates charged, I: *(Describe facts as to each charge and allegation)*

16. I declare under penalty of perjury that I have read, understood, and initialed each item above and any attached addendum, and everything on the form and any attached addendum is true and correct.

Dated: _____ Defendant's Signature _____

Defendant's Address: _____
Street

City State Zip

Telephone Number: (_____) _____

Defendant's Right Thumb Print

ATTORNEY'S STATEMENT

I, the attorney for the defendant in the above-entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges and possible defenses with the defendant, and the consequences of this plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his/her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Dated: _____

(Print Name) **Attorney for Defendant** (Signature)
(Circle one: PD / APD / OAC / RETAINED)

INTERPRETER'S STATEMENT (if Applicable)

I, the sworn _____ language interpreter in this proceeding, truly translated for the defendant the entire contents of this form and any attached addendum. The defendant indicated understanding of the contents of this form and any addendum and then initialed and signed the form and any addendum.

Dated: _____

(Print Name) Court Interpreter (Signature)

PROSECUTOR'S STATEMENT

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

Dated: _____

(Print Name) Deputy District Attorney (Signature)

COURT'S FINDING AND ORDER

The Court, having questioned the defendant and defendant's attorney concerning the defendant's plea of Guilty/No Contest and admissions of the prior convictions and allegations, if any, finds that: The defendant understands and voluntarily and intelligently waives 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 same. The Court accepts the defendant's plea and admissions, and the defendant is convicted thereby.

Dated: _____ Judge of the Superior Court

AGGRAVATED FELONIES

ANY CONVICTION OF A NON-CITIZEN FOR AN "AGGRAVATED FELONY" AS DEFINED UNDER 8 U.S.C. 1101(a)(43), WILL RESULT IN REMOVAL/DEPORTATION, EXCLUSION, AND DENIAL OF NATURALIZATION.

"AGGRAVATED FELONIES" include, but are not limited to, the following crimes and any attempt or conspiracy to commit such crimes, even if the conviction is a misdemeanor under state law: [The only exception to the applicability of state misdemeanors is where the offense (as listed below) specifically requires a felony conviction.]

1. **ANY CRIME OF VIOLENCE***

(Includes any offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or any felony offense that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. (18 U.S.C. §16).)

2. **BURGLARY (Except vehicle or vessel unless used as a residence.) ***

3. **CHILD PORNOGRAPHY OFFENSES**

4. **CONTROLLED SUBSTANCES:**

- a) **FELONY POSSESSION OF ANY CONTROLLED SUBSTANCE.**
- b) **MISDEMEANOR POSSESSION OF ANY CONTROLLED SUBSTANCE** when the defendant has previously been convicted of any drug related offense.
- c) **POSSESSION FOR SALE OF ANY CONTROLLED SUBSTANCE**
- d) **SALE OF ANY CONTROLLED SUBSTANCE**
- e) **TRANSPORTATION OF ANY CONTROLLED SUBSTANCE**
- f) **MANUFACTURE/DISTRIBUTION OF ANY CONTROLLED SUBSTANCE AND CULTIVATION OF MARIJUANA**

5. **FELONY D.U.I. (Any type.)***

6. **FAILURE TO APPEAR ON A FELONY CASE**

7. **FORGERY ***

8. **FRAUD (Where loss to victim or victims exceeds \$10,000.)**

9. **MONEY LAUNDERING (If amount over \$10,000.)**

10. **MURDER**

11. **PERJURY/SUBORNATION of Perjury or Bribery of a Witness***

12. **PIMPING/PANDERING/OPERATING A PROSTITUTION BUSINESS**

13. **RAPE**

14. **RECEIVING STOLEN PROPERTY ***

15. **ROBBERY ***

16. **SEXUAL ABUSE OF A MINOR (Touching is not required, e.g.: Indecent Exposure.)**

17. **THEFT (Any type or amount)***

18. **TRAFFICKING IN FIREARMS AND EXPLOSIVES.**

19. **TRAFFICKING IN VEHICLES WITH ALTERED VINS***

20. **DEMAND FOR OR RECEIPT OF RANSOM**

* Where the term imposed is at least one year, whether or not any or all of that term is stayed or suspended at the time of sentencing.