

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF KINGS**
1640 Kings County Drive
Hanford, California 93230
(559) 582-1010

For Court Use Only

PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA

DEFENDANT:

Case Number:

DA Number:

PLEA OF GUILTY/NO CONTEST-FELONY

I, the defendant in the above-entitled case, in support of my plea of Guilty/No Contest, personally declare as follows:

1. Of those charges now filed against me in this case, I plead _____ to the following _____
offenses and admit the enhancements, allegations and prior convictions as follows:

COUNT	CHARGE	TRIAD	ENHANCEMENT/ALLEGATION

PRIORS: (LIST ALLEGATION SECTION, CONVCTION DATE, COUNTY, CASE NUMBER, AND CHARGE)

2. I have not been induced to enter this plea by any promise or representation of any kind, except: (State any Agreement with the District Attorney.) _____

3. I am entering my plea freely and voluntarily, without fear or threat to me or anyone closely related to me. _____

4. I understand that a plea of No Contest is the same as a plea of Guilty for all purposes. _____

5. I am sober and my judgment is not impaired. I have not consumed any drug, alcohol or narcotic within the the past 24 hours. _____

CONSTITUTIONAL RIGHTS

6a. I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer or the Court will appoint a lawyer for me if I cannot afford one. _____

I understand that as to all charges, allegations and prior convictions filed against me, and as to any facts that may be used to increase my sentence, now or in the future, I also have the following constitutional rights, which I now give up to enter my plea of guilty/no contest:

6b. I have the right to a **speedy and public trial by jury**. I now give up this right. _____

6c. I have the right to **confront and cross-examine all the witnesses against me**. I now give up this right. _____

6d. I have the right to **remain silent** (unless I choose to testify on my own behalf). I now give up this right. _____

6e. I have the right to **present evidence in my behalf** and to have the court subpoena my witnesses at no cost to me. I now give up this right. _____

STATUTORY RIGHT TO A PRELIMINARY HEARING

7. I understand that before I have a trial, the law gives me the right to a speedy preliminary hearing at which the prosecution would produce evidence and the court must find reasonable cause to believe I committed the crimes with which I have been charged. I understand that I have all of the above Constitutional rights at the preliminary hearing, except for the right to a jury trial. I give up my right to a preliminary hearing and the constitutional rights listed in Items 6b-6e above. _____

Defendant:	CASE NUMBER:
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CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

8a. I understand that I may receive this maximum punishment as a result of my plea:

- 8a(1): _____ years imprisonment or imprisonment plus a term of mandatory supervision;
 8a(2): _____ fine; and
 8a(3): _____ 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 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.

8b. 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.

8c. 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.

8d. 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.

8e. 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.

8f. My attorney has explained to me that other possible consequences of this plea may be: (check applicable consequences.)

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

9. **(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 §§ 667(b)-(i) and 1170.12), and (3) any sentence stipulated herein.

10. **(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.

11. **(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.

12. **(Cruz Waiver)** Negotiated Disposition pursuant to PC 1192.5: I understand that if pending sentencing I am arrested for or commit another crime, violation 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).

13. **(Arbuckle waiver)** I give up my right to be sentenced by the judge who accepts this plea.

14. **(Probation Report)** I give up my right to a full probation report before sentencing.

15. **(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 file a claim with the impounding agency within 60 days after pronouncement of judgment or my ability to make claim will expire.

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, but 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 \$10,000.00.)

9. **MONEY LAUNDERING** (If amount over \$10,000.00.)

10. **MURDER**

11. **PERJURY/SUBORDINATION** 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.