



Superior Court of California, County of Sacramento Waiver and Plea

(For Court Use Only)

| |
|--------------------|
| |
| Case Number |

I _____ understand, that on the date(s) _____, I am charged with violation(s) _____

I understand the penalties are:

A. Maximum:

B. Minimum without probation:

I understand that if I am not a citizen of the United States, a plea of guilty or no contest could result in my being deported from the United States, excluded from admission to the United States, or denied naturalization as a United States Citizen.

I have discussed any applicable immigration consequences with my attorney.

I understand that if I am currently on probation or parole for any other criminal offense that such probation or parole could be revoked as a result of my plea today.

By personally writing **YES** in the boxes below, I indicate that I understand the following rights and facts, and I expressly give up and waive each right knowingly, intelligently and voluntarily as each applies to this charge.

DEFENDANT TO PERSONALLY WRITE **YES** OR **NO** IN EACH BOX:

| | I understand this right | I give up this right |
|--|--------------------------|--------------------------|
| 1. Right to a speedy and public jury trial. At the trial, I would be presumed to be innocent, and I could not be found guilty unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were unanimously convinced beyond a reasonable doubt that I am guilty. I have a right, through my lawyer, to participate in jury selection. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Right to confront and cross examine all witnesses against me. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Right to remain silent and not incriminate myself. | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Right to subpoena and produce evidence. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Right to be sentenced by a judge: I understand that by giving up this right I stipulate that I may be sentenced by a temporary judge. | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Right to be represented by an attorney at all stages of the proceedings and to have the court appoint one at no charge if I cannot afford my own. | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Right to delay sentencing not less than 6 hours nor more than 5 days after the entry of this plea. | <input type="checkbox"/> | <input type="checkbox"/> |

DEFENDANT TO PERSONALLY WRITE **YES** IN ONE OF THE TWO BOXES:

| | |
|--|--|
| REPRESENTED BY SELF: I give up my right to an attorney | |
| REPRESENTED BY AN ATTORNEY: I have discussed my case with an attorney, we discussed the rights I am giving up by my plea, the elements of the offense(s) charged, the possible defenses and the consequences of my plea. | |

All promises made to me concerning this plea are set forth below:

I have read this document or have had it read for me, and I understand it. I have personally and voluntarily placed the answers in the boxes.

I enter a plea of _____ (No Contest or Guilty) to the charges of violation(s) of _____

Signed: _____ Date: _____

ATTORNEY'S STATEMENT

I certify that I am the attorney of record for the defendant; that I have fully discussed matters herein with the defendant and advised the defendant thereon;

- that I have explained each of the above rights to the defendant, and the representations of the defendant are the defendant's own;
- that I have explored the facts with defendant and studied defendant's possible defenses to the charge(s);
- that I have discussed the nature of the charges and direct consequences of entering a plea;
- that I have advised about the immigration consequences of a proposed disposition, and defended against those consequences consistent with the goals of and with the informed consent of the defendant and professional standards;
- that I believe that the plea and waivers are intelligently and expressly made;
- that I join the plea and waivers; that I stipulate there is a factual basis for the plea and that the time is waived for judgment and sentencing.

The immigration aspect is based on Cal. Penal Code § 1016.3 (a).

Absentia form attached.

Signed: _____

Dated: _____

INTERPRETER'S STATEMENT

I, _____, a qualified certified/registered interpreter, having been sworn, truly translated this form and all the questions therein to the defendant in the language. With the exception of the defendant's signature, I have completed this form at the defendant's direction. The defendant indicated understanding the contents of the form, and then signed the form.

Signed: _____

Dated: _____