

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

THE PEOPLE OF THE STATE OF CALIFORNIA,

No. _____

Plaintiff,

**WAIVER ON PLEA OF GUILTY/NO CONTEST
(FELONY)**

vs.

_____,
Defendant

(Date of Birth: _____)

Initial each box

1. My true full name is: _____
and I am represented by attorney: _____

1.

2. I am charged with: _____
_____ and

2.

I am pleading guilty/no contest to: _____

CONSTITUTIONAL RIGHTS

3. **Right to an attorney:** I understand that I have the right to be represented by an attorney at all stages of the proceedings, and that if I cannot afford to hire an attorney the Court will provide one for me at public expense.

3.

4. **Right to a jury trial:** I understand that I have the right to a speedy and public trial by jury, but that by entering a plea of guilty or no contest, I will be giving up this right.

4.

4a. I give up my right to a speedy and public trial by jury.

4a.

5. **Right to confront witnesses:** I understand that I have the right to confront the witnesses against me, which includes the right to cross-examine them myself through my attorney, but that by entering a plea of guilty or no contest, I will be giving up this right.

5.

5a. I give up my right to confront the witnesses against me.

5a.

6. **Right to produce evidence:** I understand that I have the right to present evidence in my own defense at trial, including the right to testify in my own behalf and to use the subpoena power of the Court to compel the attendance of witnesses who could testify for me, but that by entering a plea of guilty or no contest, I will be giving up this right.

6.

6a. I give up my right to present evidence in my own defense.

6a.

7. **Right against self-incrimination:** I understand that I have the right to remain silent and cannot be compelled to testify or say anything that might incriminate me, but that by entering a plea of guilty or no contest, I will be giving up this right.

7.

7a. I give up my right to remain silent.

7a.

- 8. *(If applicable):* I understand that I have a right to a preliminary examination to determine whether there is sufficient evidence to justify setting my case for trial, and that at this hearing I have the same rights to be represented by an attorney, confront the witnesses against me, present evidence in my own behalf, and remain silent that are set forth above. I give up my right to a preliminary examination. 8.

- 9. *(If applicable):* I hereby give up my right to appeal from this conviction, including an appeal from the denial of any pretrial motions. 9.

- 10. I understand that the terms of any plea agreement are not binding on the sentencing judge, who may be a different judge than the one who accepts my plea of guilty or no contest. If the Court rejects the plea agreement, however, I will have the right to withdraw my plea. 10.

- 11. I agree that if I fail to report to the Probation Department as directed, or if I commit a new crime between now and the sentencing date, or if I fail to appear in court on the date and time set for sentencing, any promises made to me at the time of my plea will be withdrawn, but I will not have the right to withdraw my plea, even if the Court imposes a different sentence than I was promised. 11.

- 12. I understand that if I am not a citizen of the United States, this conviction may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization. 12.

- 13. I understand that if I am placed on felony probation and later violate any of its conditions, my probation may be revoked and I may be imprisoned in the State Prison or County Jail at that time. I further understand that a hearing to determine whether or not I have violated probation would be held without a jury, and that the violation need only be proven by a preponderance of the evidence. I further understand that if I am imprisoned in the State Prison or County Jail that I may be subject to conditions of State Parole for up to four years, Post Release Community Supervision for up to three years or Mandatory Supervision by the Probation Department for the remainder of my sentence. 13.

- 14. I have discussed the charge(s), the facts and the possible defenses with my attorney. 14.

- 15. I have personally initialed each of the above boxes and I understand each and every one of the rights outlined above. 15.

- 16. I offer my plea of "GUILTY" or "NO CONTEST" freely and voluntarily and of my own accord, and with full understanding of all the matters set forth in the Information/Indictment and in this waiver form. I further understand that a plea of "NO CONTEST" will have the same legal effect as a plea of guilty. 16.

Dated: _____

Signed: _____
(Defendant)

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have gone over this form with my client, explained each of the rights set forth herein, and answered all of my client's questions regarding this plea. I have discussed the facts of this case with defendant, including the elements of the offense(s) charged and any possible defenses thereto and the possible consequences of a plea of guilty or no contest, including immigration consequences if applicable. I concur in defendant's decision to waive the above rights and enter this plea, and believe that defendant is doing so knowingly, intelligently, and voluntarily.

Dated: _____

Signed: _____

INTERPRETER'S STATEMENT

I, _____, having been duly sworn, certify that I am fluent in the _____ language, and that I truly translated the contents of this form to the defendant in that language. The defendant stated that (s) he understood the contents of the form, and then initialed and signed it.

Dated: _____

Signed: _____