

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER
MISDEMEANOR ENTRY OF PLEA

People of the State of California,
Plaintiff
- VS -

_____,
Defendant

Case No. _____

Comes now the Defendant above-named represented by _____ and offers to:

Enter plea(s) of guilty/no contest to the charge(s) Defendant violated the following Code Section(s) _____
_____.

as set forth in the complaint or information
 admitting the truth of the alleged prior conviction(s) as set forth in the complaint or information
 on the following terms and conditions

A. The Court dismisses, on the motion of the District Attorney, the following charge(s): _____
_____.

B. That the Court impose only the following judgment:

_____ months summary probation	_____ search terms for narcotics and paraphernalia
_____ fine + \$_____ conviction assessment(s)	_____ alcohol/weapons/firearms/stolen property
_____ days in county jail	_____ DUI school/SB-38/batterer's treatment class
<u>\$150</u> restitution fine + collection fee	_____ anger management/teen alcohol program
_____ not contact/batter/harass or annoy:	_____ chemical test narcotics/alcohol
_____	<u>XX</u> \$70 addl per count on misdemeanor conviction
	\$75 addl per count on infraction conviction

other: _____
_____.

In making this offer the Defendant represents he/she understands each of the following rights initialed and expressly waives each and every right in relation to the present charge(s) as well as the prior conviction(s) alleged and admitted:

- _____ 1. The right to be represented by an attorney or, if indigent, by the Public Defender;
- _____ 2. The right to a speedy and public trial;
- _____ 3. The right to a trial by jury or court;
- _____ 4. The right to be confronted by adverse witnesses (to see, hear and question all witnesses against me);
- _____ 5. The right to subpoena witnesses to testify on my behalf, and to present evidence in my own defense;
- _____ 6. The right to remain silent, that is, not to be compelled to plead guilty or testify against myself.

I understand the consequences of my plea are:

- _____ 1. There have been no other representations or promises made to me other than what is stated on this entry plea form.
- _____ 2. The maximum sentence is \$_____ and/or _____ in the county jail;
- _____ 3. Must serve not less than _____ days in the county jail, and pay a fine of not less than \$_____.
- _____ 4. Theft offense: if imprisoned as a result of this plea, a subsequent arrest for petty theft may result in felony charges, which could result in a state prison sentence for up to 3 years.
- _____ 5. Suspended license:
 - _____ For a second or subsequent conviction for Vehicle Code Section 14601.2 within 5 years, a mandatory minimum of not less than 30 days in the county jail;
 - _____ For a second or subsequent conviction for Vehicle Code Section 14601.1 (or second or subsequent conviction with previous VC 14601, 14601.2 or 14601.5) within 5 years, a mandatory minimum of not less than 5 days in the county jail; 10 days for 14601(a) or 14601.5 with prior.
- _____ 6. A conviction may be used to violate your probation or parole, and you may be sentenced to maximum term.

_____ 7. DUI:

_____ For a second conviction of Vehicle Code 23152 (a) or (b) there is a minimum fine, noted above, and a mandatory minimum of 90 days in the county jail. If probation is granted probation terms shall include the following: 10 day minimum in jail (with at least 48 hours served consecutively), a minimum fine, noted above, and a two-year license suspension. Offender must complete a 18-month or 30-month alcohol program rehabilitation program. Failure to enroll or participate in program is a mandatory minimum of 30 days in the county jail and 18-months license suspension. Termination from the program requires a jail sentence of at least 90 days.

_____ For a third conviction of Vehicle Code Section 23152 (a) or (b) there is a minimum fine, noted above, a three year license suspension, and a mandatory minimum 120 days in the county jail. For a fourth or subsequent conviction, there is a minimum fine, a three-year license suspension, and a mandatory minimum of 180 days in the county jail; and it may be charged as a felony.

_____ A conviction of Vehicle Code 23103/23103.5 (wet reckless) is treated as a 23152 prior.

_____ 8. I have only one opportunity to challenge the alleged prior conviction(s) and I knowingly, voluntarily and expressly waive my right to contest the alleged prior(s), knowing that some of the grounds for contesting the prior(s) are that I did not waive my right to an attorney, or my right to confront and examine witnesses, or my right to a jury trial, or my right against self-incrimination.

_____ 9. A plea of no contest carries the same possible penalties, from the court and/or the Department of Motor Vehicles as a guilty plea.

_____ 10. If you are not a citizen, you are hereby advised that the conviction of the offense for which you have been charged may cause you to be deported from the United States, denied citizenship to the United States and denied reentry into the United States should you leave the country.

_____ 11. Firearms: You may not own, possess or have custody or control of a firearm for 10 years. Ownership, possession or custody or control of a firearm is a felony punishable by up to 3 years in state prison.

_____ 12. Registration (H&S 11590): You must register as a drug offender for 5 years. Failure to register is a misdemeanor.

_____ 13. Registration (PC 290): You must register as a sex offender for life. Failure to register the first time is a misdemeanor. Failure to register the second or subsequent time is a felony, punishable by up to 3 years in state prison.

_____ 14. PC 1000: If you are not eligible for deferred entry of judgment or fail to complete the deferred entry of judgment program, you will be sentenced pursuant to the terms listed above.

_____ 15. 647.6/314.1: A second or subsequent conviction is a felony, punishable by up to 3 years in prison.

_____ 16. 273.5/243(d)/243.4/245: A second or subsequent conviction for violating 273.5 is a felony, punishable by up to 5 years in prison. For a second conviction, minimum of 15 days in jail. For a third or subsequent conviction, minimum of 60 days in jail.

_____ 17. _____.

_____ 18. I understand that I have the right not to be sentenced earlier than six hours, nor later than 5 days after my plea. I give up this right and agree to be sentenced at this time.

I have read and understand all of the foregoing and freely, voluntarily and expressly waive all the initialed rights and understand fully the consequences of my plea.

Dated: _____, Defendant

The undersigned has discussed all of the constitutional rights, all possible defenses, and all consequences connected with the entry of plea with the Defendant and concurs in the waiver of all enumerated rights.

Dated: _____, Defense Counsel

The District Attorney of Sutter County joins the proposed offered plea herein set forth.

Dated: _____, Deputy District Attorney

The Court finds the Defendant has made a knowing, intelligent, voluntary and express waiver of his/her rights, and understands the possible consequences of the plea(s)/admission(s). The plea(s)/admission(s) is/are accepted and ordered entered by the clerk.

Dated: _____, Judge of the Superior Court

I translated the foregoing entry of plea form to the Defendant in the language of Spanish/Punjabi/_____.

Dated: _____, Interpreter

MISDEMEANOR PLEA FORM