



# Superior Court of California, County of Sacramento Waiver and Plea

**(For Court Use Only)**

<b>Case Number</b>

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.		
2. Right to confront and cross examine all witnesses against me.		
3. Right to remain silent and not incriminate myself.		
4. Right to subpoena and produce evidence.		
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.		
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.		
7. Right to delay sentencing not less than 6 hours nor more than 5 days after the entry of this plea.		

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: \_\_\_\_\_