

SUPERIOR COURT OF CALIFORNIA		Reserved for Clerk's File Stamp
COUNTY:	COUNTY OF LOS ANGELES	
PLAINTIFF:	PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT:		
MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM		CASE NUMBER:
		DEPARTMENT:

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 3**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

RIGHT TO AN ATTORNEY

1. I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself

INITIALS ↓
1.

NATURE OF THE CHARGES (Complete all items you are charged with.)

2. I understand that I am charged with the following offense(s):

2.

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

3. **If applicable** - I understand that I am also charged with having the following **prior conviction(s)**:

3.

LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)

4. **If applicable** - I understand that I am also charged with violating the **probation order** in the following case(s):

4.

CASE NUMBER(S) AND DATE(S)

5. I understand the charge(s) against me, and the possible pleas and defenses

5.

CONSTITUTIONAL RIGHTS

6. **RIGHT TO A JURY TRIAL** - I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt

6.

7. **RIGHT TO CONFRONT WITNESSES** - I understand that I have the right to confront and cross-examine all witnesses testifying against me

7.

8. **RIGHT AGAINST SELF-INCRIMINATION** - I understand that I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating myself

8.

9. **RIGHT TO PRODUCE EVIDENCE** - I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me

9.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

INITIALS ↓

19. I understand that a plea of no contest (*nolo contendere*) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit
20. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case.....

19.

20.

PARTICIPATION IN DEFERRAL OF SENTENCING PILOT (DOSP) PROGRAM

21. I understand I must complete the same obligations that would have been imposed had judgment been entered. The only difference is that if I successfully complete the terms, conditions, or programs ordered by the Court, the arrest upon which sentencing was deferred shall be deemed to have never occurred and the action against me will be dismissed
22. In order to have my plea stricken, I understand that I must complete all conditions ordered by the Court as well as make full restitution. If so ordered, I must also comply with a courtordered protective order, stay-away order, or order prohibiting firearm possession
23. I understand that I must disclose my arrest upon request if I apply for a position as a peace officer, even if the action against me is dismissed upon successful completion of the DOSP Program

21.

22.

23.

CONSEQUENCES OF TERMINATION OF PARTICIPATION IN DOSP PROGRAM

24. I understand if, during the period of deferral, I reoffend or fail to comply with the terms, conditions or programs required by the Court, then I will be sentenced as if deferral had not occurred and the consequences of a plea of guilty or no contest, as stated in Nos. 16-20 above, will apply to me

24.

PLEA(S)

25. I hereby freely and voluntarily plead _____ to the following:
GUILTY OR NO CONTEST

25.

LIST CHARGE(S)

26. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced. I give up this right and agree to be sentenced at this time
27. **If applicable** - I freely and voluntarily admit the other conviction(s) I listed on this form. I understand that this admission will increase the penalties which are imposed on me
28. **If applicable** - I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s)
29. **If applicable** - I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

26.

27.

28.

29.

TEMPORARY JUDGE'S NAME

****DEFENDANT'S SIGNATURE:** _____ **DATE:** _____

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

SIGNATURE OF DEFENDANT'S ATTORNEY

DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: Spanish Other (specify): _____

COURT INTERPRETER'S SIGNATURE

TYPE OR PRINT NAME

DATE

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s) and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The Court accepts the defendant's plea(s), the defendant's admission of the other conviction(s) and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

 Judge of the Superior Court
 Temporary Judge of the Superior Court

DATE