

Superior Court of California, County of Contra Costa

MARTINEZ

PITTSBURG

RICHMOND

People v. _____

Case No. _____

MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM

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. If you have any questions about your case, the possible sentence, or the information on this form, ask your lawyer or the judge.

RIGHT TO A LAWYER

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

Initial
Applicable
Boxes1.

NATURE OF THE CHARGES

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. _____
Case number(s) and date(s)

4. *If applicable* – I understand that I am also charged with violating the probation imposed on me in case number(s) _____ on date(s) _____

4.

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

5.

CONSTITUTIONAL RIGHTS

6. **RIGHT TO A TRIAL BY A JUDGE OR BY A JURY** – I understand that I have the right to a speedy, public trial by a judge or by a jury.

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, 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.

CHARGES OF PRIOR CONVICTION(S) AND PROBATION VIOLATION(S)

10. *If applicable* – I understand that I have the right to a lawyer, the right to a trial by judge or jury, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence for all the charges against me, including any charged prior conviction(s). However, for a charge of violating probation, I do not have the right to a jury trial although I do have the right to a hearing before a judge.

10.

WAIVER OF RIGHTS

- 11. Understanding all this, for *all* the charges against me, including any prior conviction(s) or probation violation(s):
 - 11a. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer.)..... 11a.
 - 11b. I give up my right to a trial by a judge or by a jury. 11b.
 - 11c. I give up my right to confront and cross-examine witnesses. 11c.
 - 11d. I give up my right to remain silent and not incriminate myself. 11d.
 - 11e. I give up my right to produce evidence or witnesses on my own behalf. 11e.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

- 12. **Penalty:** I understand that the *possible consequences* for the offense(s) charged are:
 - 12a. as described in Exhibit A attached hereto. I also understand that the Department of Motor Vehicles may take additional administrative actions affecting my license. 12a.
 - 12b. as follows: _____
_____ 12b.
- 13. I understand that if I am not a citizen, a plea of guilty or no contest could result in deportation or exclusion from admission to this country or denial of naturalization. 13.
- 14. *If applicable* – I understand that any plea entered in this case may be an admission of a violation of probation or parole which has been previously imposed on me in any other case. 14.
- 15. *If applicable* – I understand that any plea of no contest will result in conviction and punishment, the same as a plea of guilty but cannot be used against me in a civil lawsuit. 15.
- 16. I understand that the Department of Motor Vehicles will suspend my license for an additional six months if my offense involved a controlled substance (drug). 16.

PLEAS

- 17. All promises made to me concerning this plea have been stated on the record or are as follows: _____
_____ 17.
- Other than as indicated, no further promises have been made to me. No one has threatened me, or anyone closely related to or associated with me, to make me plead guilty or no contest.
- 18. Having read and understood this form, I hereby freely and voluntarily plead [] guilty or [] no contest to _____
_____ (list charges) 18.
- 19. I understand that I have the right to wait from six hours to five days prior to being sentenced. I give up this right and agree to be sentenced at this time. 19.
- 20. *If applicable* – I freely and voluntarily admit the prior conviction(s) listed on this form. I understand that this admission may increase the penalties which are imposed on me. 20.
- 21. *If applicable* – I understand that I have the right to enter my plea before, and be sentenced by a judge. I give up this right and agree to enter my plea before, and be sentenced by _____, duly appointed Commissioner of the Court or Temporary Judge. 21.
- 22. I am not under the influence of any alcohol or drug at the time of signing this document. 22.

_____ Date _____ Defendant's Signature

