Superior	<b>Court</b> of	California,	County	of Contra	Costa
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	MARTINEZ PITTSBURG RICHMOND	
Peo	ple v Case No	
	MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM	Λ
app	out this form if you wish to plead guilty or no contest to the charges against you. Initial the box f licable item only if you understand it. If you have any questions about your case, the possible s ne information on this form, ask your lawyer or the judge.	
	HT TO A LAWYER 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 Boxes 1.
<b>NA</b> 2.	FURE OF THE CHARGES           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.
<b>COI</b> 6.	NSTITUTIONAL RIGHTS 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.	<b>RIGHT TO CONFRONT WITNESSES</b> – I understand that I have the right to confront and cross-examine all witnesses testifying against me.	7.
8.	<b>RIGHT AGAINST SELF-INCRIMINATION</b> – 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.	<b>RIGHT TO PRODUCE EVIDENCE</b> – 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.
<b>CH</b> 10.	ARGES OF PRIOR CONVICTION(S) AND PROBATION VIOLATION(S) 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.

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# WAIVER OF RIGHTS

	Date Defendant's Signature	
22.	I am not under the influence of any alcohol or drug at the time of signing this document.	22.
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.
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.
	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.
	(list charges)	
18.	Having read and understood this form, I hereby freely and voluntarily plead [ ] guilty or [ ] no contest to	18.
	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.	
<b>PLE</b> 17.		17.
	additional six months if my offense involved a controlled substance (drug).	16.
16.	punishment, the same as a plea of guilty but cannot be used against me in a civil lawsuit.	15,
15.	violation of probation or parole which has been previously imposed on me in any other case. If applicable – I understand that any plea of no contest will result in conviction and	14.
14.	If applicable – I understand that any plea entered in this case may be an admission of a	
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.
	12b. as follows:	12b.
	<ul> <li>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</li> <li>12b. as follows:</li> </ul>	12a
<b>COI</b> 12.	<b>NSEQUENCES OF PLEA OF GUILTY OR NO CONTEST</b> <b>Penalty:</b> I understand that the <i>possible consequences</i> for the offense(s) charged are:	
	11e. I give up my right to produce evidence or witnesses on my own behalf.	11e
	11d. I give up my right to remain silent and not incriminate myself.	11d.
	11c. I give up my right to confront and cross-examine witnesses.	11c.
2	11b. I give up my right to a trial by a judge or by a jury.	11b.
	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.
11.	Understanding all this, for all the charges against me, including any prior conviction(s) or	

Defendant's Signature

CR101A Rev 1/16/13

### **ATTORNEY'S STATEMENT**

I am the attorney of record for the defendant. I have reviewed the form and any addendum 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 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 constitutional rights.

DATE	SIGNATURE OF DEFENDANT'S ATTORNEY
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## **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 he/she understood the contents of the form, and then he/she initialed and signed the form.

Language:	Spanish Other (spe	cify):
DATE	TYPE OR PRINT NAME	COURT INTERPRETER'S SIGNATURE
		→

## WAIVERS AND PLEA IN ABSENTIA (If Applicable)

- 1. I specifically waive my right to personally enter my plea, I waive my right to be personally present when sentence is imposed, I waive my right to delay sentencing not less than six hours nor more than five days after entry of the plea, and I waive my right to personally address the court in mitigation of my sentence which might be imposed.
- 2. (Check box if represented by Attorney)

Date:

(Notary, if appropriate)

Signature of Defendant

### COURT'S FINDINGS AND ORDER

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

DATE:	
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	Judge of the Superior Court
	Temporary Judge of the Superior Court