

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA</b>	<small>FOR COURT USE ONLY</small>  <b>FILED</b>  DATED: _____ _____ _____ Superior Court of California County of Santa Clara  By: _____ Deputy Clerk
<p style="text-align: center;">PEOPLE OF THE STATE OF CALIFORNIA</p> <p style="text-align: center;">vs.</p> DEFENDANT: _____	CASE NUMBER: _____
<b>GENERAL WAIVER AND PLEA</b>	

I, \_\_\_\_\_ understand that I am charged with \_\_\_\_\_

\_\_\_\_\_ on (Date) \_\_\_\_\_

I understand that I am also charged with having the following prior conviction(s):

I understand the penalties are:

A. Maximum: \_\_\_\_\_

B. Minimum (if applicable): \_\_\_\_\_

I understand that if I am not a citizen of the United States, a plea of guilty 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 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.

**INITIAL**

I am aware of and understand the above **CONSEQUENCES** of my plea .....

By personally initialing 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 or charges.

**DEFENDANT TO PERSONALLY INITIAL EACH BOX:**

1. Right to a speedy and public jury trial .....
2. Right to confront and cross-examine all witnesses against me.....
3. Right to remain silent and not incriminate myself.....
4. Right to subpoena witnesses 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 Court Commissioner. (Only initial if a Commissioner will sentence you.).....
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.....

<i>I understand this right (Initial)</i>	<i>I waive this right (Initial)</i>

**DEFENDANT TO PERSONALLY INITIAL ONE OF THE TWO BOXES:**

**REPRESENTED BY SELF:** 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 an attorney, but at the end of the case I may be asked to pay all or part of the cost of that attorney, if it is determined that I have the ability. I give up my right to an attorney.

**REPRESENTED BY AN ATTORNEY:** I have discussed my case with my 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(s).

All promises, if any, made to me concerning this plea are set forth below:

\_\_\_\_\_

PLAINTIFF: <b>PEOPLE OF THE STATE OF CALIFORNIA</b>	CASE NUMBER:
DEFENDANT:	

I have read this document or have had it read to me, and I understand it. I have personally and voluntarily placed the answers in the boxes.

**PLEA**

**INITIAL**

1. Having in mind the nature of the charges against me, as above set forth, the rights I will be giving up, and all the possible consequences of my plea, I plead **GUILTY** ( ) **NO CONTEST** ( ) to those charges (and admit the prior convictions alleged against me, if applicable) .....

1.

2. My decision to enter this plea has been made freely and voluntarily, without threat or fear to me or to anyone closely related to or associated with me .....

2.

3. **GUILTY PLEA:** I am entering this plea because I am in truth and in fact Guilty and for no other reason

3.

OR

**NO CONTEST PLEA:** I understand that for purposes of these proceedings, a plea of NO CONTEST is the same as a guilty plea, having the same legal effect and carrying the same consequences and sanctions, and that upon such a plea the Court will find me guilty. Further, I admit that there is a factual basis for my plea .....

3.

I understand each of the foregoing items. I have initialed appropriate items as proof thereof. I declare under penalty of perjury that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ in Santa Clara County, California.

\_\_\_\_\_  
(Defendant's Signature)

**ATTORNEY'S STATEMENT (if applicable)**

I am the attorney of record and I have explained to the defendant each of his/her rights. I have read and explained all of the above to the defendant. I concur in his/her decision to waive them and enter a plea of (guilty)(no contest), and to admit the prior conviction(s), if applicable. I further stipulate that this document may be received by the Court as evidence of defendant's intelligent waiver of rights and that it shall be filed by the clerk as a permanent record of that waiver.

\_\_\_\_\_ Absentia Form Attached

Date: \_\_\_\_\_

**INTERPRETER'S STATEMENT (if applicable)**

I, the undersigned, a qualified interpreter, having been sworn, truly translated this form and all the questions therein to the defendant in the \_\_\_\_\_ language. The defendant indicated an understanding of the contents of the form, and then signed and initialed the form in my presence.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Interpreter's Signature)

**FINDINGS AND ORDERS**

**THE COURT FINDS THAT:**

1. Defendant and/or his/her attorney appeared in open court and entered his/her plea(s) and admission(s).
2. Defendant has knowingly, intelligently, and understandingly waived his/her rights as set forth above.
3. Defendant understands the nature of the charge and the consequences of his/her plea(s) and admission(s).
4. There is a factual basis for the plea.
5. Defendant's waiver of his/her rights, and his/her plea(s) and admission(s) are free and voluntary.

**IT IS ORDERED THAT:**

1. Defendant's plea(s) and admission(s) be entered.
2. This document be filed and incorporated in the minutes of this case.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Judicial Officer's Signature)