

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SOLANO**

**WAIVER OF CONSTITUTIONAL RIGHTS IN SUPPORT OF DEFENDANT'S MOTION TO CHANGE PLEA**

**Misdemeanor**

**CASE NO.** \_\_\_\_\_

I, \_\_\_\_\_, am the defendant and am represented by

Public Defender  Alternate Public Defender  \_\_\_\_\_

I have discussed the facts of this case with my attorney and (s)he has explained to me the possible defenses that exist to the charge(s).

I want to enter a plea of \_\_\_\_\_ to the charge(s) of \_\_\_\_\_

**For that purpose, I understand:**

1. If I am not represented by an attorney, that I have the right to have an attorney and if I cannot afford counsel, the court will appoint one to represent me.
2. I have a right to a speedy and public trial either by court or by jury. I further understand that the jury would be composed of 12 persons from the community, and that I could not be found guilty unless each and all of the 12 jurors or the court agreed that I was guilty beyond a reasonable doubt. **I give up my right to a trial by court or jury.**
3. I have the right to confront the witnesses against me. **I give up my right to confront and cross-examine the witnesses against me.**
4. I have the right to subpoena and order into court all witnesses and evidence in my behalf. **I give up this right.**
5. I have a right against self-incrimination. I understand I cannot be compelled to testify against myself or enter into a plea or admission. I understand that by entering into a plea of guilty or no contest I am incriminating myself. **I give up my right against self-incrimination.**
6. The maximum punishment that the court may impose in this case is: \_\_\_\_\_.
7. If I am not a citizen, a conviction of this offense to which I am now entering a plea may result in my deportation from this country, exclusion from admission to the United States, and/or a denial of naturalization pursuant to the laws of the United States. If I am represented by an attorney, I have discussed this with my attorney and I know whether or not conviction for this offense requires mandatory deportation and exclusion.
8. I have been promised: \_\_\_\_\_

**No other promises have been made to me. If the court withdraws approval of these promises before judgment and sentence, I have the right to withdraw my plea.**

9. **Additional Matters:** (i.e. Harvey Waiver; registration; restitution; 1202.4; fines and fees; firearms; driver's license actions; batterer's treatment; etc.) \_\_\_\_\_
10. The matter of probation and sentence is to be determined solely by the court.
11. The facts upon which I ask the court to accept my plea are:  stipulated  police report/A & D  
 Other \_\_\_\_\_
12. Even though I will be convicted in this case as a result of my plea, I have the right to appeal the judgment and rulings of the court. **I give up my right of appeal.**
13. I am of sound mind and am not now under the influence of alcohol, narcotics, drugs, or any other substance that would impair my judgment, and I understand the nature of these proceedings. No threats have been made against me or any member of my family by any person to induce me to make this plea.
14. A plea of no contest (nolo contendere) will have the same legal effect as a plea of guilty. If I plead no contest the court will find me guilty based upon my no contest plea.

**WAIVER OF RIGHTS IN SUPPORT OF CHANGE OF PLEA (Misdemeanor)**

15. If I am on probation, parole, post-release community supervision, or deferred entry of judgment, or entering this plea I could be found in violation of that probation, parole, post-release community supervision, or deferred entry of judgment.

I declare that my attorney, if I have one, has reviewed and explained this document to me. I hereby, freely and voluntarily, having full knowledge and understanding of the rights that I am giving up and possible consequences which may result from my plea, do hereby request the Court to accept my new and different plea.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_

Defendant

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

I, \_\_\_\_\_, do hereby declare that: I am the attorney for the defendant in this action. I have reviewed and explained the foregoing document to my client. I have adequately researched and advised the defendant as to the immigration consequences of this plea. After I reviewed and explained said document, the defendant signed his/her name thereto in my presence. Based upon my conversation with the defendant, I am satisfied that his/her plea of guilty or no contest is freely and voluntarily made and (s)he understands the consequences of his or her plea. The defendant's decision to plead guilty or no contest was made only after a full discussion with me of the facts and the law of this case, any possible defenses, and the consequences of the plea. I join in the plea and waiver.

Dated: \_\_\_\_\_

Attorney for Defendant

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

I, \_\_\_\_\_, truly translated this waiver of rights form to the defendant, through his/her attorney if represented, in the \_\_\_\_\_ language. I then asked the defendant, through his/her attorney if represented, if the defendant understood what the form said, and if (s)he did understand, to sign the form if, and only if, (s)he still intended to plead guilty or no contest to the charge(s) and admit the truth of any enhancements or special allegations.

Dated: \_\_\_\_\_

Interpreter

**PROSECUTOR'S STATEMENT**

I have reviewed this form and understand the terms of the plea agreement. I agree that a factual basis exists for the plea. I  agree  do not agree with the terms of the plea and the indicated sentence.

Dated: \_\_\_\_\_

Deputy District Attorney / Attorney General

**FINDINGS AND ORDER**

I find that the defendant has been fully informed of his/her constitutional rights and the consequences of his/her plea in this case and understands them. I further find that the defendant has knowingly, intelligently, and voluntarily waived his/her rights and that there is a factual basis for the defendant's plea and any applicable admissions.

IT IS ORDERED that the defendant's plea and any applicable admissions be accepted and be entered in the minutes of this court. This executed waiver of rights form is ordered filed in the records of this court and incorporated in the above-numbered case by reference.

Dated: \_\_\_\_\_

Judicial Officer

**WAIVER OF RIGHTS IN SUPPORT OF CHANGE OF PLEA (Misdemeanor)**