

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO

PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff,

Case No. _____

vs.

Defendant/Parolee.

WAIVER OF RIGHTS RE VIOLATION OF:
[] PROBATION [] DEJ [] PRCS
[] MANDATORY SUPERVISION
[] PAROLE [] _____

- [] I am the defendant/parolee in this action. I am represented by:
[] Public Defender [] Alternate Public Defender [] _____
[] I have fully discussed the facts, merits, and possible defenses to the alleged violation of probation, deferred entry of judgment, postrelease community supervision, mandatory supervision, or parole with my attorney.
[] I wish to admit that I violated the following conditions of my probation, deferred entry of judgment, postrelease community supervision, mandatory supervision, or parole:

[] I understand that by admitting to the above violation I am giving up the following rights:

Deft's Initials

- 1. I have a right to a hearing at which the district attorney would be required to prove, by a preponderance of the evidence, that I have committed a violation of probation, deferred entry of judgment, postrelease community supervision, mandatory supervision, or parole. I give up my right to a hearing.
2. I have the right to confront the witnesses against me and to have them questioned on my behalf. I give up my right to confront the witnesses who may testify against me.
3. I have a right to present evidence on my behalf at the hearing. This includes the right to subpoena witnesses and compel their attendance at the hearing. It also includes the right for me to testify at the hearing. I give up my right to subpoena witnesses and evidence into court on my behalf.
4. I have a right against self-incrimination. This means I have a right to remain silent and I can't be required to testify at the hearing. I give up my right against self-incrimination.
5. Even though judgment may be imposed as a result of my admission, I have the right to appeal the judgment and rulings of the Court. I give up my right to appeal.
6. I further understand that as a result of my violation, the Court has the power to resentence me or impose sanctions. I understand that the sentence I receive is solely within the discretion of the Court. The Court may reinstate my probation, deferred entry of judgment, postrelease community supervision, mandatory supervision, or parole with new terms and conditions or the Court may sentence me to jail or prison. The maximum punishment which the Court may impose for my violation is:
7. If I am sentenced to county jail pursuant to Penal Code Section 1170(h) and a concluding portion of my sentence is suspended, I will be subject to mandatory supervision by the probation department for the remainder of my term. If I violate the terms or condition of that supervision, I could be returned to county jail to serve the remainder of my sentence.

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8. If I am sentenced to state prison, I would be subject to parole supervision for a period of 3 years 5 years 10 years 20 years 6 months life _____, or postrelease community supervision for a period of up to three years. If I am released on postrelease community supervision or parole, and I violate the terms of that supervision or parole, I could be incarcerated in county jail for up to 180 days per violation, subject to certain exceptions, or returned to state prison for up to 1 year or longer if applicable. If I abscond or the court tolls my supervision, the total time of parole or postrelease supervision can be extended.

9. The only promises made to me are listed below:

I am of sound mind and am not now under the influence of alcohol, narcotics, drugs or anything that would impair my judgment. No threats have been made against me or anyone else in order to induce me to admit this violation of probation, deferred entry of judgment, post release community supervision, mandatory supervision, or parole. My attorney has reviewed and explained this document to me, and I freely and voluntarily request the Court to accept my admission of violating my probation, deferred entry of judgment, post release community supervision, mandatory supervision, or parole.

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

Dated: _____
 Defendant/Parolee: _____

ATTORNEY'S STATEMENT

I, _____, do hereby declare that: I am the attorney for the above-named defendant/parolee; I have reviewed and explained the foregoing document to the defendant/parolee; I have reviewed and explained the consequences of admitting said violation; I have reviewed and explained the law of the state to the defendant/parolee; I have reviewed and explained the facts and the law of the state to the defendant/parolee; I have reviewed and explained the consequences of admitting said violation; I am satisfied that his/her admission of a violation is freely and voluntarily made with a knowing and understanding waiver of rights.

Dated: _____
 Attorney for Defendant/Parolee: _____

INTERPRETER'S STATEMENT (if applicable)

I, _____, truly translated this waiver of rights form to the defendant/parolee, through his/her attorney, in the _____ language. I then asked the defendant/parolee through his/her attorney, if the defendant/parolee understood what the form said, and if (s)he did understand, to sign the form, if, and only if, (s)he still intended to admit a violation of probation, deferred entry of judgment, post release community supervision, mandatory supervision, or parole.

Dated: _____
 Interpreter: _____

ORDER AND FINDING

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

IT IS ORDERED that the defendant's/parolee's admission be accepted and be entered in the minutes of this Court. This executed waiver of rights form is filed in the records of this Court and incorporated in the above-numbered case by reference.

Dated: _____
 Judge: _____

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