

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO		
Hall of Justice 400 County Center Redwood City, CA 94063	Northern Division 1050 Mission Road South San Francisco, CA 94080	
THE PEOPLE OF THE STATE OF CALIFORNIA		
	PLAINTIFF	
vs.		
	DEFENDANT	
DECLARATION CONCERNING A PLEA OR CHANGE OF PLEA TO GUILTY OR NOLO CONTENDERE; FINDING AND ORDER (FELONY)		Case Number

I, the above named defendant in the above-entitled criminal action, and in support of my motion, which will be made in open court personally and by my attorney, to plead to change my plea(s) to guilty nolo contendere

1. My attorney, in this action is: _____
2. I am charged in the _____ in this action with having violated _____ (code, section(s), count(s))
3. I desire to plead change my plea(s) to **guilty** / **nolo contendere** to _____ (state code, section(s) and count(s), including lesser offense(s) to which plea is to be made)
4. I **do** / **do not** understand the nature of the charge(s) against me.
5. I **have** / **have not** discussed the nature of the charge(s) against me and the possible defenses thereto with my attorney.
6. My attorney **has** / **has not** explained my constitutional rights to a trial by jury, to confront witnesses against me, the process of the Court to compel the attendance of witnesses on my behalf, the right to remain silent or, if I so choose, to testify for myself.
7. I **do** / **do not** realize that I give up these rights by pleading guilty or nolo contendere. I understand that a plea of nolo contendere has the same legal effect as a plea of guilty.
8. I understand:
 - a. that I am prohibited from owning, purchasing, receiving, possessing, or having under my custody or control any firearms, ammunition and ammunition feeding devices, including but not limited to magazines.
 - b. that I am required to fill out a Prohibited Persons Relinquishment Form (PPRF) truthfully and in a timely manner.
 - c. that I shall relinquish all firearms in accordance with procedures detailed in the PPRF.
9. I understand that if I am not a citizen, conviction of the offense for which I have been charged **will** have the consequences of deportation, exclusion from admission to the United States or a denial of naturalization.
10. My decision to change my plea(s) to plead **guilty** / **nolo contendere** **has** / **has not** been made freely and voluntarily, without threat or fear to me or anyone closely related to or associated with me.

CHANGE OF PLEA FORM -FELONY

Form adopted for Mandatory Use

11. My attorney **has** / **has not** explained that the maximum penalty, including penalty assessments, that could be imposed as a result of my plea (s) of guilty or nolo contendere is

12. I **have** / **have not** been induced to plead guilty or nolo contendere by any promise or representation of a lesser sentence, probation, reward, immunity or anything else except:

13. I **do** / **do not** waive my right to be sentenced by the judge taking my plea and understand sentencing may occur before another judge.

14. I **do** / **do not** understand that the matter of probation and sentence is to be determined solely by the Court and will not be decided until the report and recommendation by the Probation Department has been considered.

The Court reserves the right to withdraw its consent to any sentence limitation agreement, and in that event, I will be permitted to withdraw my plea (s) of guilty or nolo contendere and all charges will be reinstated.

EXECUTED IN San Mateo County, California on:

(Defendant's Signature)

_____ states that he/she is the above named defendant's attorney in the above entitled action he/she personally read and explained the contents of the above declaration to the defendant he/she personally observed the defendant fill in date and sign said declaration he/she after having investigated this case and the possible defenses thereto, concurs in the defendants plea(s) of guilty or nolo contendere to the charge(s) as set forth by the defendant in the above declaration and stipulates there is a factual basis for the plea(s).

DATED: _____

(Attorney's Signature)

INTERPRETER CERTIFICATION (if applicable):

I certify that I have been sworn or have a written oath on file and that I well and truly translated the entire contents of this form to the defendant into Spanish Other (specify): _____
The defendant stated to me that he/she understands the contents of this form, and then he/she initialed and signed the form.

DATED: _____

(Interpreter's Signature)

The people of the State of California plaintiff in the above-entitled criminal action, by and through its attorney, concur and stipulate there is a basis for the plea.

DATED: _____ STEPHEN WAGSTAFFE, DISTRICT ATTORNEY
By _____
Deputy Assistant District Attorney

FINDINGS AND ORDER

The defendant personally and by his her attorney in open court having this date entered a plea of guilty nolo contendere, and having been advised as to his her rights, said plea is hereby accepted and ordered entered. The Court finds that the defendant made a knowing, intelligent and voluntary waiver of the above rights, and that a factual basis exists for such plea(s).

DATED: _____

JUDGE OF THE SUPERIOR COURT
JUDGE PRO TEM OF THE SUPERIOR COURT