

Superior Court of California, County of San Luis Obispo		FOR COURT USE ONLY	
THE PEOPLE OF THE STATE OF CALIFORNIA			
vs.			
Plaintiff,			
Defendant.			
PLEA OF GUILTY AND WAIVER OF RIGHTS/AND ORDERS		CASE NUMBER	
STATEMENT OF DEFENDANT (ONLY COMPLETED SPACES AND INITIALED BOXES ARE APPLICABLE)			
1. (A) (1) I hereby plead guilty/no contest to the charge of: _____ ;		1(A)(1)	Defendant's Initials
(A) (2) I hereby plead guilty /no contest to the charge of: _____ ;		1(A)(2)	
(A) (3) I admit I was under age 21 at the time of the offense.		1(A)(3)	
(A) (4) I admit all of the prior convictions that are alleged.		1(A)(4)	
2. I understand my constitutional right to have a lawyer defend me at all stages of the proceedings and that if I am unable to afford a lawyer, the court will appoint one for me, subject to reimbursement based on ability to pay.		2	
(A) My lawyer is _____ and I authorize him/her to appear for me if I am not present.		2 (A)	
(B) I do not have a lawyer representing me in these proceedings (if this is initialed complete (C) below).		2 (B)	
(C) Having in mind each of the above items, including the possible consequences of a conviction of this offense, and having been advised of the dangers, pitfalls, disadvantages, and possible consequences of representing myself, I knowingly and intelligently GIVE UP (WAIVE) my rights to have a LAWYER defend me in these proceedings.		2 (C)	
3. I have been advised, understand, and knowingly, intelligently, expressly and explicitly GIVE UP (WAIVE, in relation to the present charges as well as any prior convictions which may have been alleged and admitted, each of my following trial rights:			
(A) My right to be TRIED BY COURT OR JURY ;		3 (A)	
(B) My right to be confronted by witnesses against me, that is, to SEE, HEAR, AND QUESTION ALL WITNESSES AGAINST ME ;		3 (B)	
(C) My right not to incriminate myself, that is, TO REMAIN SILENT AND NOT TO TESTIFY AGAINST MYSELF ;		3 (C)	
(D) My right to PRODUCE EVIDENCE , to have subpoenas issued for witnesses at no cost, and to testify if I want to do so.		3 (D)	
4. 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, no promise or inducements have been made to me in connection with this plea, except (specify):		4	
5. I acknowledge that the court (or my attorney if I had one) has told me and I understand the elements of the offenses, the possible defenses to the charges, and the direct consequences of my plea including minimum and maximum sentences set forth on pages 2 and 3.		5	
(A) Also I have been told that if I am not a citizen, I could be deported, excluded from admission to the United States, or denied naturalization or amnesty.		5 (A)	
6. I am pleading guilty because I am guilty, or no contest because I don't want to contest my guilt.		6	
7. I understand that upon entry of my pleas, I must provide a saliva sample, a right thumb print, a full palm print of left and right palm and blood specimen as requested.		7	
8. I am advised of and understand that upon successful completion of probation without probation revocation, or after 1 year has elapsed from a terminal judgment in which sentence has been completed, I may be eligible for conviction relief pursuant to PC1203.425.		8	

DATED: _____

(DEFENDANT'S SIGNATURE)

PENALTIES AND OTHER CONSEQUENCES FOR MISDEMEANORS

THE MAXIMUM FINE FOR A MISDEMEANOR IS IMPRISONMENT IN THE COUNTY JAIL FOR UP TO 6 MONTHS AND UP TO \$1,000 FINE, UNLESS OTHERWISE SPECIFIED.

OFFENSE	MAXIMUM AND MINIMUM SENTENCE
PC 148 RESISTING ARREST	Up to 1 year in jail and up to a \$1,000 fine, plus penalty assessment and fees.
PC 240 ASSAULT	Up to 6 months in jail and up to a \$1,000 fine, plus penalty assessment and fees; firearm prohibited for 10 years.
PC 242 BATTERY	Up to 6 months in jail and up to a \$2,000 fine, plus penalty assessment and fees; firearm prohibited for 10 years.
PC 243 BATTERY ON PEACE OFFICER, ETC...	Up to 1 year in jail and up to a \$2,000 fine, plus penalty assessment and fees; firearm prohibited for 10 years.
PC 245 ASSAULT WITH DEADLY WEAPON	Up to 1 year in jail and up to a \$10,000 fine, plus penalty assessment and fees; firearm prohibited for 10 years.
PC 270 NON-SUPPORT	Up to 1 year in jail and up to \$2,000 fine, plus penalty assessment and fees.
PC 273.5 CORPORAL INJURY TO SPOUSE, FORMER SPOUSE, OR COHABITANT	Up to 1 year in jail; firearm prohibited for 10 years. If probation is granted, conditions must include supervision by a probation officer and completion of a 52 week treatment program. A mandatory fine of \$500 to \$6,000, including fees.
PC 314.1 INDECENT EXPOSURE	Conviction mandates registration with police per Penal Code 290, as a sex offender for life. Counts as a prior conviction so would all a second arrest to be charged as a felony.
PC 415 DISTURBING THE PEACE	Up to 90 days in jail and up to \$400 fine, plus penalty assessment and fees.
PC 417 BRANDISHING OF WEAPON	30 days to 6 months in jail and up to a \$1,000 fine, plus penalty assessment and fees; firearm prohibited for 10 years. If firearm, 90 days to 1 year: * The weapon shall be deemed a nuisance and may be destroyed as required by law (PC12028).
PC 459 BURGLARY	Up to 1 year in jail and up to \$1,000 fine, plus penalty assessment and fees.
PC 459.5 SHOPLIFTING	Up to 6 months in jail and up to \$1,000 fine and fees.
PC 470 FORGERY	Up to 1 year in jail and up to \$1,000 fine, plus penalty assessment and fees.
PC476a INSUFFICIENT FUNDS CHECK	Up to 1 year in jail and up to \$1,000 fine, plus penalty assessment and fees.
PC 484 PETTY THEFT	Up to 6 months in jail and/or up to \$1,000 fine.
PC 487 GRAND THEFT	Up to 1 year in jail and/or up to \$5,000 fine.
PC 496 RECEIVING STOLEN PROPERTY	Up to 1 year in jail and up to \$1,000 fine, plus penalty assessment and fees.
PC 647.6 CHILD MOLESTING	Up to 1 year in jail and up to \$5,000 fine, plus penalty assessment and fees. Counts as a prior conviction so that upon a second arrest would allow it to be charged as a felony. Registration with police per PC 290 is required for life as a sex offender.
H&S 11377(a) POSSESSION OF AMPHETAMINES	Up to 1 year in jail and up to \$500 fine, plus penalty assessment and fees.
H&S 11550 UNDER INFLUENCE	90 days to 1 year in jail. Registration with police per H&S 11590 is required.
PC 21310 CONCEALED DIRK OR DAGGER	Up to 1 year in jail, fine plus penalty assessment and fees.
PC 21810 POSSESSION OF METAL KNUCKLES	Up to 1 year in jail, fine plus penalty assessment and fees.
PC 25110 POSSESSION OF SWITCH BLADE ON PERSON OR IN A MOTOR VEHICLE	Up to 6 months in jail, fine plus penalty assessment and fees.

ADDITIONAL CONSEQUENCES

1. In addition to the fine imposed, the law requires the court to add assessments which will substantially increase the amount the defendant must pay. A restitution fine of at least \$100 and up to \$1,000 is also added to the fine amounts unless compelling and extraordinary reasons not to impose it are shown. The court must also order restitution either to the victim, if the offense involved damages, or to the restitution fund of the state.
2. This conviction may be grounds for finding a violation of probation or parole which has been previously imposed in any other case.
3. **Penalty Enhancement If Under Age 21 At Time Of Arrest** for P.C. 647(f) (public intoxication), P.C. 594, 594.3, or 594.4 (vandalism), Health and Safety Code controlled substance violations, B&P 25658, 25658.5, 25661, 25662 (Alcohol and ID violations):
 - A. The defendant's driver's license shall be **suspended for one year**.
 - B. If defendant does not have a valid driver's license the Department of Motor Vehicles will be ordered to **delay issuing** a license for one year after defendant becomes eligible. The court can be petitioned to modify such delay if there is no further conviction for alcohol/drug related offenses in a 12 month period after this conviction.
 - C. For each successive offense of an alcohol/drug related offense, the court shall suspend the defendant's driving privilege for those possessing a license or delay the eligibility for those not in possession of a license at the time of their conviction for **an additional year**.

INTERPRETER'S STATEMENT

I have been duly sworn. I have truly translated this form to the defendant in the Spanish/_____ language. The defendant said (s)he understood the contents of this form, and (s)he then initialed and signed the form.

DATED: _____

(COURT INTERPRETER SIGNATURE)

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have gone over this form 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 the defendant's decision to waive constitutional rights. The defendant's signature and initials are genuine.

DATED: _____

(SIGNATURE OF ATTORNEY FOR DEFENDANT)

FINDINGS AND ORDERS

- 1. (A) Defendant has appeared in open court and entered his/her plea(s) after personal questioning by the court. (Strike if inapplicable.)
 (B) Defendant appeared through counsel who presented this form. (Strike if inapplicable.)
 (C) Defendant appeared with counsel and presented this form. (Strike if inapplicable.)
- 2. Defendant has been advised of and understands the elements of the offenses, the possible defenses to the charges, and the consequences of his/her plea(s), including effect of any other convictions alleged. Defendant has expressly, knowingly, intelligently, and understandingly waived his/her right to court or jury trial, his/her right to confront witnesses against him/her, and his/her right against self-incrimination as they relate to the charged offenses and any other convictions alleged. There is a factual basis for the plea(s). Defendant's waivers of his/her rights, and his/her plea(s) are free and voluntary.
- 3. Defendant has knowingly and intelligently waived his/her right to counsel including court appointed counsel. (Strike when inapplicable.)

It is ordered that:

Defendant's plea(s) of (guilty) (no contest) be entered.
Defendant found guilty on plea.
This form be filed and incorporated in the docket as though fully set forth therein.

DATED: _____

(JUDGE'S SIGNATURE)