Superior Court of California, County of Humboldt Probation Violation Waiver and Plea

Defendant Name:
Case Number:

(For Court Use Only)

I _____ understand, that on the date(s) _____, I am charged with the following probation violation(s) _____

_____

I understand the penalties are:

A. Maximum: _____

_____

B. Minimum without probation: _____

_____

I understand that if I am not a citizen of the United States, a plea of true 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 have discussed any applicable immigration consequences with my attorney.

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.

By personally writing **YES** in 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.

DEFENDANT TO PERSONALLY WRITE **YES** OR **NO** IN EACH BOX:	I understand this right	I give up this right
1. Right to a court trial within a reasonable time. At the trial, I would be presumed to be innocent, and the charges could not be found true unless, after hearing all of the evidence, the Court was convinced by a preponderance of the evidence that the charged violations were true.		
2. Right to confront and cross examine all witnesses against me.		
3. Right to remain silent and not incriminate myself.		
4. Right to subpoena 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 temporary judge.		
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.		

DEFENDANT TO PERSONALLY WRITE **YES** IN ONE OF THE TWO BOXES:	
REPRESENTED BY SELF: I give up my right to an attorney	
REPRESENTED BY AN ATTORNEY: I have discussed my case with an 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.	

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

_____

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

I enter a plea of true to the charges of violation(s) of probation (indicated by personally writing **YES** in the following space) _____

Signed: _____ Date: _____

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ATTORNEY'S STATEMENT

I certify that I am the attorney of record for the defendant; that I have fully discussed matters herein with the defendant and advised the defendant thereon;

- that I have explained each of the above rights to the defendant, and the representations of the defendant are the defendant's own;
- that I have explored the facts with defendant and studied defendant's possible defenses to the charge(s);
- that I have discussed the nature of the charges and direct consequences of entering a plea;
- that I have advised about the immigration consequences of a proposed disposition, and defended against those consequences consistent with the goals of and with the informed consent of the defendant and professional standards;
- that I believe that the plea and waivers are intelligently and expressly made;
- that I join the plea and waivers; that I stipulate there is a factual basis for the plea and that the time is waived for judgment and sentencing.

The immigration aspect is based on Cal. Penal Code § 1016.3 (a).

☐ Absentia form attached.

Signed: _____ Dated: _____

INTERPRETER'S STATEMENT

I,_____, a qualified certified/registered interpreter, having been sworn, truly translated this form and all the questions therein to the defendant in the language. With the exception of the defendant's signature, I have completed this form at the defendant's direction. The defendant indicated understanding the contents of the form, and then signed the form.

Signed: _____ Dated: _____

FINDINGS AND ORDER

The Court, having reviewed this form (and any addenda) and having orally examined the defendant, finds as follows:

1. The initialed items in this form have been read by or read to the defendant, and the defendant understands each of them as to each count to which the defendant pled.
2. The defendant understands the nature of the crimes, prior convictions, enhancements, allegations, and the consequences of the plea and any admissions as to each count to which the defendant pled.
3. The defendant expressly, knowingly, understandingly, and intelligently waives the constitutional and statutory rights associated with the plea as to each count to which the defendant pled.
4. The defendant's plea, admissions, and waiver of rights are made freely and voluntarily with an understanding of the nature of the consequences thereof as to each count to which the defendant pled.
5. A factual basis exists for the plea and admissions, or the defendant is pleading under a plea bargain under People v. West; in either case the factual basis exists for the plea and admissions as to each count to which the defendant pled.

The Court accepts the defendant's plea(s), admission(s), and waiver of rights, and the defendant is hereby convicted based thereon as to each count to which the defendant pled.

It is ordered that this document be filed with the Court's records of this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this court as to each count to which the defendant pled.

Signed: _____ Date: _____
(Judge / Temporary Judge, Superior Court of California, County of Humboldt)