**SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT**
**GENERAL MISDEMEANOR PLEA FORM**

*For Court Use Only*

CASE NO. _____ PEOPLE vs. _____

1. My true full name is _____
2. I understand that I am pleading ☐ GUILTY and admitting the following offenses, prior convictions, and special punishment allegations, with the maximum punishment indicated below:

| CT. | CHARGES | PRIORS (Date) | ALLEGATIONS | MAX SENTENCE JAIL/FINES |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

3. Remaining count(s), prior(s), and other allegation(s) dismissed on People's motion. 3.
4. I understand I am also charged with a violation of probation in case number. 4.

**RIGHTS AND WAIVERS**

5. I understand I have the following constitutional rights, which I am waiving and giving up by entering my plea, and, if applicable, by my admission of a probation violation: 5.

   5a. I have the right to be represented by an attorney at all stages of the proceedings until the case is completed. If I cannot afford an attorney, one will be appointed to represent me. (For defendants without an attorney: I am aware that there are dangers and disadvantages of representing myself and there may be a value in obtaining advice from an attorney in this matter, but I knowingly and voluntarily waive and give up my right to an attorney and choose to represent myself.) 5a.

   5b. I have the right to a speedy and public trial by a jury or a judge, and if charged with a probation violation, the right to a hearing before a judge. I waive and give up this right. 5b.

   5c. I have the right to confront the witnesses against me and to cross-examine them. I waive and give up this right. 5c.

   5d. I have the right to testify on my own behalf, but I cannot be compelled to be a witness against myself and may remain silent if I choose. I waive and give up this right. 5d.

   5e. I have the right to present evidence and have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. I waive and give up this right. 5e.

   5f. Under the Fourth and Fourteenth Amendments to the United States Constitution, I have a right to be free from unreasonable searches and seizures. If I am granted probation, I waive and give up this right. I agree to submit my person and property, including any residence, premises, container, or vehicle under my control which may include electronic devices, to search and seizure at any time of the day or night by any peace officer or probation officer, with or without a warrant, and with or without reasonable cause or reasonable suspicion. 5f.

6. I understand I have the right to appeal an adverse ruling on a Penal Code § 1538.5 motion. I waive and give up this right. 6.
7. I understand that I have the right to have a delay in pronouncement of my sentence of not less than six hours and not more than five days after my plea. I waive and give up this right and agree to be sentenced at this time. 7.

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CASE NO. _____ PEOPLE vs. _____

8. ***Arbuckle Waiver***: I understand I have the right to be sentenced by the judge who accepts this plea. I waive and give up this right. 8.

9. ***Harvey Waiver***: I understand I may be required to pay restitution on a count that is being dismissed pursuant to this plea agreement. 9.

10. I understand I have the right to be present for the entry of the plea of guilty. I waive and give up this right. 10.

11. I understand I have the right to reject probation. I waive and give up this right and accept probation on the terms and conditions as imposed by the Court. 11.

11a. If I violate any of the terms of probation, I may be returned to court and sentenced up to the maximum punishment as indicated on page 1. 11a.

11b. I understand I have the right to a hearing before a judicial officer to determine whether I violated the conditions of my court-ordered supervision and to determine the appropriate sanction for the violations. 11b.

**CONSEQUENCES**

12. I understand that some possible consequences of my plea and admissions are as follows: 12.

12a. There will be state penalty assessments added to any fines imposed by the Court. 12a.

12b. I will be ordered to pay a minimum of $150 and a maximum of $1,000 to the State Restitution Fund unless the court makes a finding of "compelling and extraordinary reasons" for waiving this fine. 12b.

12c. I will be ordered to pay a minimum of $150 and a maximum of $1,000 Probation Revocation Restitution fine pursuant to Penal Code § 1202.44. The restitution fine will be stayed but will be payable upon revocation of probation. 12c.

12d. I will be ordered to pay restitution on count(s) _____, and dismissed count(s) _____ pursuant to a Harvey waiver, as part of the plea agreement, in the amount of $ _____, or in an amount to be determined by the Court or the Probation Department. If I disagree with the amount of restitution determined by the Court or Probation Department, I may request a court hearing to determine the amount of restitution. 12d.

12e. ***Immigration Consequences***: If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States 12e.

12f. ***Firearms Advisement:*** I am now 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. I am ordered to relinquish all firearms and complete a relinquishment form pursuant to Penal Code 29810. 12f.

12g. If I am charged and convicted of a similar offense in the future, my plea today may be used to increase my punishment for the new offense. 12g.

12h. If I am presently on probation or parole for any previous conviction, my plea today may cause me 12h.

12i. There may be additional consequences to my plea, as follows: 12i.

☐ I may be required to register as a sex offender as required by Penal Code 290.
☐ I may be required to register internet identifiers pursuant to Penal Code 290.024.
☐ I may be required to register as a drug offender as required by health and Safety Code 11590.

I understand I will be required to register with the local police agency or sheriff's department in the city or county in which I reside and that if willfully fail to register or to keep my registration current, new criminal charges may be filed against me.

CASE NO. _____ PEOPLE vs. _____

12j. The Department of Motor Vehicles may take action and may suspend my driver's license for specified drug, alcohol, offenses and vandalism, including the following: 12j.

EVERYONE convicted of Penal Code 594, 594.3, or 594.4 (Vandalism): up to 2-year suspension.

UNDER 21 years of age – 1-year suspension for violation of Penal Code 647f, 191.5, 192.5; Health and Safety Code sections involving dangerous drugs, controlled substances, and alcohol; Business and Professions Code sections 25658, 25658.5, 25661, 25662; Vehicle Code section 23224.

EVERYONE convicted of a vehicle related offense involving a controlled substance including Health and Safety Code sections 11350, 11351, 11352, 11353, 11357, 11359, 11360 and 11361; up to 3-year suspension.

12k. I understand I may be required to attend and complete an AIDS education program and submit to AIDS blood testing (Penal Code 1202.1). 12k.

13. I understand I have the right to enter my plea before and be sentenced by a judge. I waive and give up this right and agree to enter my plea before, and be sentenced by, a Commissioner or Temporary Judge:_____ (enter name of Commissioner or Temporary Judge) 13.

**PLEA**

14. I offer my plea and admit the listed prior(s) and allegation(s) freely and voluntarily. No one has made any threats, used any force against me or my family or loved ones, and no one has made any promises to me outside of open court. 14.

15. I make my plea with a full understanding of all the matters set forth in the charging document and in this form. I have read, understood, and personally initialed each item herein, and I understand that the signing and filing of this form is conclusive evidence that I have pleaded guilty to the charges set forth. 15.

16. Discussion with my attorney (Leave this box blank if you are not represented by an attorney). Before entering this plea, I have had a full opportunity to discuss with my attorney the facts of the case, the elements of the charged offenses and prior convictions (if any), any defenses that I may have, my constitutional and statutory rights and waiver of those rights, the consequences of this plea, and anything else I think is important to my case. 16.

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

DATED: _____ SIGNED: _____
(Defendant)

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**DEFENSE ATTORNEY'S STATEMENT:** I am the attorney of record for the defendant. I have explained to the defendant each of the rights set forth on this form. I have discussed the charges and the facts with the defendant. I have studied the possible defenses to the charges and discussed those possible defenses with the defendant. I have discussed the possible sentence ranges with the defendant. I have advised the defendant of immigration consequences and have complied with the requirements of Penal Code § 1016.3(a). I have discussed the facts of the case with the defendant and have explained the nature and elements of each charge; any possible defenses to the charges; the effect of any prior convictions, enhancements, allegations, and circumstances in aggravation; and the consequences of the plea. I also have discussed the contents of this form with the defendant. I concur with the defendant's decision to waive the rights set forth on this form and to plead guilty. No promises of a particular sentence or sentence recommendation have been made to the defendant by me, or to my knowledge by the prosecuting attorney or the court, which have not been fully disclosed on this form. I agree that this form may be received by the court as evidence of defendant's advisement and voluntary, intelligent, knowing, and express waiver of the rights set forth on this form.

DATED: _____ SIGNED: _____
(Attorney of Record)

**INTERPRETER'S STATEMENT:** I, _____, having been duly sworn as a court certified/registered/provisionally qualified interpreter, state that I am fluent in the _____ language. I translated the contents of this form to defendant in that language.

DATED: _____ SIGNED: _____
(Court Interpreter)

**FOR THE PEOPLE:** I am the prosecuting attorney in this case. I certify that I have complied with the requirements of California Penal Code §1016.3(b). (Immigration consequences considered)

DATED: _____ SIGNED: _____

**COURT'S FINDINGS AND ORDER**

The Court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's pleas is freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant's plea and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

_____ Date:_____

☐ Judge of the Superior Court
☐ Temporary Judge of the Superior Court