

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Hall of Justice 400 County Center Redwood City, CA 94063 </div> <div style="width: 45%;"> <input type="checkbox"/> Northern Division 1050 Mission Road South San Francisco, CA 94080 </div> </div>	
<p>THE PEOPLE OF THE STATE OF CALIFORNIA</p> <p style="text-align: center;">VS.</p> <p style="text-align: center;">PLAINTIFF</p> <p style="text-align: center;">DEFENDANT</p>	
<p>DECLARATION CONCERNING A PLEA OR CHANGE OF PLEA TO GUILTY OR NOLO CONTENDERE; FINDING AND ORDER (MISDEMEANOR)</p>	<p>Case Number</p>

1. I, the above-named defendant in this criminal action, understand the nature of the charges against me.
2. I understand that I have a right to be represented by an attorney at all stages of the proceedings and if I can't afford an attorney, to have the Court appoint one.

[CHECK ONE ONLY]

- I hereby give up the right to be represented by an attorney.
- My attorney is present and I have discussed the charges and possible defenses with my attorney.
- I hereby give up my right to be personally present at all stages of the proceedings and authorize my attorney to appear on my behalf and enter a plea of guilty or nolo contendere. I have previously discussed the charges and the possible defenses thereto with my attorney.

3. **I HEREBY GIVE UP THE FOLLOWING RIGHTS:**

- A. The right to a trial and specifically the right to a trial by jury.
- B. The right to use the power of the Court to subpoena witnesses and present evidence on my behalf, including my right to testify on my own behalf.
- C. The right to confront and cross-examine the witnesses against me.
- D. The right against self-incrimination, which means the right not to testify against myself.

4. My decision to plead guilty or nolo contendere has been made freely and voluntarily without threat or fear to me or anyone closely related to or associated with me. There have been no promises to me of rewards, immunity, probation, or anything else to induce my plea of guilty or nolo contendere, except:

5. I understand that the maximum penalty which may be imposed is as indicated below:

COUNT NUMBER AND CHARGE	MINIMUM / MAXIMUM PENALTY
<input type="checkbox"/> If this box is checked, I am charged with Section 23103 under 23103.5 of the Vehicle Code.	<p>No Probation: not less than 5 nor more than 90 days in County Jail or a fine of not less than \$145 nor more than \$1,000 (plus assessments) or both fine and imprisonment.</p> <p>Probation Granted: not less than 5 nor more than 90 days in County Jail or a fine of not less than \$145 nor more than \$1,000 (plus assessments) or both fine and imprisonment and participation in and completion of, at a minimum, the educational component of an alcohol and drug education program.</p>

I understand that if I am charged with 23103 under 23103.5 of the Vehicle Code, a plea of guilty/nolo contendere to that charge will be considered a prior conviction to enhance the penalties under Vehicle Code Sections 23152 and/or 23153 if the commission of said offense(s) occurs within ten (10) years of the commission of this offense.

6. **I understand** that I will be ordered to make restitution to the victim, if the offense involved a victim, and that the restitution order shall be enforceable as a civil judgment. I understand that a restitution fine of not less than \$100 or more than \$1,000 will also be imposed.

7. **If applicable, 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. ____ **(initial)**
 - b. that I am required to fill out a Prohibited Persons Relinquishment Form (PPRF) truthfully and in a timely manner. ____ **(initial)**
 - c. that I shall relinquish all firearms in accordance with procedures detailed in the PPRF. ____ **(initial)**
8. **If applicable, I understand** that, if I am subsequently convicted of a misdemeanor violation of Vehicle Code sections 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5, pursuant to Vehicle Code section 14607.6 a motor vehicle is subject to forfeiture as a nuisance if it is driven on a highway by driver with a suspended or revoked license, or by an unlicensed driver who is the registered owner of the vehicle who has a previous misdemeanor conviction of any one of these sections. ____ **(initial)**
9. **If applicable, I understand** that if I am convicted of a violation of Vehicle Code section 14601.2, the Court will require me to install an ignition interlock device (IID) on any vehicle that I own or operate for a period of up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, **DOES NOT AUTHORIZE ME TO DRIVE WITHOUT A VALID DRIVER'S LICENSE.** Failure to install the IID shall result in the suspension of my driver's license by the DMV. ____ **(initial)**
10. **Non-US Citizen** – I understand that if I am not a citizen, conviction of the offense with which I have been charged **may** have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization or amnesty, pursuant to the laws of the United States. [PC § 1016.5]
11. **I understand** that I have the right to enter my plea before, and be sentenced by a Judge. I give up this right and agree to enter my plea before, and be sentenced by: _____, a Judge Pro Tempore (Temporary Judge).
12. I understand that I have the right to be sentenced by the same judge who takes this plea if the case is continued for sentencing, and hereby Give up that right Do not give up that right.

I have read and fully understand all of the rights set forth above. With that in mind, I freely and voluntarily waive (give up) those rights as indicated. I have read and understand the charges and special allegations made against me, and I have read and understand the penalties and other consequences of a conviction for those offenses. With these consequences in mind, I freely and voluntarily enter a plea of (check one):

GUILTY **NOLO CONTENDERE** to section(s):

EXECUTED IN San Mateo County, California on _____, 20_____.

Defendant's Signature

ATTORNEY ACKNOWLEDGEMENT:

I certify that I have explained all of the rights stated above and have answered all of the questions regarding this plea to the above-named defendant. I have also discussed the facts of the case and explained the consequences of this plea, the elements of the offense(s), and the possible defenses with the defendant. I am satisfied that he/she knowingly and intelligently has waived all of the rights stated above and full understands the nature and the consequences of the charge(s) against him/her.

Signature of Defendant's Attorney

DATE

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.

Interpreter's Signature

DATE

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