

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

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 offenses 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:
- 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.
  - That I am required to fill out a Prohibited Persons Relinquishment Form (PPRF) truthfully and in a timely manner.
  - That I shall relinquish all firearms in accordance with the procedures detailed in the PPRF.
  - That I am prohibited from possessing, owning, or purchasing body armor, pursuant to PC31360.

9. I understand that if I am not a citizen of the United States, 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. Also, I understand that if I am not a citizen of the United States, a conviction of an offense related to a federally defined controlled substance will subject me to deportation, exclusion from admission to the United States, or denial of naturalization. My attorney has discussed with me the immigration consequences and whether or not there is an immigration-neutral disposition possible. My attorney also has informed me whether or not an immigration-neutral disposition was sought on my behalf and/or offered by the prosecution. I am entering this plea understanding that I will not be able to withdraw the plea after sentencing if in fact the District Attorney did not offer an immigration-neutral disposition. \_\_\_\_\_ **INITIALS**

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 or associated with me.

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:

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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:

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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** waive my right to the preparation of a presentence report by the Probation Department.

15. 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, unless I am pleading to a serious or violent felony, I will be permitted to withdraw my plea(s) of guilty or nolo contendere and all charges will be reinstated. If I am pleading to a serious or violent felony, I understand that the Court can withdraw its consent to the indicated sentence and I will not be permitted to withdraw my plea.

16. **IF APPLICABLE – WATSON ADVISEMENT** I understand that if I am convicted of Vehicle Code sections 23152, 23153, or 23103/23103.5, being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle. I am advised that it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or a combination of both. I am further advised that if I continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving, someone is killed, I can be charged with murder. \_\_\_\_\_ **INITIALS**

17. **IF APPLICABLE – HARD DRUG ADVISEMENT** I understand that if I am convicted of violating Health and Safety Code sections 11351, 11351.5, 11352, 11378, 11378.5, 11379, or 11379.6 involving a hard drug, it is extremely dangerous and deadly to human life to illicitly manufacture, distribute, sell, furnish, administer, or give away any drugs in any form, including real or counterfeit drugs or pills. I understand that I can kill someone by engaging in this conduct. All drugs and counterfeit pills are dangerous to human life. These substances alone, or mixed, kill human beings even if used in very small doses. If I illicitly manufacture, distribute, sell, furnish, administer, or give away any real or counterfeit drugs or pills, and that conduct results in the death of a human being, I can be charged with homicide, up to and including the crime of murder, within the meaning of Section 187 of the Penal Code. \_\_\_\_\_ **INITIALS**

18. **IF APPLICABLE: REGISTRATION:** I understand that I must register, and maintain/update my registration, with the police as a: [check all that apply]

\_\_\_\_ Sex Offender (PC 290, possibly for life) \_\_\_\_\_ Arson Offender (possibly for life) \_\_\_\_\_ Gang Member

**19. IF APPLICABLE: COMMITMENT AS A SEXUALLY VIOLENT PREDATOR**

I understand that at the end of my sentence, I may be subject to screening by the Department of State Hospitals to determine whether I qualify for trial as a sexually violent predator, and as a result, I could be committed indefinitely to a secure medical facility. I further understand that even if I am released without being committed to the Department of State Hospitals, should I be convicted of another crime in the future and sent back to prison, I may be subject to screening by the Department of State Hospitals to determine whether I then qualify for trial as a sexually violent predator. At that point, I could be committed indefinitely to a secure medical facility.

\_\_\_\_\_ **INITIALS**

**HAVING ALL OF THESE RIGHTS AND ADMONITIONS IN MIND, I AM KNOWINGLY, VOLUNTARILY AND INTELLIGENTLY WAIVING ALL OF THE RIGHTS HEREIN STATED AND CHANGING MY PLEA FROM NOT GUILTY TO EITHER GUILTY OR NO CONTENDERE AS SET FORTH HEREIN.**

EXECUTED IN San Mateo County, California on:

\_\_\_\_\_  
(Defendant's Signature)

\_\_\_\_\_ is the above-named defendant's attorney in the above-entitled action. They personally read and explained the contents of the above declaration to the defendant. They personally observed the defendant fill in, date and sign said declaration. After having investigated this case and the possible defenses thereto, they concur in the defendant's plea(s) of guilty or nolo contendere to the charge(s) as set forth by the defendant in the above declaration and stipulate 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 they understand 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 factual basis for the plea. The District Attorney has considered the avoidance of adverse immigration consequences in any plea negotiation process as one factor in an effort to reach a just resolution.

DATED: \_\_\_\_\_

STEPHEN WAGSTAFFE, DISTRICT ATTORNEY

By: \_\_\_\_\_  
Deputy Assistant District Attorney

**FINDINGS AND ORDER**

The defendant personally and by their attorney in open court having this date entered a plea of ☐ guilty ☐ nolo contendere, and having been advised as to their 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.

DATED: \_\_\_\_\_

\_\_\_\_\_  
☐ Judge of the Superior Court  
☐ Judge Pro Tem of the Superior Court