

SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

Name: _____

Case Number: _____

WAIVER OF CONSTITUTIONAL RIGHTS – GENERAL MISDEMEANOR

Defendant to
initial each box

1. I understand that I am charged with a misdemeanor. I have been advised of, and understand, the charge(s) filed against me.
2. I have been advised of and understand that I have the following constitutional rights, and in order to plead Guilty or No Contest, I knowingly and intelligently WAIVE (GIVE UP) my rights:
 - (a) To be TRIED BY A JURY of 12 people selected to hear the evidence and decide my guilt or innocence;
 - (b) To CONFRONT and CROSS-EXAMINE witnesses, that is, to SEE, HEAR, AND QUESTION ALL WITNESSES AGAINST ME; and
 - (c) NOT TO INCRIMINATE MYSELF, that is, not to be compelled to plead Guilty or No Contest, or to testify against myself.
3. I understand that a plea of Guilty or No Contest will be a conviction, and a judge will then decide what sentence will be imposed.
4. No threat of any kind has been made against me, or anyone associated with or related to me, to get me to plead Guilty or No Contest.
5. The District Attorney has agreed to make the following motions or recommendations:

No other promises or inducements have been made to get me to enter this plea. I understand that regardless of motions or recommendations by others including the District Attorney, my attorney, and the probation officer, the sentence will be decided solely by a judge.
6. I understand that as a consequence of a plea of Guilty or No Contest, the judge may sentence me to a maximum of 1 year in jail and a \$2000 fine for each offense. The judge may place me on probation for up to 5 years, requiring me to comply with various terms and conditions during that time. If I violate any term of probation, my probation could be revoked and I could be sentenced up to the maximum stated above. If I am not a citizen, this conviction may result in deportation or exclusion from the United States, or denial of naturalization. This plea may also subject me to additional penalties in any other case in which I am on probation. Conviction of California Vehicle Code section 14601, 14601.1, 14601.2, 14601.3, 14601.4 or 14601.5 may result in the forfeiture of my vehicle. In addition, I understand that I will be required to pay restitution to the victim(s) in an amount to be determined by the court, and a fine of \$100 to \$1,000 to the State Restitution Fund. Unless otherwise ordered, the probation and sentencing hearing will be the restitution hearing. Further, I agree that the court may consider all dismissed charges and related offenses in determining my sentence and restitution I might pay.
7. Having in mind the rights I will be giving up, and all the possible consequences of my plea, I desire to plead Guilty/No Contest as charged Count(s) _____.
8. I give up my right to delay sentencing at least six hours.

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

Executed on _____, 20____, in the County of Ventura, State of California

Defendant's Signature: _____

WAIVER OF ATTORNEY (If Applicable)

I understand I have the right to have a lawyer defend me at all stages of the proceedings, and that if I cannot afford to hire a lawyer, the court will provide one for me. I understand that by acting as my own lawyer, I will receive no special privileges, may act to my own disadvantage, and will not be able to claim later that I was denied effective assistance of a lawyer. I knowingly and intelligently WAIVE (GIVE UP) my right to a LAWYER, and choose to represent myself.

Defendant's Signature _____

PRIOR (S)

I understand that I am charged with having been convicted of prior offense(s) (and having served a term therefore in a penal institution), as alleged in the complaint. I understand how the alleged prior(s) would increase the penalties for this offense. I understand that I have the right to a JURY TRIAL to decide whether I was convicted previously, a right to SEE, HEAR, and QUESTION all witnesses against me, and a right NOT TO INCRIMINATE MYSELF, that is, not to be compelled to testify against myself or admit any prior conviction(s) or sentence(s). I expressly, knowingly, and intelligently GIVE UP those constitutional rights and admit the truth of alleged prior conviction(s) and sentence(s).

Defendant's Signature _____

PROBATION VIOLATIONS (If Applicable)

I understand that I am charged with violating probation, and could be sentenced up to 1 year in jail for each probation I have violated. I understand that I have the right to a hearing before a judge, a right to see, hear, and question witnesses against me, and a right not to incriminate myself. I give up those rights and admit that this offense violated my probation(s).

Defendant's Signature _____

WAIVER OF ATTORNEY (If Applicable)

I understand I have the right to have a lawyer defend me at all times, including trials, on all charges in this case and hearings on any violations of probation, and that if I cannot afford to hire a lawyer, the court will provide one for me. I understand that by acting as my own lawyer, I knowingly and intelligently WAIVE (GIVE UP) my right to a LAWYER, and choose to represent myself.

Defendant's Signature _____

STIPULATION TO COMMISSIONER

I understand that I may have my case heard before a judge of the Court. I give up that right and agree that the Commissioner may take all pleas, decide all motions, and sentence in this case.

Attorney for Defendant: _____

Defendant's Signature _____

WAIVER OF PERSONAL PRESENCE (If Applicable)

I understand that I have the right to be personally present at all stages of these proceedings. I knowingly and intelligently give up my right to be personally present. My attorney is fully authorized to act in my behalf.

Defendant's Signature _____

INTERPRETER (If Applicable)

I have read and explained all of the above to the defendant in the _____ language.

Interpreter's Signature _____

DECLARATION OF ATTORNEY

I am an attorney duly licensed to practice in California and am the attorney of record in this matter. I concur that the defendant's plea(s) and admission(s) may properly be entered.

Attorney's Signature _____

FINDINGS AND ORDERS

The court finds that the:

1. Defendant understands the nature of the charge(s) and the consequences of his plea(s) and admission(s).
2. Court explained, and defendant understands, that the possible consequences also include:
 - A minimum sentence of _____ in jail.
 - PC 290 registration for PC 266, 268, 272, 286, 288a, 289, 314 sub 1 or 2, 647 sub (a) or (d), 647a, or attempts.
 - H&S 11590 registration for H&S 11350 sub (b), 11355, 11363, 11366, 11368, or 11550
3. Defendant has expressly, knowingly, intelligently and understandingly waived his rights as set forth above.
4. Defendant and/or his attorney appeared in open court and entered his plea(s) and admission(s).
5. There is a factual basis for the plea(s).
6. Defendant's waiver of his rights, and his plea and admission(s), are free and voluntary.

IT IS ORDERED THAT:

1. Defendant's plea and admission(s) be entered.
2. This document be filed and incorporated in the minutes of this case.

Dated: _____

Judge of the Superior Court