

<b>SUPERIOR COURT OF THE STATE OF CALIFORNIA</b> <b>COUNTY OF NEVADA</b> <input type="checkbox"/> 201 Church Street, Nevada City, CA 95959 <input type="checkbox"/> 10075 Levon Avenue, Truckee, CA 96161 (530) 362-4309	
People of the State of California  vs.	
<b>MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM</b>	CASE NUMBER:

**INSTRUCTIONS**

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it and sign and date the form on the last page. If you have any questions about your case, the possible sentence or the information on this form, ask your attorney or the judge.

**RIGHT TO AN ATTORNEY**

Initials

1.	I understand that I have the right to represented by an attorney throughout the proceedings. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of the attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.	
2.	I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney)	

**NATURE OF THE CHARGE(S) (Initial all items you are charged with)**

**I understand that I am charged with the following offenses**

Initials

3.			
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**I understand that I am also charged with the following prior convictions (if applicable)**

Initials

4.		
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**I understand that I am also charged with violating probation orders in the following cases (if applicable)**

Initials

5.		
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Initials

6.	I understand the charge(s) against me and the possible pleas and defenses	
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**CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS**

Initials

7.	<b>RIGHT TO A JURY TRIAL</b> – I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt.	
8.	I give up my right to a jury trial	
9.	<b>RIGHT TO CONFRONT WITNESSES</b> – I understand that I have the right to confront and cross-examine all witnesses testifying against me.	
10.	I give up my right to confront and cross-examine witnesses.	
11.	<b>RIGHT AGAINST SELF-INCRIMINATION</b> – I understand that I have the right to remain silent and not incriminate myself. I understand that by pleading guilty or no contest, I am incriminating myself.	
12.	I give up my right to remain silent and to not incriminate myself.	
13.	<b>RIGHT TO PRODUCE EVIDENCE</b> – I understand that I have the right to present evidence, including the right to testify on my own behalf, and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me at no cost to me.	
14.	I give up my right to produce evidence and witnesses on my own behalf.	

**CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST****PENALTIES**

Initials

15.	<p>I understand that the possible consequences for the offense(s) charged include the following:</p> <ul style="list-style-type: none"> <li>• Section number _____ <ul style="list-style-type: none"> <li>○ Minimum jail _____ Maximum jail _____</li> <li>○ Minimum fine _____ Maximum fine _____</li> <li>○ Other consequences _____</li> </ul> </li> <li>• Section number _____ <ul style="list-style-type: none"> <li>○ Minimum jail _____ Maximum jail _____</li> <li>○ Minimum fine _____ Maximum fine _____</li> <li>○ Other consequences _____</li> </ul> </li> <li>• Section number _____ <ul style="list-style-type: none"> <li>○ Minimum jail _____ Maximum jail _____</li> <li>○ Minimum fine _____ Maximum fine _____</li> <li>○ Other consequences _____</li> </ul> </li> </ul>	
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Initials

16.	I understand that in addition to the fine, the Court will add assessments which will significantly increase the amount I must pay. I will also be ordered to make restitution and to pay a restitution fine up to \$1,000 unless the Court finds compelling and extraordinary reasons not to do so.	
17.	I understand that if I am not a citizen, a plea of guilty or no contest (nolo contendere) could result in my deportation, exclusion from admission to this country or denial of naturalization.	
18.	I understand that a plea of no contest will have exactly the same effect in this case as a plea of guilty but it cannot be used against me in a civil lawsuit.	
19.	I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case.	

**PLEA(S)**

Initials

20.	I hereby freely and voluntary plead <input type="checkbox"/> GUILTY or <input type="checkbox"/> NO CONTEST to the following charges: _____ _____	
21.	I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced. I give up this right and agree to be sentenced at this time.	
22.	If applicable – I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before and to be sentenced by: _____ (Temporary Judge’s Name)	

Date: \_\_\_\_\_

Defendant’s signature: \_\_\_\_\_

**ATTORNEY’S STATEMENT**

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant’s rights to the defendant and answered all of the defendant’s questions with regard to this plea. I have also discussed the facts of the defendant’s case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant’s decision to waive his or her constitutional rights.

Date: \_\_\_\_\_

Attorney’s signature: \_\_\_\_\_

**INTERPRETER’S STATEMENT (if applicable)**

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that they understood the contents of the form and then they initialed and signed the form.

Language \_\_\_\_\_

Date: \_\_\_\_\_ Interpreter’s signature: \_\_\_\_\_ printed name: \_\_\_\_\_

**COURT 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 their constitutional rights. The Court finds that the defendant’s plea 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.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**Judge of the Superior Court**