

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE**

THE PEOPLE OF THE STATE OF CALIFORNIA,

vs

Plaintiff,

Defendant.

**FELONY-GUILTY
PLEA DECLARATION**

CASE NO.

PLEASE INITIAL

_____ 1. My true name is _____, born _____.

_____ 2. I understand I am accused of these felony offense(s) and Special Allegations:

Count Number	Code Section	Name of Crime/Enhancement	Maximum Sentence
--------------	--------------	---------------------------	------------------

(List all charges even if to be dismissed)

_____ 3. I plead guilty and/or admit the crimes and allegations set forth below and understand that the maximum punishment I could receive for each crime/special enhancement which I plead guilty to or admit are:

_____ 4. I understand in addition to incarceration I could receive for each of the above offense(s) the following penalties and consequences:

- _____ a. A fine up to \$10,000.00 plus penalty assessment.
- _____ b. Any state prison commitment will be followed by a parole of 3 to 4 years. Any violation of parole could result in a return to prison.
- _____ c. If I am not a U.S. citizen, I could be deported or excluded from admission to the United States or denied naturalization.

- _____ d. If I am found to be addicted to the use of narcotics or in imminent danger of becoming an addict, I may be committed to the Department of Corrections Narcotic Rehabilitation Program for a period of time equal to that which I would otherwise have to spend in state prison.
- _____ e. I will be required to register as a controlled substance offender with the Chief of Police of the city or the Sheriff of the county where I live.
- _____ f. I will be required to register as a sex offender with the Chief of Police of the city or the Sheriff of the county where I live.
- _____ g. I understand that as a convicted felon, I will be unable to legally possess ammunition or firearms, both handguns and long guns, under both federal and state law.
- _____ h. I will be required to make restitution to any victim.
- _____ 5. I am freely and voluntarily entering my plea of guilty and/or admitting as true special allegations.
- _____ a. Because I am guilty (and for no other reason), and/or,
- _____ b. As a result of a plea and/or sentence bargain after discussing with my attorney my defenses and the possibility of my being convicted on other or more serious charges and risking the possibility of a longer sentence.

BARGAIN AS FOLLOWS:

- _____ 6. I understand that the Court will not decide whether to accept a plea or sentence bargain or to impose sentence or extend probation until a Probation Officer makes an investigation and reports on my background, prior record (if any) and the circumstances of the case.
- _____ a. I understand if I fail to appear at the time of sentencing that the above plea(s) of guilty will remain in effect, but the Court will not be bound by any sentence bargain.
- _____ b. I understand that if I am now on probation/parole, my plea in this case may constitute a violation of my probation/parole.
- _____ c. I understand that I am not eligible for probation in this case.
- _____ 7. I understand that my plea bargain will be reviewed by the judge who will be sentencing me. I further understand that that judge will have the power to refuse to accept my bargain, but, if he should refuse, I have the right to withdraw my plea.
- _____ 8. I agree the Court may consider dismissed counts when deciding whether or not to grant probation and in deciding whether or not to impose midterm, aggravated or mitigated prison term, and as to restitution.

- _____ 9. I waive my right to appeal possible legal errors in any proceeding or rulings to this time.
- _____ 10. I understand that, as to each charge I plead to and each special allegation and/or sentence enhancement I admit to be true, I have the following rights:
- _____ a. A preliminary hearing at which the District Attorney would have to show probable cause that I had committed the offense(s).
 - _____ b. A speedy and public trial by jury.
 - _____ c. Representation by an attorney at all times.
 - _____ d. See, hear, and question all witnesses who testify against me.
 - _____ e. Have the judge order into Court all relevant evidence and to order my witnesses to attend the trial without cost to me.
 - _____ f. Present evidence in my favor, including my own testimony if i wish to testify.
 - _____ g. Remain silent and, if so, my silence can not be used against me.
- _____ 11. I understand that by this plea and any admissions I am making, I give up all the rights which are listed above except the continuing right to be represented by an attorney.
- _____ 12. No one has used any kind of force or threat against me or anyone else to get me to make this plea/admission and I do so freely and voluntarily.
- _____ 13. I am not now under the influence of drugs or alcohol which could interfere with my ability to understand what I am doing; nor am I suffering from any condition which could have that effect.
- _____ 14. I have had sufficient consultation with my attorney
My lawyer has explained everything on this declaration to me, and I have had sufficient time to consider the meaning of each statement. I have placed my initials _____, in certain boxes on this declaration to signify that I understand and adopt those as my own statements.
- _____ 15. I am satisfied with the legal representation provided to me by my attorney.
- _____ 16. I can read and understand English, or I cannot read/understand English, but I have had the assistance of an interpreter to read this form to me and I understand all of the contents of this form.

I declare under penalty of perjury that the foregoing is true and correct and that I am signing this declaration on _____, at Crescent City, California.

DEFENDANT SIGNATURE

CERTIFICATE OF INTERPRETER

I declare under penalty of perjury that I translated the entire contents of this form from English to in the presence of and directly to the defendant, who stated to me that he understood and I believe that he does in fact understand.

Executed at Crescent City, California this _____ day of _____.

INTERPRETER SIGNATURE

CERTIFICATION OF DEFENSE ATTORNEY

I, _____, am the above-named defendant's attorney in this case. I have personally explained the contents of the above declaration to the defendant, and I personally verified his signature; I have counseled the defendant in the matter of his pleading guilty and I concur with his decision to plea as set forth.

I declare under penalty of perjury that the foregoing is true and correct and that I am signing this declaration on _____, at Crescent City, California

DEFENSE ATTORNEY SIGNATURE

DISTRICT ATTORNEY CONCURRENCE

I have read the defendant's completed declaration and I consent to the plea(s) and sentence as indicated.

DISTRICT ATTORNEY, DEL NORTE COUNTY

ORDER-FINDINGS

1. The defendant has read and understands this declaration.
2. The defendant understands the nature of the crime(s) charged against him and the consequences of the plea(s) and admission(s).
3. The defendant understands and intelligently waived his constitutional rights.
4. The defendant personally and orally entered the plea(s) and admission(s).
5. The defendant's plea(s) is/are free and voluntary.
6. A factual basis exists for the plea(s) and admission(s).

IT IS ORDERED that this declaration be received and filed with the Court's records and that the defendant's plea(s) of guilty and admission(s) be accepted and entered into the minutes of this Court.

Dated: _____

JUDGE