

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO		
<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	
THE PEOPLE OF THE STATE OF CALIFORNIA PLAINTIFF vs. DEFENDANT		
DECLARATION CONCERNING A PLEA OR CHANGE OF PLEA TO GUILTY OR NOLO CONTENDERE; FINDING AND ORDER (FELONY)		Case Number

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 COMPLAINT or INFORMATION in this action with having violated LIST ALL CHARGES. DO NOT ABBREVIATE.
(code, section(s), count(s))

3. I desire to plead change my plea(s) to _____ to _____
(guilty/nolo contendere)
LIST ONLY CHARGES TO WHICH D IS PLEADING. REMEMBER SPECIAL ALLEGATIONS
(state code, section(s) and count(s), including lesser offense(s) to which plea is to be made)

4. I DO understand the nature of the charge(s) against me.
(do/do not)

5. I HAVE discussed the nature of the charge(s) against me and the possible defenses thereto with my attorney.
(have/have not)

6. My attorney HAS 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.
(has/has not)

7. I DO realize that I give up these rights by pleading guilty or nolo contendere.
(do/do not)

I understand that a plea of nolo contendere has the same legal effect as a plea of guilty.

8. I understand that if I am not a citizen, 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.

9. My decision to change my plea(s) to plead _____ HAS been made freely and voluntarily, without threat or fear to me or anyone closely related to or associated with me.
(guilty / nolo contendere) (has/has not)

10. My attorney HAS explained that the maximum penalty, including penalty assessments, that
(has/has not)
could be imposed as a result of my plea (s) of guilty or nolo contendere is [# of years imprisonment (if 1170(h))]

OR [# of years state prison, followed by either: 4 years parole/3 years post-release community supervision]; \$10,000 fine; \$10,000 restitution fund fine (minimum \$330 + 10%); Genetic Marker Testing; Actual Restitution; If applicable: registration (sex/narcotics/gang/arson)

11. I HAVE NOT been induced to plead guilty or nolo contendere by any promise or representation of
(have/have not)
a lesser sentence, probation, reward, immunity or anything else except:

TERMS OF NEGOTIATED DISPOSITION; DISMISSED CHARGES/CASES
HARVEY WAIVER; KEMP OR

12. I _____ waive my right to be sentenced by the judge taking my plea and understand sentencing
(do/do not)
may occur before another judge.

13. I _____ understand that the matter of probation and sentence is to be determined solely by the
(do/do not)
Court and will not be decided until the report and recommendation by the Probation Department has been considered.

Line out if
pleading to
a strike -->

The Court reserves the right to withdraw its consent to any sentence limitation agreement, and in that event, I will be permitted to withdraw my plea (s) of guilty or nolo contendere and all charges will be reinstated.

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

Interpreter's signature

(Defendant's Signature)

_____ states that he/she is the above named defendant's attorney in the above entitled action he/she personally read and explained the contents of the above declaration to the defendant he/she personally observed the defendant fill in date and sign said declaration he/she after having investigated this case and the possible defenses thereto, concurs in the defendants plea(s) of guilty or nolo contendere to the charge(s) as set forth by the defendant in the above declaration and stipulates there is a factual basis for the plea(s).

DATED _____
(Attorney'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 basis for the plea.

DATED _____ STEPHEN WAGSTAFFE, DISTRICT ATTORNEY

By _____
Deputy Assistant District Attorney

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