

|                                                                                                                     |                            |                                        |
|---------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------------|
| <b>SUPERIOR COURT OF CALIFORNIA</b>                                                                                 |                            | <i>Reserved for Clerk's File Stamp</i> |
| COUNTY:                                                                                                             | <b>COUNTY OF MENDOCINO</b> |                                        |
| PLAINTIFF:<br><b>PEOPLE OF THE STATE OF CALIFORNIA</b>                                                              |                            |                                        |
| DEFENDANT:                                                                                                          |                            |                                        |
| <b>ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM</b><br><b>Deferred Entry of Judgment (Penal Code § 1000 et seq.)</b> |                            | CASE NUMBER:                           |
|                                                                                                                     |                            | DEPARTMENT:                            |

### INSTRUCTIONS

Fill out this form if you wish to plead guilty to the charges against you in order to participate in the Deferred Entry of Judgment Program (DEJ Program). If you successfully complete the requirements of the DEJ Program as directed by the Court, your case will be dismissed. If you do not successfully complete these requirements, the Court will enter judgment based on your guilty plea and the sentence will be imposed in your case.

Initial the box for each applicable item only if you understand it, and **sign and date the form on page 4**. If you have questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

#### RIGHT TO AN ATTORNEY

1. I understand that I have the right to be 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 that attorney, if I can afford it. 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. . . . .

INITIALS ↓

1.

#### NATURE OF THE CHARGES (Complete all items you are charged with.)

2. I understand that I am charged with the following offense(s):

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

2.

3. **If applicable** - I understand that I am also charged with having the following **prior conviction(s)**:  
(Note – Prior conviction(s) must **not** be for offenses involving a controlled substance.)

LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)

3.

4. **If applicable** - I understand that I am charged with violating the **probation order(s)** in the following case(s):

CASE NUMBER(S) AND DATE(S)

4.

5. I understand the charge(s) against me, and the possible pleas and defenses. . . . .

5.

#### CONSTITUTIONAL RIGHTS

6. **RIGHT TO A JURY TRIAL** - 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. . . . .
7. **RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES** - I understand that I have the right to confront and cross-examine all witnesses testifying against me. . . . .
8. **RIGHT AGAINST SELF-INCRIMINATION** - I understand that I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty, or admitting prior conviction(s) or probation violation(s), I am incriminating myself. . . . .

6.

7.

8.

## CONSTITUTIONAL RIGHTS (Continued)

9. **RIGHT TO PRODUCE EVIDENCE** - I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me. . . . .

## PRIOR CONVICTIONS AND PROBATION VIOLATIONS

10. **If applicable** - I understand that I have all of the above constitutional rights for all of the charges against me, including any charged prior convictions or probation violations. However, for a charge of violating probation, I do not have the right to a jury trial, although I do have the right to a hearing before a judge. (Note - Please complete No. 31 on page 3.). . . . .

## SPEEDY PRELIMINARY HEARING (For charged felony offenses only)

11. **If applicable** - I understand that if I am charged with a felony, I have a statutory right to a preliminary hearing, and a right that this hearing be held within a specified period of time. I would also have all of the above constitutional rights at the hearing, except that it would be conducted before a judge, rather than before a jury. (Note - Please complete No. 17 below.). . . . .

## WAIVER OF RIGHTS

Understanding all of the above, for all of the charges in this case, including any prior convictions or probation violations, which may be presented against me at my trial (and preliminary hearing):

12. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.) . . . . .
13. I give up my right to a jury trial. (Does not apply to charged probation violations or to preliminary hearing). . . . .
14. I give up my right to confront and cross-examine witnesses. . . . .
15. I give up my right to remain silent and to not incriminate myself. . . . .
16. I give up my right to produce evidence and witnesses on my own behalf. . . . .
17. **If applicable** - I give up my right to a preliminary hearing before a judge as to any felony offenses. I also give up my right to have that hearing held within the specified period. . . . .

## PARTICIPATION IN DEFERRED ENTRY OF JUDGMENT (DEJ) PROGRAM

18. I understand that as part of the DEJ Program, I will be required to successfully complete a drug program for a period of between 18 months to 3 years, as determined by the Court. I will also be required to pay a drug program fee, depending on my ability to pay. . . . .
19. I understand that the Court will order me to pay a DEJ restitution fee. Depending on my ability to pay, the Court will also order me to pay administrative fees of up to \$300 if the offense is a misdemeanor, or up to \$500 if the offense is a felony, and to reimburse the probation department for the reasonable costs of program investigation or progress reports filed with the Court . . . . .
20. I understand that I may be required to undergo urine analysis to test for the presence of drugs, but the results will not be admissible as the basis of any new criminal prosecution or proceeding. . . . .
21. I understand that if I successfully complete the DEJ Program, my guilty plea will not constitute a conviction, unless a judgment of guilt is entered as specified in number 22 below. (But see numbers 24-25.) I must still disclose my arrest upon request if I apply for a position as a peace officer. If I plead guilty based on a forged or altered drug prescription (H.&S. Code § 11368), I may still be subject to disciplinary action or denial of a license by an administrative agency. . . . .
22. I understand that the Court may, after notice to me, schedule a hearing for sentencing and, thereafter, enter judgment if: (1) I perform unsatisfactorily in the DEJ Program; or (2) I am convicted of any felony; or (3) I am convicted of any misdemeanor indicating a propensity for violence; or (4) I engage in any other criminal conduct rendering me unsuitable for deferred entry of judgment. . . . .
23. I understand that I have a right to wait from 6 hours to 5 days prior to the pronouncement of the judgment for a misdemeanor, and to wait up to a maximum of 20 judicial days for a felony. I give up this right in order to participate in the DEJ Program. . . . .

| INITIALS ↓ |
|------------|
| 9.         |
| 10.        |
| 11.        |
| 12.        |
| 13.        |
| 14.        |
| 15.        |
| 16.        |
| 17.        |
| 18.        |
| 19.        |
| 20.        |
| 21.        |
| 22.        |
| 23.        |

**PARTICIPATION IN DEJ PROGRAM (Continued)**

24. I understand that if I am not a citizen, my guilty plea could result in my deportation, exclusion from admission to this country, or denial of naturalization, even if I complete the DEJ Program. . . .
25. I understand that my guilty plea in this case may be grounds for violating probation or parole which has previously been granted to me in any other case, even if I complete the DEJ Program. .

**CONSEQUENCES OF TERMINATION OF PARTICIPATION IN DEJ PROGRAM**

26. I understand that if I fail to complete the DEJ Program, or if I violate any terms or conditions of the DEJ Program, including for any reason indicated in number 22 above, and if the Court enters judgment and sentences me, the information in numbers 27-30 below will apply to me. . . .

**CONSEQUENCES OF PLEA OF GUILTY IF THE COURT IMPOSES JUDGMENT**

27. **Penalty:** I understand that the possible consequences for the offense(s) charged include the following:

|                            |             |      |                  |
|----------------------------|-------------|------|------------------|
| O _____                    |             |      |                  |
| SECTION NUMBER             | JAIL - MIN. | MAX. | FINE - MIN. MAX. |
| OTHER CONSEQUENCES : _____ |             |      |                  |
| O _____                    |             |      |                  |
| SECTION NUMBER             | JAIL - MIN. | MAX. | FINE - MIN. MAX. |
| OTHER CONSEQUENCES : _____ |             |      |                  |
| O _____                    |             |      |                  |
| SECTION NUMBER             | JAIL - MIN. | MAX. | FINE - MIN. MAX. |
| OTHER CONSEQUENCES : _____ |             |      |                  |
| O _____                    |             |      |                  |
| SECTION NUMBER             | JAIL - MIN. | MAX. | FINE - MIN. MAX. |
| OTHER CONSEQUENCES : _____ |             |      |                  |
| O _____                    |             |      |                  |
| SECTION NUMBER             | JAIL - MIN. | MAX. | FINE - MIN. MAX. |
| OTHER CONSEQUENCES : _____ |             |      |                  |

28. I understand that if judgment is imposed, in addition to the fine, the Court will add **assessments** which will **significantly increase the amount I must pay**. I may also be ordered to make restitution and to pay a restitution fine of \$100 to \$1,000 for a misdemeanor, or \$200 to \$10,000 for a felony, unless the Court finds compelling and extraordinary reasons not to impose the fine. \*\* cont. pg. 5
29. I understand that if judgment is imposed, I may be required to register with the police as a controlled substance offender. Failure to do so would constitute a misdemeanor. . . .
30. I understand that if judgment is imposed, I have a right to be sentenced by the judge who accepts my guilty plea in this case. I freely and voluntarily give up this right. . . .
31. **If applicable** - I freely and voluntarily admit any prior convictions and probation violations that I listed on this form, and I give up my right to a hearing before a judge regarding any probation violations. I understand that these admissions will increase the penalties in my case. . . .
32. **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

|            |
|------------|
| INITIALS ↓ |
| 24.        |
| 25.        |
| 26.        |
| 27.        |
| 28.        |
| 29.        |
| 30.        |
| 31.        |
| 32.        |

33. I hereby freely and voluntarily plead \_\_\_\_\_ to:

GUILTY

INITIALS ↓

33.

\_\_\_\_\_  
LIST CHARGE(S)

**\*\* DEFENDANT'S SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

### 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.

\_\_\_\_\_  
SIGNATURE OF DEFENDANT'S ATTORNEY

\_\_\_\_\_  
DATE

### 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 (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: ☐ Spanish ☐ Other (specify): \_\_\_\_\_

\_\_\_\_\_  
COURT INTERPRETER'S SIGNATURE

\_\_\_\_\_  
TYPE OR PRINT NAME

\_\_\_\_\_  
DATE

### COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant, or his or her attorney, concerning the defendant's constitutional rights and the defendant's admission of prior conviction(s) and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea(s) and admission(s) are 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(s), the defendant's admission of prior conviction(s) and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

☐ Judge of the Superior Court  
☐ Temporary Judge of the Superior Court

\_\_\_\_\_  
DATE

\* \* #28 continued: If I am granted probation, the court must also impose a Probation Revocation Restitution Fine which will only become effective if probation is revoked. (PC 1202.44). If I am sentenced to state prison, the court must also impose a Parole Revocation Restitution Fine, which will be suspended upon my successful completion of the entire term of parole. (PC Section 1202.45)