SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE 12855 Justice Center Dr Sonora, CA 95370 Phone: (209) 533-5555	Space below for use by Court Clerk only.
Plaintiff: The People of the State of California VS. Defendant(s):	Case Number:

DOMESTIC VIOLENCE PLEA FORM WITH WAIVER OF RIGHTS - MISDEMEANOR

Instructions:

- Fill out this form only if you want to plead guilty or no contest.
- Read this form carefully. For each item, if you understand and agree with what you read, put your initials in the box to the right of the item. For any item that does not apply to you or that you do not understand, leave the box blank.
- Sign and date the form under "DEFENDANT'S STATEMENT" on page 4.
- Keep in mind that the court cannot give legal advice. If you have any attorney and have questions about anything in this form, ask your attorney.

1. **Charges and Maximum Penalties**. I want to plead guilty or no contest to the charges listed below. I understand that the maximum penalties for the charges to which I am pleading guilty or no contest are listed below. Initials: _____

COUNT	CHARGES (SECTION & DESCRIPTION)	MAXIMUM PENALTY (FINE & JAIL)

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2. **Prior Convictions**. I understand that I am also charged with a prior conviction in case numbers:
_____ Initials: _____
3. **Probation Violations**. I understand that I am also charged with a violation of probation in case numbers:
_____ Initials: _____
4. **Right to an Attorney**. (Leave this box blank if you have an attorney). I understand that I have the right to an attorney of my choice to represent me throughout the proceedings. If I cannot afford to hire an attorney, the court will appoint one to represent me. **I hereby give up my right to be represented by an attorney**.
Initials: _____
5. **Other Constitutional Rights**. I understand that I am entitled to each of the following rights concerning the charges and prior convictions (if any) listed in items 1 and 2 (above):
   a. **Right to a jury trial**. I understand that I have a right to a speedy and public jury trial. At the trial, I would be presumed to be innocent and I could not be convicted unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were convinced beyond a reasonable doubt that I am guilty.
   Initials: _____
   b. **Right to confront and cross-examine witnesses**. I understand that I have the right to confront and cross-examine all witnesses testifying against me. This means that the prosecution must produce the witnesses in court to testify under oath in my presence and I or my attorney may question them.
   Initials: _____
   c. **Right to remain silent and not incriminate myself**. I understand that I have the right to remain silent and my silence cannot be considered as evidence against me. I understand that I also have the right not to incriminate myself and I cannot be forced to testify. Initials: _____
6. **Rights for Probation Violations**. (Leave this box blank if you are not charged with a probation violation). I understand that I have all constitutional rights listed above for all probation violations charged against me, except that I do not have a right to a jury trial, only a court hearing before a judge. Initials: _____
7. **Consequences of My Plea**.
   a. **No contest plea**. I understand that a no contest plea has the same effect as a guilty plea except that it cannot be used against me in a civil case that derives from an act on which this prosecution is based unless the offense is punishable as a felony. Initials: _____
   b. **Effect of conviction on other cases**. I understand that a conviction in this case may be used to increase my punishment for future domestic violence convictions and may constitute a violation of any other current grant of parole or probation, which may result in additional punishment. Initials: _____
   c. **Mandatory minimum conditions of probation**. I understand that if I am granted probation, the terms and conditions will include at least all of the following (see Penal Code section 1203.097): Initials: _____
      1. A minimum of either 36 months (3 years) or 48 months (4 years) of probation;
      2. A criminal court protective order that may include residence exclusion or stay-away conditions;
      3. Booking within one week of sentencing if I have not already been booked;
      4. Several statutory fines, fees, and assessments, including a domestic violence fee, restitution fine, probation revocation fine (stayed), criminal conviction assessment, and court security fee;

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5. Successful completion of an appropriate batterer's treatment program of at least 52 weeks;
6. Community service;
7. Restitution to the victim (if applicable);
8. An order not to own, possess, purchase, or receive any firearms;
9. An order to relinquish any firearms in my possession or control; and
10. Other:_____
_____
_____

d. **Effect of future probation violation**. I understand that if I violate any of the terms or conditions of probation, I may be returned to court and sentenced up to the maximum punishment on each charge as indicated in item 1. Initials: _____

e. **Immigration consequences**. I understand that if I am not a citizen of the United States, my plea of guilty or not contest may result in my deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. Initials: _____

f. **Firearm prohibition**. I understand that a conviction in this case may prohibit me from owning, using, or possessing firearms and ammunition within 10 years under Penal Code sections 29805 and 30305. Initials: _____

g. **Child custody consequences**. I understand that a conviction in this case may result in a rebuttable presumption that an award of sole or joint physical or legal custody of a child is detrimental to the best interest of the child under Family Code section 3044. Initials: _____

h. **Other consequences** (specify): _____

Before the Plea.

a. **Discussion with my attorney**. (Leave this box blank if you are **not** represented by an attorney.) Before entering this plea, I have had a full opportunity to discuss with my attorney the facts of the case, the elements of the charged offenses and prior convictions (if any), any defenses that I may have, my constitutional and statutory rights and waiver of those rights, the consequences of this plea, and anything else I think is important to my case. Initials: _____

b. **Questions**. I have no further questions for the court or for my attorney with regard to my plea and admissions in this case or any of my rights or anything else on this form. Initials: _____

8. **Waiver of Constitutional Rights**. For each of the charges, prior convictions (if any), and probation violations (if any) listed in items 1, 2, and 3, I give up my right to a jury trial, my right to a court hearing, my right to confront and cross-examine witnesses, and my right to remain silent and not to incriminate myself. I understand that I am, in fact, incriminating myself with my plea. Initials: _____

9. **The Plea**. (Check one). I freely and voluntarily plead ☐ GUILTY ☐ NO CONTEST to the charges listed in item 1. I offer my plea with full understanding of everything in this form. No one has made any threats; used any force against me, my family, or loved ones; or made any promises to me, except as listed in this form, in order to convince me to plead guilty or no contest. Initials: _____

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10. **Prior Convictions**. I freely and voluntarily admit the prior convictions (if any) listed in item 2, and I understand this admission may increase the penalties that are imposed on me. Initials: _____
11. **Probation Violations**. I freely and voluntarily admit the probation violations (if any) in item 3. Initials: _____
12. **Sentencing**. I understand that I have a right to delay my sentencing at least 6 hours and as long as 5 days after my plea. I give up this right and agree to be sentenced at this time. Initials: _____

DEFENDANT'S STATEMENT

I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items on this form, I am indicting that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, and the effects of any prior convictions and probation violations have been explained to me. I understand each of the rights outlined above and I give up each of them to enter my plea.

Defendant's signature: _____ Dated: _____

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed this form with my client. I have explained each of the items in the form, including the defendant's constitutional and statutory rights, to the defendant and have answered all of his or her questions with regard to those rights, the other items in the form, and the plea agreement. I have also discussed the facts of the case with the defendant, and have explained the nature and elements of each charge, any possible defenses to the charges, the effect of any prior convictions and probation violations, and the consequences of the plea.

Attorney's signature: _____ Dated: _____

INTERPRETER'S STATEMENT

Having been duly sworn or having a written oath on file, I certify that I truly translated this form to the defendant in the _____ language.

Date:_____ _____

Interpreter's Signature

Certification Number: _____ _____

Printed Name of Interpreter

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COURT'S FINDING AND ORDER

The Court, having reviewed this form and having orally examined the defendant, finds that (a) the defendant has read or been read and understands each of the initialed items on this form; (b) the defendant understands the nature of the crimes and allegations listed in items 1, 2, and 3 and the consequences of the plea and any admissions; (c) the defendant expressly, knowingly, understandingly, and intelligently waives his or her constitutional and statutory rights; and (d) the defendant's plea, admissions, and waiver of rights are made freely and voluntarily.

The court accepts the defendant's plea, admissions, and waiver of rights, and the defendant is hereby convicted based thereon.

It is ordered that this document be filed with the court's records of this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this court.

DATED: _____ _____

JUDGE OF THE SUPERIOR COURT