SUPERIOR COURT OF CALIFORNIA **COUNTY OF TUOLUMNE** 12855 Justice Center Drive, Sonora, CA 95370 (209) 533-5563	
The People of the State of California, Plaintiff, vs. _____, Defendant. Date of birth: _____	Case Number:

ADVISEMENT AND WAIVER OF RIGHTS (FELONY) PC § 1170(h)

Count	Charge	F/M	Potential Sentencing Range	Potential Enhancements & Years	Total Potential Sentence

You have the following trial rights in connection with the charges which are now pending against you. You will be giving up all of the following rights if you enter a plea of guilty or no contest. ***(Initial each box next to the applicable paragraph.)***	**I understand this right.** ***(Initial below)***	**I give up this right.** ***(Initial below)***
Jury Trial: You have the right to a jury trial on the charges which are pending against you.		
Confrontation: You have the right to confront the witnesses against you in trial; to see, hear and question all witnesses yourself or through your attorney.		
Subpoena: You have the right to subpoena witnesses for your defense.		
Testimony: You have the right to testify in your own defense.		
Self-Incrimination: You have the right to remain silent, and you cannot be forced to testify if you do not want to do so.		
Preliminary Hearing (if applicable): You have the right to a preliminary hearing to determine if there is probable cause to hold you to trial.		
Waiver of Appeal: I understand that I will be waiving my right to appeal, and I will not be able to appeal from this Court's sentence based on the plea that I enter into in this matter.		
Initial each box next to the paragraphs below to acknowledge you have read and understand the contents.		***Initial***
Registration Requirements: I understand that I will be required to register as a narcotics offender under Health & Safety Code Section 11590.		
Withdrawal of Plea: I understand that the judge's acceptance of this plea is not binding; that before sentencing, the judge can withdraw approval, and that I will be allowed to withdraw my plea.		

Defendant's Statement: I have read and understand the front and back of this form. I have had enough time to speak with my attorney; I have told my attorney everything I know about this case; my attorney has explained to me my rights, my defenses, and the possible consequences of my plea, including the consequences explained on the second page of this form. I am entering this plea freely and voluntarily. I understand that I may not withdraw this plea without a showing of good cause.

Dated: _____ Defendant's Signature: _____

Attorney's Statement: I have explained the contents of this form to my client. I have had sufficient time to discuss this case with my client, including the elements of the crime, and I have advised him/her of his/her rights, defenses, and the consequences of his/her plea. I join in the waiver of the rights made by my client, including the right to a jury trial.

Dated: _____ Attorney's Signature: _____

Findings: The Court finds the defendant understands his/her constitutional rights, the nature of the crime(s) which he/she is admitting, the consequences of the plea, that the plea and waiver of rights have been and knowingly and voluntarily made, and that there is a factual basis for the plea.

Dated: _____ Signature of the Court: _____

***Apprendi-Blakely* Waiver:** I hereby give up the right to a jury or court trial as to any sentencing factors that may be used to increase my sentence on any count, sentencing enhancement or allegation to the upper or maximum term provided by law. I hereby give up the right to a jury or court trial on any sentencing factors and consent to the judge determining the existence of any sentencing factors with the judge's discretion as allowed by existing statutes and rules of court. I also agree this waiver shall apply to any future sentence imposed following the revocation of probation.	***By initialing below, I acknowledge that I understand this right.*** _____	***By initialing below, I acknowledge that I give up this right.*** _____

Vehicle Code §§ 23152, 23153: You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving someone is killed, you can be charged with murder.	***By initialing below, I acknowledge that I have read and understand this advisement.*** _____

Fines and Restitution: You may be required to pay a fine of up to $50,000.00, plus penalty assessments. You are subject to a restitution fine of no less than $200.00, and up to $10,000.00. You will be required to make restitution to the victim(s) for any losses suffered as a result of the crime(s).

Probation Terms: You could be placed on probation for a period of up to five years. As a condition of probation, you could be required to serve up to one year in the county jail. You could be required to report to the court or the probation department, be subject to search and seizure without probable cause, and you could be required to comply with other terms and conditions of probation which relate to the crime or crimes to which you are pleading guilty or no contest to.

Violation of Terms and Conditions: If you violate the terms and conditions of probation, you may be sentenced to county jail for a period of time up to the maximum stated on the front of this form. At the discretion of the court, a portion of that time may be suspended by the court under the terms and conditions of post sentence release.

Probation or Supervision: If you are already on probation, parole, post release community supervision, or any form of split sentence supervision, that status will be revoked as a result of your entering this plea.

Citizenship: If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

By initialing below and to the right, I acknowledge that I have read and understand this advisement.	***Initial***
Due Process Waiver: I understand that if I am sentenced to jail pursuant to Penal Code § 1170(h), at the discretion of the court, a portion of the sentence may be suspended, and I would then be placed on post sentence supervision. I understand that I will be required to comply with reasonable terms and conditions of post sentence supervision as ordered by the court. These conditions will include a waiver of due process rights, allowing a judge to incarcerate me in county jail for a period of 60 days for each violation, without a hearing.	
Modification of Terms and Conditions: I understand that the court reserves the jurisdiction to modify the terms and conditions of my post sentence release at any time during the term of this sentence. I understand that if I violate the terms and conditions of my post sentence release, the court may terminate my post sentence release and I could be ordered to serve the remaining period of post sentence release in jail.	
Electronic Monitoring: I understand that as a condition of probation or post sentence release, if I am placed on electronic monitoring, I waive any rights to credits other than actual days served. I further understand that I will be required to pay for equipment if I am placed on electronic monitoring.	
Promises. No promises of any kind have been made to me, or any other person, to cause me to enter this plea, other than those contained on the front and back of this form, or as stated on the record in open court.	
Co-Defendants. If you have co-defendants in this case, you agree that you are entering this plea because you think it is the right thing to do for yourself, and you are not doing it just to get a benefit for someone else.	
No Drugs or Alcohol: By signing this form, you agree that you are now sober, and that you have not recently consumed any drugs or alcohol that may affect your ability to understand these proceedings.	

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By initialing below and to the right, I acknowledge that I have read and understand this advisement.	***Initial***
California Health & Safety Code section 11369: "You are hereby advised that it is extremely dangerous and deadly to human life to illicitly manufacture, distribute, sell, furnish, administer, or give away any drugs in any form, including real or counterfeit drugs or pills. You can kill someone by engaging in this conduct. All drugs and counterfeit pills are dangerous to human life. These substances alone, or mixed, kill human beings in very small doses. If you illicitly manufacture, distribute, sell, furnish, administer, or give away any real or counterfeit drugs or pills, and that conduct results in the death of a human being, you could be charged with homicide, up to and including the crime of murder, within the meaning of Section 187 of the Penal Code."	
Tellez Advisement: I understand that at the end of my sentence for the offense(s) to which I plead guilty/no contest, I may be subject to screening by the State Department of State Hospitals to determine whether I qualify for trial as a sexually violent predator, which could result in my being committed to a secure medical facility indefinitely. The parties discussed but were unable to agree to a disposition involving a plea to an offense that is not a sexually violent offense.	

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