

DEFENDANT:

**FELONY PLEA FORM ATTACHMENT**

**Conditional plea**

I understand that the agreement is that I will not be sentenced to state prison at the outset and that I will be placed on probation up to a period of five years. I could be ordered to serve 12 months in the county jail as a condition of probation. If I violate the terms of probation, there would be a petition filed to revoke my probation. A hearing would be held by a judge sitting without a jury. If the judge was convinced by a preponderance of the evidence that I had violated a term or condition of my probation, my probation could be revoked and I could be sentenced to state prison for up to the maximum sentence of \_\_\_\_\_ years.

Because I am pleading conditionally, the probation officer will interview me, conduct an investigation, prepare a report and make a recommendation to the Court. If the Court rejects the conditional plea, I understand that I will be placed in a "not guilty" status. If the court accepts the plea, then I cannot change my mind and withdraw the plea unless there is some legal reason to do so.

Anything that I say to the probation officer cannot be used against me in the future if the plea is rejected. However, I understand that there is one exception: if this case ultimately goes to trial and I testify at trial and my testimony is different than what I said to the probation officer, I understand that the probation officer could come to court and testify to what I had earlier said to the probation officer.

**Domestic Violence Offenses**

I understand that if probation is granted, the Court **shall impose** the following conditions specified for crimes of domestic violence under PC §1203.097:

- \_\_\_ The minimum period of probation is 36 months.
- \_\_\_ I will have to pay the cost and successfully complete a 52-week batterers program.
- \_\_\_ I will have to pay a minimum of \$400 representing a domestic violence fee.
- \_\_\_ I will have to pay a minimum of \$250 Board of Supervisor fee pursuant to Penal Code § 1463.27.
- \_\_\_ The Court will impose a criminal protective order protecting the victim from further acts of violence, threats, stalking, sexual abuse, and harassment, and, if appropriate, containing residence exclusion or stay-away conditions.
- \_\_\_ The victim shall receive notice of the disposition of the case and that I must be booked within one week of sentencing if I have not already been booked.
- \_\_\_ I may be required to make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$5,000).
- \_\_\_ I must reimburse the victim for reasonable expenses that the Court finds are the direct result of my offense.
- \_\_\_ The Court will order me to perform a specified amount of appropriate community service or adult offender work hours and pay the supervision fee currently in the amount of \$70.

I further understand that any person convicted of a felony violation of PC § 273.5 [spousal abuse], for acts occurring within seven years of a previous conviction under PC § 273.5(a) or PC § 243(d) [battery against a person resulting in serious bodily injury]; PC § 243.4 [sexual battery]; PC § 244 [assault with caustic chemicals or flammable substances]; PC § 244.5 [assault with a stun gun or taser]; or PC § 245 [assault with a deadly weapon, or with force likely to produce great bodily injury], shall be subject to increased punishment, including a sentence of 2, 4, or 5 years in state prison or a fine of \$10,000 plus penalty assessments or both the prison and fine.

**Drug offenses**

I understand the following consequences of my plea:

- \_\_\_ I must register as a narcotics offender (H&S § 11590) and that my failure to do so would be a further criminal offense.
- \_\_\_ I must pay a drug laboratory analysis fee currently in the base fine amount of \$50 plus penalty assessments totaling \$150, for a total amount of \$200. [H&S § 11372.5(a)]
- \_\_\_ I must pay a drug program rehabilitation fee currently in the base fine amount of \$150, plus penalty assessments totaling \$450, for a total amount of \$600 unless the Court makes a determination that I do not have the ability to pay the drug program rehabilitation fee. [H&S § 11372.7]
- \_\_\_ The Welfare Reform Act disqualifies persons convicted of drug-related felonies that involve the possession, use, or distribution of a controlled substance from receiving benefits under the federal food stamp program and the Temporary Aid to Needy Families (TANF) program. I also understand that I am ineligible for CalWORKS aid and that if I am a member of an assistance unit receiving CalWORKS aid, that I am also ineligible for non-health-care benefits, i.e., general relief benefits.

I understand that if I am convicted of the manufacture, sale, possession for sale, possession, transportation, or disposal of any hazardous substance that is a controlled substance or byproduct, I may incur a penalty equal to the amount of the actual cost incurred by the state or local agency to remove and dispose of the said hazardous substance, chemical or byproduct.

If I am convicted of a violation of H&S 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 113791.6, 11380, or 11383, and it is alleged and proved that I was convicted of this offense, that fact would add three additional years to a future prison term.

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**Gang advisements**

I understand the following consequences for a **PC § 186.22(a) conviction**:

- \_\_\_ If the Court grants probation or suspends execution of sentence, I will be required to serve a minimum of 180 days in a County jail. [PC § 186.22(c)]
- \_\_\_ I will be required to register with the chief of police of the city in which I reside, or the sheriff of the county if I reside in an unincorporated area within 10 days of my release from custody or within 10 days of my arrival in any city, county, or city and county to reside there, whichever first occurs. [PC § 186.30]
- \_\_\_ Upon conviction, I must appear at the law enforcement agency and will be served with a notification of the California Street Terrorism Enforcement and Prevention Act notification, which shall include, where applicable, a notification that I belong to a gang whose members engage in or have engaged in a pattern of criminal gang activity. I must provide a written statement signed by me giving any information that may be required by law enforcement. I must also provide fingerprints and a current photograph. [PC §186.32 (2)]

I understand that if I am required to register pursuant to PC § 186.30 and I knowingly violate any of that section's provisions I am guilty of a misdemeanor. If I knowingly fail to register pursuant to PC § 186.30 and I am subsequently convicted of a violation of any of the offenses specified in PC § 186.30, I shall be punished by an additional term of imprisonment in the state prison for 16 months, 2, or 3 years.

I understand that all registration requirements will terminate 5 years after the last imposition of a registration requirement.

For a **PC § 186.22(b) (1) enhancement** [a felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members], I understand that in addition and consecutive to the punishment prescribed for the felony or attempted felony I will be sentenced as follows:

- \_\_\_ An additional term of 2, 3, or 4 years at the court's discretion for felonies, other than serious or violent felonies.
- \_\_\_ If the felony is a serious felony as defined in PC § 1192.7(c), by an additional term of 5 years.
- \_\_\_ If the felony is a violent felony as defined in PC § 667.5(c), by an additional term of 10 years.

**Sex offender Advisements**

- \_\_\_ I understand that as a result of this conviction I will have to register as a sex offender for life. I also understand that a failure to comply with the registration law is a separate felony offense.
- \_\_\_ I understand that if I am convicted of a registerable sex offense, or any attempt, to commit such an offense, I may be subject to GPS monitoring for life.
- \_\_\_ I understand that if I am convicted of a registerable sex offense, or any attempt, where I live can be restricted.
- \_\_\_ I understand that if I am convicted of a registerable sex offense, or any attempt, I will be required to totally abstain from the use of alcohol even if alcohol was not involved in the commission of the offense. (W&I § 1767.2)
- \_\_\_ I understand that if I am convicted of lewd or lascivious conduct with a child (PC § 288, continuous sexual abuse of a child (PC § 288.5, or any attempt of these crimes and if the Court finds that there is probable cause to believe that blood, semen, or any other bodily fluid capable of transmitting HIV has been transferred between me and the victim; I will also have to submit to mandatory AIDS testing.
- \_\_\_ I understand that if I am convicted of an offense specified in PC§ 290 (c), as outlined above, I will be required to pay a base fine of \$300 plus penalty assessments for the first conviction and a base fine of \$500 plus penalty assessments for the second and subsequent convictions unless the court determines that I do not have the ability to pay. (PC § 290.3)
- \_\_\_ I understand PC §§ 288.5 and/or 288 is a serious felony (5 year prior), a violent felony and a strike.
- \_\_\_ I understand that if I am convicted of lewd & lascivious act (PC § 288). or continuous sexual abuse (PC § 288.5) all visitation between me and a minor child victim will be prohibited. (PC § 1202.05)
- \_\_\_ I understand that if I sustain another conviction for a similar offense, or other specified sex offenses within a 10 year period, where I am not offense free, the court can impose a 5-year enhancement and/or a \$20,000 fine. (PC § 667.6(a) and (f)).

I understand that the offenses I am pleading to may subject me to more severe criminal penalties in the future under California's "One Strike" law. PC § 667.61 provides that if I am convicted in the future of a sexual offense listed in that code section and my conviction(s) in this case are alleged and proven, I will be subject to a term in prison of either 15 years to life or 25 years to life.