

<b>SUPERIOR COURT OF CALIFORNIA</b> <b>COUNTY OF YUBA</b> <b>215 5TH STREET, SUITE 200</b> <b>MARYSVILLE, CA 95901</b> <b>(530) 740-1800</b>	
THE PEOPLE OF THE STATE OF CALIFORNIA  vs.  DEFENDANT:	
<p style="text-align: center;"><b>MISDEMEANOR ENTRY OF PLEA</b>  <b>PC §§ 490.5/484, 666, 459 (2<sup>nd</sup> Degree) and VC § 10851</b></p>	CASE NUMBER:

I, **THE ABOVE-NAMED DEFENDANT**, hereby offer to:

\_\_\_\_\_ Enter a plea of  **GUILTY**  **NOLO CONTENDERE** to the violation of PC § 490.5/484, 666, 459 (2<sup>nd</sup> Degree) or VC § 10851 as set forth in the Complaint.

\_\_\_\_\_ I knowingly, voluntarily and expressly waive my one and only opportunity to challenge or contest the below listed prior conviction(s). I acknowledge that some of the grounds for contesting the prior(s) are that I did not waive my Constitutional Rights listed as 1 through 5 below.

Arrest Date	Conviction Date	County

**I understand that by initialing each of the following Rights, I am expressly waiving each and every Right in relation to the present charge(s) against me:**

- \_\_\_\_\_ 1. The Right to be represented by an attorney; if I am unable to hire my own attorney, the Court will appoint an attorney to represent me.
- \_\_\_\_\_ 2. The Right to a speedy and public court or jury trial.
- \_\_\_\_\_ 3. The Right to confront adverse witnesses, that is, to see, hear and question all witnesses against me.
- \_\_\_\_\_ 4. The Right to subpoena witnesses to testify on my behalf at no cost to me.
- \_\_\_\_\_ 5. The Right to remain silent, that is, not to be compelled to plead guilty/no contest or testify against myself.

**I UNDERSTAND THAT THE CONSEQUENCES OF MY PLEA ARE:**

- \_\_\_\_\_ 1. For a violation of PC § 490.5, the maximum penalties are 6 months in the county jail and/or a fine of \$4,000 (including penalty assessments and fees), or both.
- \_\_\_\_\_ 2. For a violation of PC § 459 (2<sup>nd</sup> degree) as a misdemeanor, the maximum penalties are 1 year in the county jail and/or a fine of \$4,000 (including penalty assessments and fees), or both.
- \_\_\_\_\_ 3. For a violation of PC § 666 as a misdemeanor, the maximum penalties are 1 year in the county jail and/or a fine of \$4,000 (including penalty assessments and fees) (PC § 672), or both.
- \_\_\_\_\_ 4. For a violation of VC § 10851(a) as a misdemeanor, the maximum penalties are 1 year in the county jail and/or a fine of \$19,000 (including penalty assessments and fees), or both. DMV must suspend my license on the recommendation of the Court (VC § 13357). This conviction may serve as a prior conviction for purposes of enhanced joy riding punishment under PC § 499.
- \_\_\_\_\_ 5. If imprisoned as a result of this plea, a subsequent conviction for petty theft may result in felony charges of petty theft with a prior, which could result in a state prison sentence of 16 months, 2 years, or 3 years and a restitution fine of between \$200 and \$10,000. In compliance with PC § 296, for a felony conviction, I must provide blood and saliva samples and palm prints for the state DNA databank. If I serve state prison time, it will constitute a 1-year prison prior pursuant to PC § 667.5, if alleged and proved.

- \_\_\_\_\_ 6. I understand that I may be ordered to make restitution to the victim, if the offense involved a victim, or to the state restitution fund in an amount between \$100 and \$10,000 depending upon the offense (PC § 1202.4), and that I may also be ordered to pay the expense incurred by any agencies that responded to this incident. I must also pay a mandatory \$30 court security fee.
- \_\_\_\_\_ 7. If I am not a citizen, a plea of GUILTY or NOLO CONTENDERE could result in my deportation or exclusion from admission to this country or denial of naturalization or amnesty.
- \_\_\_\_\_ 8. A plea to this charge may result in a violation of probation and the proper court(s) will be notified of my plea.
- \_\_\_\_\_ 9. If I have not already been booked on this charge, I will be booked forthwith.
- \_\_\_\_\_ 10. There have been no other representations or promises made to me other than what is stated on this form. If the Court accepts this offered plea/plea bargain, no penalty more severe than that set forth in this *Entry of Plea* will be imposed. I further understand that the Court may refuse to accept the offered plea/plea bargain and that if the Court so refuses, a NOT GUILTY plea will be reinstated and the offered plea/plea bargain shall not be used as an admission against me during the trial of this case.

**I, THE DEFENDANT NAMED ABOVE, EXPRESSLY REPRESENT I HAVE READ AND I UNDERSTAND ALL OF THE FOREGOING AND FREELY, VOLUNTARILY AND EXPRESSLY WAIVE ALL THE INITIALED RIGHTS AND UNDERSTAND FULLY THE CONSEQUENCES OF MY PLEA.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant's Signature

I, the undersigned counsel for Defendant, expressly represent that I have discussed all of the Constitutional Rights, possible defenses and consequences connected with the entry of plea with the Defendant, and concur in the waiver of all enumerated rights and join in the plea with the Defendant, believing it in the Defendant's best interest to do so.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defense Counsel's Signature

The District Attorney of the County of Yuba JOINS/OPPOSES the proposed plea set forth in this Entry of Plea Form.

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy District Attorney's Signature

**Interpreter's Statement (if applicable)**

I, \_\_\_\_\_, having been duly sworn, truly translated this form to the Defendant in the \_\_\_\_\_ language. The Defendant initialed that he/she understood the contents of the form and he/she then initialed and signed the form in my presence.

Date: \_\_\_\_\_

\_\_\_\_\_  
Interpreter's Signature

**FINDINGS AND ORDER**

This document having been completed and presented to the Court; the Court being satisfied that the plea and waivers were expressly, intelligently and voluntarily made; and the Court finding that there is factual basis for said plea, the Court accepts such plea and enters it on the record.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court