

<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO</b></p> <p><input type="checkbox"/> Hall of Justice 400 County Center Redwood City, CA 94063</p> <p><input type="checkbox"/> Northern Division 1050 Mission Road South San Francisco, CA 94080</p>	
<p>THE PEOPLE OF THE STATE OF CALIFORNIA</p> <p>PLAINTIFF</p> <p>vs.</p> <p>DEFENDANT</p>	
<p><b>DECLARATION CONCERNING A PLEA OR CHANGE OF PLEA TO GUILTY OR NOLO CONTENDERE; FINDING AND ORDER (FELONY)</b></p>	<p><b>Case Number</b></p>

I, the above named defendant in the above-entitled criminal action, and in support of my motion, which will be made in open court personally and by my attorney,  to plead  to change my plea(s) to

guilty  nolo contendere:

1. My attorney, in this action is: \_\_\_\_\_
2. I am charged in the \_\_\_\_\_ in this action with having violated \_\_\_\_\_  
(code, section(s), count(s))
3. I desire to  plead  change my plea(s) to \_\_\_\_\_ to \_\_\_\_\_  
(guilty/nolo contendere)  
(state code, section(s) and count(s), including lesser offense(s) to which plea is to be made)
4. I \_\_\_\_\_ understand the nature of the charge(s) against me.  
(do/do not)
5. I \_\_\_\_\_ discussed the nature of the charge(s) against me and the possible defenses thereto with my attorney.  
(have/have not)
6. My attorney \_\_\_\_\_ explained my constitutional rights to a trial by jury, to confront witnesses against me, the process of the Court to compel the attendance of witnesses on my behalf, the right to remain silent or, if I so choose, to testify for myself.  
(has/has not)
7. I \_\_\_\_\_ realize that I give up these rights by pleading guilty or nolo contendere.  
(do/do not)  
I understand that a plea of nolo contendere has the same legal effect as a plea of guilty.
8. I understand that if I am not a citizen, conviction of the offense for which I have been charged **will** have the consequences of deportation, exclusion from admission to the United States or a denial of naturalization.
9. My decision to  change my plea(s) to  plead \_\_\_\_\_ \_\_\_\_\_ been  
(guilty / nolo contendere) (has/has not)  
made freely and voluntarily, without threat or fear to me or anyone closely related to or associated with me.

10. My attorney \_\_\_\_\_ explained that the maximum penalty, including penalty assessments, that  
(has/has not)  
could be imposed as a result of my plea (s) of guilty or nolo contendere is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. I \_\_\_\_\_ been induced to plead guilty or nolo contendere by any promise or representation of  
(have/have not)  
a lesser sentence, probation, reward, immunity or anything else except:  
\_\_\_\_\_  
\_\_\_\_\_

12. I \_\_\_\_\_ waive my right to be sentenced by the judge taking my plea and understand sentencing  
(do/do not)  
may occur before another judge.

13. I \_\_\_\_\_ understand that the matter of probation and sentence is to be determined solely by the  
(do/do not)  
Court and will not be decided until the report and recommendation by the Probation Department has been  
considered.

The Court reserves the right to withdraw its consent to any sentence limitation agreement, and in that event, I  
will be permitted to withdraw my plea (s) of guilty or nolo contendere and all charges will be reinstated.

EXECUTED IN San Mateo County, California on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Defendant's Signature)

\_\_\_\_\_ states that he/she is the above named defendant's attorney in the above entitled  
action he/she personally read and explained the contents of the above declaration to the defendant he/she personally  
observed the defendant fill in date and sign said declaration he/she after having investigated this case and the possible  
defenses thereto, concurs in the defendants plea(s) of guilty or nolo contendere to the charge(s) as set forth by the  
defendant in the above declaration and stipulates there is a factual basis for the plea(s).

DATED \_\_\_\_\_

\_\_\_\_\_  
(Attorney's Signature)

The people of the State of California plaintiff in the above-entitled criminal action, by and through its attorney, concur  
and stipulate there is a basis for the plea.

DATED \_\_\_\_\_

STEPHEN WAGSTAFFE, DISTRICT ATTORNEY

By \_\_\_\_\_  
Deputy Assistant District Attorney

### FINDINGS AND ORDER

The defendant personally and by his her attorney in open court having this date entered a plea of  guilty  nolo  
contendere, and having been advised as to his her rights, said plea is hereby accepted and ordered entered. The Court  
finds that the defendant made a knowing, intelligent and voluntary waiver of the above rights, and that a factual basis  
exists for such plea(s).

DATED: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT