

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF BUTTE**

PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

VS.

DEFENDANT,

CASE NO: _____

**THEFT DEFERRED ENTRY OF
JUDGMENT (PROP 36 / PC § 666.1)**

**PLEA OF GUILTY
(FELONY OR MISDEMEANOR)**

PROP 36 ELIGIBLE – DEFERRED ENTRY OF JUDGEMENT

READ THIS FORM CAREFULLY – DO NOT INITIAL ANYTHING YOU DO NOT UNDERSTAND

The defendant in the above entitled action, having been found suitable and having received notification from the prosecuting attorney pursuant to PC §1001.81, in support of their motion to change their plea(s) in open court, personally and by their attorney, does declare that their attorney in this case is _____ and does further declare as follows:

**DEFENDANT, INITIAL ONLY IN THE BOXES PRECEDING STATEMENTS THAT YOU HAVE
READ, UNDERSTAND, AND WITH WHICH YOU AGREE.**

I Have Read,
Understand,
and Agree



1. Of those charges now filed against me in this case, I plead guilty to the following violations (list code sections): _____

2. (If applicable) I also admit the following enhancement(s)/prior conviction(s) with which I am charged (list court case #): _____

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I Have Read, Understand, and Agree



3. I have not been induced to enter the above plea by any promise or representation of any kind, except that I understand that the Court will defer a finding of guilt and entry of judgment contingent upon my completion of an approved drug program pursuant to Penal Code § 1001.81. Upon my successful completion of the program, but no sooner than 24 months, the Court would be required to dismiss the charge(s) against me in this case.

4. I understand as a term and condition of this plea, that I **waive** any direct appeal I may have, (including any pre-trial motions, motions to suppress, motions to dismiss, etc.,) absent any appeal to sentencing error.

RIGHT TO A LAWYER



5. I understand that I have the right to be represented by a lawyer at all stages of the proceedings, including this one. I can hire my own lawyer, or the Court will appoint a lawyer for me if I cannot afford one.

CONSTITUTIONAL RIGHTS

I understand that I also have the following Constitutional Rights, which I now give up in order to plead **guilty**.

I Understand This Right

I Give Up This Right



6. The right to be tried by a jury in a speedy public trial.



7. The right to a preliminary hearing in this court.



8. The right to confront and cross-examine all witnesses against me.



9. The right to remain silent (unless I choose to testify on my own behalf).



10. The right to present evidence and to have witnesses subpoenaed to testify in my behalf at no cost to me.

I Have Read, Understand, and Agree

CONSEQUENCES OF PLEA OF GUILTY



11. I understand that I have the right for pronouncement of judgment and sentence to occur within the statutory time periods. I understand that by entering this plea and requesting deferred entry of judgment pursuant to Penal Code § 1001.81, I am waiving time for judgment and sentence. Should I fail to successfully complete the Theft Deferred Entry of Judgment program, be convicted of a misdemeanor that reflects my propensity for violence, be convicted of a felony or engage in criminal conduct which renders me unsuitable for deferred entry of judgment, the Court may, upon a finding of any of the above, render a finding of guilt upon this plea, enter judgment and sentence me.



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I Have Read,
Understand,
and Agree

12. I understand that I may serve this maximum sentence as a result of my plea: _____ years in State/County Prison, \$_____ fine, plus victim restitution and a restitution fine of a minimum of \$150.00 / maximum of \$1,000.00 for a misdemeanor or a minimum of \$300.00 / maximum of \$10,000.00 for a felony. I understand that if I am sentenced to imprisonment to State Prison, upon release I will be subject to a period of 3 years State Parole/Post-Release Community Supervision with up to one year return to prison for every parole violation. If I should receive probation, I understand that I may be given up to a year in local custody, plus fine, plus full victim restitution and/or a restitution fine, and any other conditions deemed reasonable by the Court. I understand that if I violate any terms or conditions of probation, I can be sent to State/County Prison for the maximum term stated above.



13. My attorney has explained to me that other possible consequences of this plea may be (check applicable consequences).

- (a) Consecutive sentences.
- (b) Loss of driving privileges.
- (c) Registration as a narcotics offender.
- (d) Additional fines.
- (e) 90-day diagnostic evaluation at state prison.
- (f) Violation of deferred entry of judgment terms can result in immediate return to the jail and termination
- (g) Other: _____

14. I understand that if I am not a citizen of the United States, a plea of guilty could result in deportation, exclusion from admission to this country or denial of naturalization or amnesty.



15. I understand that my plea of guilty in this case should result in revocation of my probation or parole in other cases.

16. I now plead **guilty** to the charge(s) described in #1 above and admit that on the date charged, I (describe facts as to each charge in #1): _____



17. I stipulate there is a factual basis for my plea(s) (and admission(s)) and I further stipulate the Court may take facts from probation reports, police reports or other sources as deemed necessary to establish the factual basis.

18. (If applicable) I understand that as to any and all prior conviction(s)/enhancement(s) alleged against me in this case, I have all the Constitutional Rights listed in numbers 6 through 10 above.

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I Have Read,
Understand,
and Agree

19. (If applicable) I hereby admit the prior conviction(s)/enhancement(s) listed in this form, and give up my Constitutional rights listed in numbers 6 through 10 above.

20. I understand that by entering this felony plea, for the balance of my life I cannot own, possess or have under my custody or control any firearm, unless the Court shall hereafter allow me to withdraw my plea.

21. I understand that by entering this felony plea, for the balance of my life I may be ineligible for public assistance (welfare benefits), unless the Court shall hereafter allow me to withdraw my plea.

22. Arbuckle waiver: I hereby waive my right to be sentenced by the Judge who accepted this plea and agree I can be sentenced by any Judge assigned to my case.

23. I hereby stipulate and agree that the weapon(s) associated with this case, _____, can be declared a nuisance and disposed of pursuant to Penal Code §§ 12028, 12028.5 and 12029.

⇒ 24. I understand that the matter of probation and sentence is to be determined solely by the Superior Court Judge.

25. Harvey Waiver: I stipulate the sentencing judge may consider my prior criminal history and the entire factual background of the case, including any unfiled, dismissed or stricken charges or allegations or cases when granting probation, ordering restitution or imposing sentence.

⇒ 26. I am entering my plea freely and voluntarily, without threat or fear to me or anyone closely related to me.

27. I am pleading **guilty** because, in truth and in fact, I am guilty.

⇒ 28. I am now sober. I have not consumed any drug, alcohol or narcotic within the past 24 hours to the extent that my judgment is impaired. Further, I am not taking any prescription medication which impairs my judgment.

DEFENDANT'S STATEMENT

I declare under penalty of perjury, under the laws of the State of California, that I have read, understood and initialed each item above, and everything on the form is true and correct.

(Date)

(Defendant's signature)

ATTORNEY'S STATEMENT

I am the attorney for the defendant. I reviewed this form with my client and have explained each of the defendant's rights to him/her and answered all his/her questions with regard to his/her plea. I have discussed the facts of the defendant's case with him/her and explained the consequences of his/her plea, the elements of the offense and the possible defenses. I concur in this plea and the defendant's decision to waive Constitutional Rights.

(Date)

(Attorney's signature)

INTERPRETER'S STATEMENT (If applicable)

I, the interpreter in this proceeding, having been duly sworn, truly translated this form and all the questions therein to the defendant in the _____ language. The defendant indicated that (s)he understood the contents of the form and (s)he then initialed the form.

(Date)

(Interpreter's signature)

PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff in the above-entitled criminal action, by and through its attorney, Michael L. Ramsey, District Attorney, concur in the defendant's plea of guilty as set forth above.

(Date)

(Prosecutor's signature)

COURT'S FINDING AND ORDER

The Court, having questioned the defendant concerning the defendant's Constitutional Rights, finds that defendant has voluntarily, expressly, explicitly, knowingly, understandingly and intelligently waived his/her Constitutional Rights. The Court finds that defendant's plea(s) and admission(s) are freely and voluntarily made, that the defendant understands the nature of the charge(s) and the consequences of the plea and that there is a factual basis for the plea. The Court **defers acceptance of the defendant's plea and pronouncement of judgment pursuant to Penal Code §1001.81**, unless the defendant violates the terms of deferred entry of judgment, upon a finding of which the plea is then accepted.

Date

Judge of the Superior Court