

<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:	
<b>MISDEMEANOR ENTRY OF PLEA – PC § 273.5(a), 243(e)</b>	CASE NUMBER:

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

\_\_\_\_\_ Enter a plea of  **GUILTY**  **NOLO CONTENDERE** to the violation of PC § 273.5(a) or 243(e) as set forth in the Complaint.

**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, as well as the alleged and admitted prior conviction(s):**

- \_\_\_\_\_ 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 § 273.5(a), the maximum penalties are a sentence of 1 year in the county jail and/or a fine of \$22,800 (including penalty assessments and fees), or both.
- \_\_\_\_\_ 2. For a violation of PC § 243(e), the maximum penalties are a sentence of 1 year in the county jail and/or a fine of \$7,600 (including penalty assessments and fees), or both.
- \_\_\_\_\_ 3. If probation is granted, the Court shall impose conditions specified for crimes of domestic violence under PC § 1203.097:
  - \_\_\_\_\_ A. The minimum period of probation is 36 months.
  - \_\_\_\_\_ B. The Court must impose a criminal court 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.
  - \_\_\_\_\_ C. I must be booked within 1 week of sentencing if I have not already been booked.
  - \_\_\_\_\_ D. I will be required to pay a \$500 Domestic Violence Fine.
  - \_\_\_\_\_ E. I will be required to pay a \$250 Board of Supervisor Fine pursuant to Penal Code § 1463.27.
  - \_\_\_\_\_ F. I will be required to participate in, pay for, and successfully complete a batterer’s treatment program meeting weekly for a period not less than 52 weeks.
  - \_\_\_\_\_ G. In addition to any other sentence, I will be required to perform community service as determined by the Court.
  - \_\_\_\_\_ H. In lieu of a fine, I may be required to reimburse the victim for reasonable costs of counseling and other reasonable expenses that the Court finds are the direct result of this offense.
  - \_\_\_\_\_ I. In lieu of a fine, I may be required to make payments to a battered women’s shelter, up to a maximum of \$5,000 (PC § 1203.097(a)(11)(A) and (B)).
- \_\_\_\_\_ 4. I shall not possess a firearm or ammunition for 10 years.
- \_\_\_\_\_ 5. If probation is granted and I have sustained a prior conviction for PC §§ 273.5(a), 243(d), 243(e), 243.4, 244, 244.5 or 245 within the previous 7 years, I must serve a mandatory minimum sentence of 15 days. If I have sustained 2 or more prior convictions within the previous 7 years, I must serve a mandatory minimum sentence of 60 days, unless the Court finds good cause and states on the record its reasons for finding good cause.
- \_\_\_\_\_ 6. If I am convicted of a violation of PC § 273.5(e) for acts occurring within 7 years of a previous conviction of PC §§ 273.5(a), 243(d), 243.4, 244, 244.5, or 245, I shall be punished by imprisonment in the county jail for not more than 1 year, or by imprisonment in the state prison for 2, 4, or 5 years, or by both imprisonment and a fine of up to \$38,000 (including penalty assessments and fees).

- \_\_\_\_\_ 7. If I am convicted of a violation of PC § 273.5(e) for acts occurring within 7 years of a previous conviction of PC § 243(e), I shall be punished by imprisonment in the state prison for 2, 3, or 4 years, or in the county jail for not more than 1 year, or by a fine of up to \$38,000 (including penalty assessments and fees), or by both imprisonment and fine.
- \_\_\_\_\_ 8. If I am convicted of a felony under either 6 or 7 above, a restitution fine of between \$300 and \$10,000 will be imposed. 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.
- \_\_\_\_\_ 9. 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.
- \_\_\_\_\_ 10. A plea to this charge may result in a violation of probation and the proper court(s) will be notified of my plea.
- \_\_\_\_\_ 11. 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 \$150 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 \$40 court security fee and \$30 ICNFA assessment (SB 1407).
- \_\_\_\_\_ 12. 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