

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA

PEOPLE v. _____

CASE NO.: _____

MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM

INSTRUCTIONS: Fill out this form if you wish to plead guilty or no contest to the charge(s) against you. **Initial each item** in the boxes to the right if you fully understand and agree with the corresponding statement. If you have any questions about the rights you are giving up or the possible consequences of a conviction, ask your attorney or the judge.

CONSTITUTIONAL RIGHTS AND WAIVERS

- 1. **Right to an attorney:** I understand I have the right to be represented by an attorney throughout the proceedings. If I cannot afford to hire an attorney, the court will appoint one to represent me at public expense. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.
- 1a. I give up my right to an attorney, and I choose to represent myself. *(Does not apply if you have an attorney.)*
- 2. **Right to a jury trial:** I understand I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt.
- 2a. I give up the right to a jury trial.
- 3. **Right to confront witnesses:** I understand I have the right to confront and cross-examine all witnesses testifying against me.
- 3a. I give up the right to confront and cross-examine witnesses.
- 4. **Right against self-incrimination:** I understand I have the right to remain silent and not incriminate myself, but that by pleading guilty or no contest, or admitting prior convictions or probation violations, I am incriminating myself.
- 4a. I give up the right against self-incrimination.
- 5. **Right to produce evidence:** I understand I have the right to present evidence in my own defense at trial, and to have the court issue subpoenas to bring into court witnesses and evidence favorable to me.
- 5a. I give up the right to present evidence in my own defense.
- 6. *(If applicable)* I give up my right to be sentenced and treated pursuant to Proposition 36.
- 7. **Right to appeal:** I give up my right to appeal from this conviction, including an appeal from the denial of any pretrial motions.
- 8. **Prior convictions, enhancements and probation violations:** *(If applicable)* I understand I have all the rights listed above for all the charges against me, including any charged prior convictions and probation violations. However, for a charge of violating probation, I do not have the right to a jury trial, although I do have the right to a hearing before a judge.