



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123
- EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020
- NORTH COUNTY DIVISION, 325 S. MELROSE DR., SUITE 350, VISTA, CA 92081
- SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

## ADVISAL/WAIVER OF CONSTITUTIONAL RIGHTS FOR PLEA BY MAIL

People of the State of California vs.

Case No.:

Due Date:

You have been charged with the following offense(s):

1. You have the right to be present in court, either personally or as represented by counsel, at the time you are advised of your rights, enter a plea, and are sentenced.
2. You have the following constitutional rights:
  - a. The right to a speedy and public trial;
  - b. The right to remain silent and not incriminate yourself;
  - c. The right to confront and cross-examine all witnesses against you;
  - d. The right at the trial to present evidence in your favor which includes the right to have witnesses subpoenaed to testify on your behalf and to obtain all evidence that may exonerate you; and
  - e. The right in misdemeanor cases to be tried by a jury of twelve people.
3. You have the right to hire and have an attorney defend you at all stages of the proceedings. If your case involves a misdemeanor and you cannot afford an attorney, the court will appoint an attorney to represent you.
4. You have the right to be sentenced no sooner than six hours and no later than five days after a guilty or no contest plea, or a verdict.
5. You have the right to have a trial before a judge (misdemeanor cases in which right to trial by jury is waived) or court commissioner (infraction cases). If you are charged with a misdemeanor, you hereby agree by signing below that a duly appointed court commissioner may act as a temporary judge and take all pleas, decide all motions, and sentence you in this case.
6. While subject to additional statutory fines and penalties, the basic potential penalties include the following:
  - a. For an infraction, up to \$250 on each first offense, unless otherwise specified by statute;
  - b. For a misdemeanor, up to one year in jail and/or \$1,000, unless otherwise specified by statute;
  - c. If applicable, restitution to the victim or to the Restitution Fund;
  - d. For a failure to appear/pay fine, a civil penalty of up to \$100, or an arrest/bench warrant, and/or the addition of new misdemeanor or felony charges.
7. If you are not a citizen and are convicted of a misdemeanor it may result in your deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
8. If charged with an infraction violation of Pen. Code, §§ 193.8, 272(b)(1), 330, 415, 485, 490.1, 490.7, 555, 532b(c), 602(o), 602.13, or 853.7; Bus. & Prof. Code, §§ 2052, 2054, 2630, 2903, 3660, 3760, 3761, 4080, 4825, 4935, 4980, 4996, 5536, 6704, 6980.10, 7317, 7502, 7574.10, 7582, 7592, 7520, 7617, 7641, 7872(a), 8016, 8505, 8725, 9681, 9840, 9891.24(c), 19049, 21672, 25658(b), 25661 or 25662; Gov. Code, § 27204; or Veh. Code, §§ 5201.1, 12500, 14601.1, 23109(c), 27150.1, 40508 or 42005: You have the right to elect to have the case proceed as a misdemeanor and, if you so elect, you would have all the rights and be subject to the potential penalties associated with a misdemeanor prosecution, and you will be ordered to appear in court on a future date. The prosecuting agency may not have reviewed the case before the Citation/Notice to Appear was filed with the court and, if you elect to proceed as a misdemeanor, the prosecuting agency might review your case and add, delete or amend the charges.
9. There are certain provisions of law specifically designed for individuals who have "active duty or veteran status" (active military duty service, reserve duty status, National Guard service, and veteran status) and who have been charged with a misdemeanor or felony. (See Pen. Code, §§ 1001.80, 1170.9, 1170.91.) If you have active duty or veteran status, you may request a copy of the Judicial Council's Notification of Military Status form (JC Form #MIL-100) that explains your rights, and you may file that form with the court so that your active duty or veteran status is on file with the court. The form is also available online at [www.courts.ca.gov](http://www.courts.ca.gov). If you file a Notification of Military Status form (JC Form #MIL-100) with the court, you must serve a copy of the form on the prosecuting attorney and defense counsel. The court will transmit a copy of the form to the county's Veterans Service Office for confirmation of your military service. The court will also transmit a copy of the form to the Department of Veterans Affairs. You should consult with an attorney prior to submitting the Notification of Military Status form and you may, without penalty, decline to provide this information to the court.

If you have a financial hardship and can show that you are unable to pay the full amount for the offense(s) on your traffic ticket, you may request the court consider your ability to pay in setting or reducing the fine amount, requesting an installment payment plan, or consider community service. You may submit the request in writing, or you may appear in court to make this request.

Pursuant to Penal Code sections 1203.4 and 1203.4a: On eligible offenses, after the lapse of one year from the date of pronouncement of judgment or on completion of probation, you may apply to the court to have your conviction set aside on a showing of good conduct.

**I declare under penalty of perjury under the laws of the State of California that: (1) I have read and understand the rights and advisals set forth above; and (2) I understand that if I plead guilty or no contest by mail, I waive (give up) all of the rights set forth above.**

I hereby voluntarily waive my rights set forth above and enter a plea of:  Guilty  No Contest

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

\_\_\_\_\_  
Signature of Defendant

You must return this form to the San Diego Superior Court location marked at the top of this form **on or before the due date indicated above**. If your plea is accepted, a copy of the court order indicating the fine amount and due date will be mailed to you.