

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

Communications & Public Information Office



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Lisa M. Rogan
Presiding Judge

Anabel Z. Romero
Court Executive Officer

PUBLIC NOTICE

RELEASE DATE: FEBRUARY 7, 2025

PROPOSED AMENDED LOCAL COURT FORMS

SAN BERNARDINO, CA— San Bernardino Superior Court (SBSC) proposes amendments to Local Forms (attached) which will become effective on March 13, 2025.

All public comments must be made to SBSC's Assistant General Counsel, Susan Jones, at courts-pio@sb-court.org. If you do not have internet access, comments may be mailed to: Superior Court of California, County of San Bernardino, Attention: Susan Jones, Assistant General Counsel, 247 West Third Street, San Bernardino, CA 92415-0210. All comments must be received no later than March 8, 2025. This notice has been posted on the court's website at www.sb-court.org.

For media inquiries, contact Assistant General Counsel, Susan Jones, at courts-pio@sbcourt.org.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

247 West Third Street, 11th Floor San Bernardino, Ca 92415-0302

www.sb-court.org

PROPOSED AMENDMENTS TO LOCAL FORMS

Effective March 13, 2025

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO ADVISEMENT OF RIGHTS, WAIVER AND PLEA
FORM - MISDEMEANOR**

Case No _____

 Print Name of Defendant

1. I understand that I am charged with the following offense(s): 1.

 2. I understand that I am entering a plea of guilty or no contest (nolo contendere) to: 2.

3. I understand that I am admitting the truth of the following prior conviction(s) and that I have the same constitutional rights regarding the proof of prior conviction(s) as I do for the substantive crime to which I am pleading. 3.

a.	_____	_____	_____
	Court	Case Number	Date of Conviction
b.	_____	_____	_____
	Court	Case Number	Date of Conviction
c.	_____	_____	_____
	Court	Case Number	Date of Conviction

4. I understand that I have a right to be sentenced by the judge taking the plea. 4.

5. I understand that a plea of no contest, nolo contendere, or nolo will have exactly the same effect as a plea of guilty in this case. 5.

6. **Maximum Penalties:** 6.

I understand that the maximum penalty is up to 6 months/1 year (364 days) in CJ (County Jail) and/or a penal fine of up to \$1,000 plus assessments, a victim restitution fine of not less than \$150 nor more than \$1,000, plus any other mandatory or discretionary fees, fines and costs that may be ordered. VC 23103, VC 23109, PC 415 maximum jail time is 90 days. A second or subsequent conviction of VC 23109 – up to 6 months CJ/\$1,000 fine. A second or subsequent conviction of VC section(s) 14601, 14601.1, or 14601.2 – up to 1 year CJ/\$2,000 fine – plus possible vehicle forfeiture/impoundment pursuant to 14607.6, license suspension or restriction, and an ignition interlock device.

PLUS: _____

7. For the following **Vehicle Code** violations the following are additional penalties: 7.

- a. 23152(a) – (e) (1st offense) – 6 months CJ, 6 months license suspension, vehicle impound, alcohol program, and Ignition Interlock Device.
- b. 23152(a) – (e) (2nd offense within **10** years) – 1 year CJ, 2 years license suspension, vehicle impound, 18 month alcohol program, and Ignition Interlock Device.
- c. 23152(a) – (e) (3rd offense within **10** years) – 1 year CJ, 3 years license revocation, vehicle forfeiture, 18 month alcohol program, and Ignition Interlock Device.
- d. 23152(a) – (e) (4th offense within **10** years) – 1 year CJ or up to 3 years prison and 5 years license revocation, vehicle forfeiture, 18 month alcohol program, and Ignition Interlock Device.
- e.

8. **VC 23103(a)/(b) pursuant to VC 23103.5 (Wet Reckless) Plea** – I understand that I am pleading guilty or no contest to a substitute charge of reckless driving involving the consumption of intoxicating liquor or any drug. I understand that if I am convicted in the next **ten** (10) years of driving under the influence or driving when my blood alcohol level is 0.08 or higher (CVC 23152 or 23153), this conviction will be considered a prior conviction as if it were a plea to the charge of driving under the influence. 8.

I understand that any VC 23152 or VC 23153 conviction suffered within 10 years of a prior conviction for VC 23152, VC 23153, or VC 23103.5 will subject me to enhanced penalties and fines.

- | | |
|--|-------------------------------------|
| <p>9. VC 23593 requires the following advisory statement in any convictions for VC 23152, 23153, or 23103 pursuant to 23103.5.:
 "I am hereby advised that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, I can be charged with murder." I acknowledge I have read and understand this advisement.</p> | <p>9. <input type="checkbox"/></p> |
| <p>10. \$10 Crime prevention fee plus penalties and assessments for each conviction of 484, 487, 488, 459, 470 or 594 pursuant to PC 1202.5.</p> | <p>10. <input type="checkbox"/></p> |
| <p>11. For a violation of Penal Code 261.5 and 266c I will be ordered to submit to HIV Antibody testing (PC 1202.1).</p> | <p>11. <input type="checkbox"/></p> |
| <p>12. For a violation of Penal Code Sections 71, 76, 136.1, 136.5, 140, 148(d), 148.5(f), 171b, 171c(a)(1), 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273a, 273.5, 273.6, 368, 417, 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25100, 25135, 25200, 25300, 25800, 26100(b), 26100(d), 27510, 27590(c), 29805, 30315 and 32625, Welfare and Institutions Code Sections 871.5, 1001.5, 8100, 8101 and 8103,
 I understand that I am required to relinquish firearms as detailed in Penal Code Section 29810. I understand that I am prohibited from owning, purchasing, receiving, possessing or having in my custody or control any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines, and body armor. I understand that I will not be permitted to own or possess or have under my control or custody any firearm for a period of 10 years from my date of conviction (PC 29805).
 Furthermore, if a Criminal Protective Order (CPO) is issued per Penal Code Section 136.2 and 1203.097(a)(2), or 273.5(j) or 368(l) or 646.9(k), I must relinquish any firearm within 24 hours of being served the Order as explained and required by the served CPO.</p> | <p>12. <input type="checkbox"/></p> |
| <p>13. For any violation of any sex crime covered by Penal Code 290, I understand I will be required to register as a sex offender with the chief of police of the city in which I reside or the sheriff of the county if I reside in an unincorporated area. This registration requirement will be for a minimum of 10 years (Tier 1), 20 Years (Tier 2), and life (Tier 3).</p> | <p>13. <input type="checkbox"/></p> |
| <p>14. I understand that if I am not a United States citizen my plea may, and for certain convictions will, result in my deportation, exclusion from future admission to the United States, and denial of naturalization under the laws of the United States and (if represented) have discussed this with my attorney.</p> | <p>14. <input type="checkbox"/></p> |
| <p>15. I understand that if I am now on probation/parole/post-release community supervision or mandatory supervision, my conviction in this case, may constitute a violation of such status and result in its revocation and imposition of sentence or additional incarceration.</p> | <p>15. <input type="checkbox"/></p> |
| <p>16. I understand that I have a right to a speedy and public trial by jury and that by entering this plea I give up that right.</p> | <p>16. <input type="checkbox"/></p> |
| <p>17. I understand that I have the right to see and hear all witnesses against me and to cross-examine them myself or by my attorney, and the right to subpoena witnesses favorable to me at no cost to me, and by entering this plea I give up these rights.</p> | <p>17. <input type="checkbox"/></p> |
| <p>18. I understand that I have the right to remain silent and not incriminate myself, or the right to testify on my own behalf, if I so choose, and that by entering this plea I give up these rights.</p> | <p>18. <input type="checkbox"/></p> |
| <p>19. I have personally initialed each of the foregoing boxes and I understand each and every one of the rights outlined, and I hereby waive or give up each of them in order to enter my guilty/no contest plea to the above charge(s) and admission(s). No one has used any force or threat against me or anyone close to me in order to make me enter this plea. I am not under the influence or any substance that impacts my ability to understand or waive my rights. I am entering this plea or authorizing my attorney to enter this plea on my behalf either because I am guilty and for no other reason or because the plea is a result of plea-bargaining.</p> | <p>19. <input type="checkbox"/></p> |
| <p>20. I have had enough time to read, discuss, and understand all rights, potential defenses, penalties, punishments and future consequences.</p> | <p>20. <input type="checkbox"/></p> |
| <p>21. Pursuant to Prop 36, any conviction of Penal Code Sections 368, 488, 490.2, 484, 487, 487h, 459, 459.5, 496, 530.5, Vehicle Code Section 10851, or Health and Safety Code Sections 11350, 11377, or 11395, it will constitute a prior offense that may lead to enhanced penalties and increased future punishment.</p> | <p>21. <input type="checkbox"/></p> |

- | | |
|--|--|
| 22. I am also asking for an immediate sentence waiving any right to a delay of sentencing of 6 hours to 5 days. | 22. <input style="width: 80px; height: 25px; border: 1px solid black;" type="text"/> |
| 23. I have been given a copy and advised of my rights as it relates to relief from this conviction pursuant to PC 1203.425. | 23. <input style="width: 80px; height: 25px; border: 1px solid black;" type="text"/> |
| 24. I waive and give up any right to appeal from any motion I may have brought or could bring and from the conviction and judgment in my case since I am getting the benefit of my plea bargain. | 24. <input style="width: 80px; height: 25px; border: 1px solid black;" type="text"/> |

Dated	Defendant's Signature
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A. Defendant with no attorney: I understand that I have a right to be represented by an attorney at all stages of the proceedings and that if I cannot afford an attorney, the Court will appoint one for me free of charge. I also understand the dangers and disadvantages of proceeding without an attorney, and I am freely giving up my right to have an attorney represent me. I am voluntarily choosing to represent myself without an attorney.

Dated: _____	Defendant's (with no attorney) Signature
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B. PC 977 appearance – I understand that I have a right to be personally present in Court at all stages of these proceedings. I freely give up my right to be personally present. My attorney is fully authorized to act on my behalf during my absence from Court.

Dated: _____	Defendant's Signature (PC 977 waiver)
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C. Interpreter: I declare under penalty of perjury that I have translated this form to the above-named defendant in the _____ language.

Dated: _____	Interpreter's Signature
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D. Attorney: I am the attorney for the defendant, and I have explained to the defendant each of his/her rights, the nature of and defenses to the charge(s), and the consequences of his/her guilty/nolo contendere plea and admission, including immigration consequences. I personally observed him/her read, initial, date and sign this document. I consent to the entry of his/her plea and admission.

Dated: _____	Attorney's Signature
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FINDINGS AND ORDERS

After review and inquiry about this form through Defendant and/or Defendant's attorney

THE COURT FINDS THAT:

1. Defendant and/or his/her attorney appeared in court and entered this plea and admission.
2. Defendant understands the nature of the charge(s) and the consequences of his/her plea and admission.
3. Defendant has knowingly, intelligently, expressly and voluntarily waived the rights as set forth above.
4. There is a factual and/or plea bargain basis for the plea.

IT IS ORDERED THAT:

1. Defendant's plea(s), admission(s), and waiver of rights are accepted by the Court and entered.
2. This document be filed and incorporated into the minutes of this case.

DATED: _____	Judge
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO**

DISTRICT

File Stamp

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

Defendant.

TODAY'S DATE: _____

CASE NO.: _____

DECLARATION BY DEFENDANT

- Under Penal Code Section 859a (*Complaint*)
 Re: Change of Plea (Guilty) (*Information/Indictment*)

1. My true name is _____, born ____/____/____.

2. The _____ filed herein accuses me of the offense(s) of:
Complaint/Indictment/Information

3. a. I desire to change my plea(s) and plead guilty/no contest to and admit the following admissions, allegations and/or enhancement(s) or prior(s) including lesser offense(s) to which plea to be made and the maximum sentence:

3a

Count(s)	Code Section	Name of Offense	Sentencing Range
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I am freely and voluntarily entering the plea(s) of guilty/no contest [and admission(s)] as indicated:

b. Because I am guilty (and for no other reason), and/or Because as a result of plea bargaining after discussing with my attorney the possibility of my being convicted on other more serious charges and/or risking the possibility of a longer sentence, and/or

3b

Because the District Attorney/ Court has agreed to:

Presentence credits (actual days + Conduct credits per following formula):

- County Jail 4019 Waived
 Prison 4019 2933.1 None Waived

4. I understand that as to each charge, prior conviction, and/or enhancement alleged against me in this case, I have many rights, including the constitutional right to:
- a. **A speedy and public trial by jury** or by a judge without a jury; 4a
 - b. **Be represented by an attorney at trial** and at all stages of the proceeding; and if I cannot afford an attorney, the Court will appoint an attorney to represent me at no charge. 4a
 - c. **See, hear, and question all witnesses** who testify against me at trial; 4a
 - d. **Have the judge order into court all the evidence** and order my witnesses to attend the trial without cost to me; 4a
 - e. **Present evidence** in my favor at trial; 4a
 - f. **Remain silent** at trial, or, if I wish, testify for myself; and 4a
 - g. (If applicable) A **preliminary hearing** at which the district attorney would have to show that there was sufficient cause that I had committed the offense(s), and the right at such hearing to be represented by an attorney, to see, hear, and question all witnesses who testify against me, and to present evidence in my favor if I so desire, and to either testify or remain silent. 4a
For 859a Only
5. a. I understand that in addition to any other punishment, I shall be required to pay a mandatory restitution fine of not less than \$300 nor greater than \$10,000 and subject to a penal fine up to \$10,000 (\$20,000 for Health & Safety Code §§11350-11353, 11359-11361 or \$50,000 for Health and Safety §11379.6 or Arson Penal Code §§451-455) plus any other mandatory or discretionary fees, fines, costs and/or penalty assessments that may be ordered whether probation is granted or denied. 5a
- b. Any state prison commitment will be followed by a period PAROLE of 2 - 3 years, or life. Any violation of the terms of parole could result in up to an additional year in custody for each violation, up to a maximum of 2 - 3 years, or life (circle appropriate parole). 5b
- c. **IF a motor vehicle is found to be involved in or incidental to the commission of the offense,** my driving privileges may be revoked by the Court and/or Department of Motor Vehicles. 5c
- d. **IF I plead guilty/no contest to any sex crime covered by Penal Code Section 290,** I will be required to register as a sex offender with the chief of police of the city in which I reside or the sheriff of the county if I reside in an unincorporated area. This registration requirement may be for 10 years (Tier 1), 20 years (Tier 2), or a lifetime registration requirement (Tier 3), pursuant to PC§ 290. 5d
- e. Federal and state law prohibit a convicted felon from possessing a firearm or ammunition. 5e
- f. **IF I plead guilty/no contest to a DUI case,** (CVC 23152, 23153 or 23103 pursuant to 23103.5) then pursuant to CVC 23593, I am hereby advised that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, I can be charged with murder. 5f
6. I hereby waive and give up each of the above constitutional rights listed in paragraph 4 as to each crime, enhancement, and/or prior conviction that I now intend to plead guilty/no contest and/or admit. 6
7. I understand that the Court will not decide whether to impose sentence or extend probation until a probation officer conducts an investigation and reports on my background, prior record (if any), and the circumstances of the case unless I waive that right. 7
8. I understand that if I am now on probation/parole or post-release community/mandatory supervision, my plea of guilty/no contest in this case may constitute a violation of my probation/parole or post-release community/mandatory supervision and result in its revocation and the imposition of sentence, or additional incarceration. 8
9. My attorney explained to me that other possible consequences of this plea and any admission of an enhancement(s) and/or any prior conviction(s) may be: (Circle possible consequences): 9
- (a) Mandatory/presumptive prison sentence
 - (b) Increased punishment for future felonies
 - (c) Serious/violent felony (strike)
 - (d) Reduced earning of custody credits
 - (e) Sexual Violent Predator Act
 - (f) Loss of driving privileges
 - (g) Registration as an arson/gang/drug offender
 - (h) Required to submit HIV test
 - (i) Civil/asset forfeiture consequences per H&S 11469. et. seq.
 - (j) Other: _____
10. You are hereby advised that it is extremely dangerous and deadly to human life to illicitly manufacture, distribute, sell, furnish, administer, or give away any drugs in any form, including real or counterfeit drugs or pills. You can kill someone by engaging in this conduct. All drugs and counterfeit pills are dangerous to human life. These substances alone, or mixed, kill human beings in very small doses. If you illicitly manufacture, distribute, sell, furnish, administer, or give away any real or counterfeit drugs or pills, and that conduct results in the death of a human being, you could be charged with homicide, up to and including the crime of murder, within the meaning of Section 187 of the Penal Code. 10

11. a. Sexually Violent Predator. I understand that at the end of my sentence for the offense(s) to which I plead guilty/ no contest, I may be subject to screening by the State Department of State Hospitals to determine whether I qualify for trial as a sexually violent predator, which could result in my being committed to a secure medical facility indefinitely. 11a
- b. The parties discussed but were unable to agree to a disposition involving a plea to an offense that is not a sexually violent offense 11b
12. I am not now under the influence of alcohol, or of any drugs, narcotics, medicine, or any other substance which could interfere with my ability to understand what I am doing; nor am I suffering from any condition which could have that effect. 12
13. I understand that if I am not a citizen of the United States, deportation, exclusion from admission to the United States, and denial of naturalization may, and for certain offenses will, result from a conviction of the offense(s) to which I plead guilty/no contest. 13
14. a. I understand that even though the Court may approve the agreement for sentence set forth, the Court is not bound by the agreement, and that the Court may withdraw its approval at any time before pronouncement of judgment, in which case I shall be able to withdraw my plea should I desire to do so. 14a
- b. I understand that any agreement as to sentence applies only in the original sentence and that a violation of probation or mandatory supervision may cause the Court to send me to county jail, state or county prison for the maximum term provided by law. 14b
- c. (**Harvey Waiver**) I waive my rights regarding dismissed counts and/or allegation(s) and any charges the district attorney agrees not to file to the extent that the Court may consider these factors in deciding whether or not to grant probation and in deciding whether or not to impose a midterm, aggravated or mitigated prison term, the appropriate presentence credits, and as to restitution. 14c
15. **Cruz Waiver** (if applicable) I understand I have an absolute right under California law to withdraw my plea if the Court, for any reason, does not follow the plea bargain agreement. I also understand that I cannot receive any additional penalty or punishment for any subsequent failure to appear or any new offense unless I am properly charged and convicted of such an offense. I understand and agree as part of this plea bargain agreement to be released upon my own recognizance and to waive these rights, and as a condition of my release, I will:
- a. Report to the probation department as ordered by the Court. 15a
- b. Keep any appointment(s) set by the probation department. 15b
- c. Appear in court for sentencing, or any other date set by the Court. 15c
- d. Not violate any law (excluding infractions) between today and the date of sentencing. 15d
- e. Submit to **Bravo** search terms, a search of my person, place of residence or property under my control at anytime of the day or night with or without the necessity of a search warrant by any law enforcement or probation officer. 15e
- f. _____ 15f
- g. by this plea bargain and I would not have any right to withdraw my plea. I further understand and agree that any willful violation of these terms will be decided by the sentencing judge without a jury and by a preponderance of the evidence. I further understand and agree, that if the Court finds any willful violation of these terms, the Court will be free to impose any greater sentence than expressly stated in this agreement, up to the maximum penalty for each offense and enhancement to which I am pleading guilty/no contest or admitting and I will not have any right to withdraw my plea. 15g
16. **Vargas Waiver** (if applicable) I understand that I am being sentenced today to State Prison or County Jail Prison pursuant to the initial terms stated in paragraph 3. If I comply with the conditions set forth in numbers 15a, 15b, 15c, 15d, 15e, and 15f, and any other terms as ordered, the Court will resentence me pursuant to the remainder of the terms described in paragraph 3. 16
17. (**Arbuckle Waiver**) I understand that I have the right to be sentenced by the judge who accepted my plea, but I agree that any judge of the Superior Court may impose sentence in this case. 17
18. I have had sufficient time to consult with my attorney concerning my intent to plead guilty/no contest to the above charge(s) (and admit any prior conviction or enhancement). My lawyer has explained everything on this Declaration to me, and I have had sufficient time to consider the meaning of each statement. I have personally placed my initials in certain boxes on this Declaration to signify that I fully understand and adopt as my own each of the statements which correspond to those boxes. 18
19. I waive and give up any right to appeal from any motion I may have brought or could bring and from the conviction and judgment in my case since I am getting the benefit of my plea bargain. 19
20. a. I can read and understand English. 20a
- OR
- b. I cannot read/understand English, but I have had the assistance of an interpreter to read this form to me and I now understand all the contents of this form. 20b

21. (If applicable) I understand that a plea of no contest (nolo contendere) is the same as a plea of guilty in this criminal case, and for all purposes, has the same consequences as a plea of guilty and can be used against me in a civil lawsuit.

[]

declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am signing this Declaration on _____ 20____, in _____, California.

Defendant's Signature

CERTIFICATE OF INTERPRETER: I declare under the penalty of perjury under the laws of the State of California that I translated the entire contents of this form from English to _____ (language) in presence of and directly to the Defendant in this case and that said Defendant in this case subscribed to this document in my presence.

Date

Interpreter's Signature

ATTORNEY STATEMENT: I, _____, state that I am above-named Defendant's attorney in the above-entitled criminal action; that I personally read and explained the contents of the above Declaration to the Defendant; that I personally observed the Defendant sign said Declaration; that I concur in the Defendant's withdrawal of his/her plea(s) of not guilty; and that I concur in the Defendant's plea(s) of guilty/nolo contendere (no contest) and or admissions to the charge(s) as set forth by the Defendant in the above Declaration.

Date

Attorney for Defendant

Date

Approved: _____
Deputy District Attorney

ORDER

(Read these Findings orally into the record)

PROOF

After directly examining the Defendant, the Court finds:

- 1. That Defendant has read and understands the DECLARATION BY DEFENDANT
 - PURSUANT TO PENAL CODE SECTION 859A
 - RE CHANGE OF PLEA (GUILTY).
- 2. That the Defendant understands the nature of the crime(s) charged against him/her and the consequences of his/her guilty/no contest plea(s) (and admissions).
- 3. That the Defendant understandingly and intelligently waives each of his/her constitutional rights.
- 4. That Defendant is personally and orally entering his/her plea of guilty/no contest [and admission(s)] to the offense(s).
- 5. That the Defendant's plea(s) of guilty/no contest [and admission(s)], is/are free and voluntary.
- 6. That a factual basis exists for the plea(s) of guilty/ no contest [and admission(s)], and/or that the plea bargain is hereby approved.

- OK as is
- Correct & re-proof

Signature _____ Date _____

It is ordered that this Declaration by Defendant be received and filed with the court's records of this case and that the defendant's plea(s) of guilty no contest [and admission(s)] be accepted and entered in the minutes of this court.

Dated this _____ day of _____, 20____

Judge

- Forthwith Sentence
- 7. That the Defendant personally waives his/her rights to have a probation referral, report, hearing and delay of pronouncement of judgment up to 20 court days.
- Resentencing (**Vargas**) will be set on _____ at _____ m. In Department _____.
- Pronouncement of judgment, compliance review or restitution hearing will be set on _____ at _____ m. in Department _____.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff <p align="center">v.</p> _____, Defendant	DISTRICT <input type="checkbox"/> BARSTOW <input type="checkbox"/> FONTANA <input type="checkbox"/> JOSHUA TREE <input type="checkbox"/> RANCHO CUCAMONGA <input type="checkbox"/> SAN BERNARDINO <input type="checkbox"/> VICTORVILLE	CASE NO. _____
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**WAIVER OF PERSONAL PRESENCE
 ACKNOWLEDGEMENT OF ADVISEMENT OF LEGAL RIGHTS
 VIA TWO-WAY ELECTRONIC AUDIO-VISUAL SYSTEM**

- The defendant, having been advised of his/her right to be present at all stages, hereby waives his/her right to be physically present at this hearing and consents to a two-way audiovisual arraignment.
 Defendant gives his/her true name as: _____
- Defendant was informed of the charge(s) against him/her, his/her right to aid of counsel at every stage of the proceeding.
- Acknowledgment of Advisement of Legal Rights has been signed, filed, and incorporated herein.
 Defendant in this matter declares that he/she has been advised of the following legal rights and also makes the following waivers:
 - a. Right to be tried by a jury for misdemeanor and felony offenses;
 - b. The right to confront and to cross-examine all the witnesses against him/her;
 - c. The right at the trial to present evidence in his/her favor and either to testify for him/herself or, if he/she wishes, he/she may remain silent;
 - d. The right to a speedy and public trial;
 - e. The right to have witnesses subpoenaed to testify in his/her behalf and to obtain all evidence which might exonerate the defendant;
 - f. The right to request a hearing to ask for the amount of bail set by the Judge to be reduced, if defendant is unable to post bail.
 - g. The right to have an attorney defend him/her at all stages of the proceedings; that said attorney may be of the defendant's own choice or shall be court-appointed if the defendant is unable to afford counsel; the right to represent himself/herself and proceed without an attorney if found qualified by the Judge; and the right to continue the case to speak to an attorney before entering a plea.
 - h. The right to a preliminary hearing if charged with a felony within ten (10) days.
 - i. That defendant understands if he/she is not a citizen, the conviction of the offense for which he/she is charged may, and for some offenses will, have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
 - j. Defendant further understands the possible penalties for a felony or misdemeanor conviction, and that he/she has the right to be sentenced by the judge or commissioner who accepts his/her plea, but agrees that any judge or commissioner may impose sentence in this case.
 - k. Defendant further understands that, if applicable, he/she may request a copy of the Judicial Council military form.
 - l. Defendant understands that on a violation of probation, he/she has the right to a formal hearing and have his/her attorney present, or if he/she does not have an attorney, and cannot afford an attorney, the court will appoint an attorney. However, for the purposes of the violation of probation, he/she waives his/her right to an attorney and a formal hearing.
- Defendant's current address and zip code: _____

Date

Signature of Defendant

I declare under penalty of perjury that I have read all of the above to the defendant in the _____ language.

Date

Printed Name of Interpreter

Signature of Interpreter

I certify under penalty of perjury that I, _____ have advised this defendant of all rights referred to above.

Date

Printed Name of Attorney

Signature of Attorney