

THE SUPERIOR COURT, STATE OF CALIFORNIA
For the County of Santa Barbara
Figueroa Division

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

DA No. 14-08-341247
Court No.

vs.

MISDEMEANOR COMPLAINT

ROBERTO JR ALBA

DOB: 09/12/1993
Defendant.

Breath: 0.21
Breath: 0.22

The undersigned is informed and believes that:

COUNT 1

On or about August 23, 2014, in the County of Santa Barbara, the crime of DRIVING UNDER THE INFLUENCE OF ALCOHOL, in violation of **VEHICLE CODE SECTION 23152(a)**, a Misdemeanor, was committed by ROBERTO JR ALBA, who did willfully and unlawfully drive a motor vehicle while under the influence of an alcoholic beverage.

“NOTICE: If convicted of this offense the court must suspend your driving privileges if you are under the age of 21 years. Vehicle Code Section 13202.5.”

COUNT 2

On or about August 23, 2014, in the County of Santa Barbara, the crime of DRIVING WHILE HAVING A 0.08% OR HIGHER BLOOD ALCOHOL, in violation of **VEHICLE CODE SECTION 23152(b)**, a Misdemeanor, was committed by ROBERTO JR ALBA, who did unlawfully, while having a 0.08% and more, by weight, of alcohol in his blood, drive a vehicle.

It is further alleged that the defendant had a blood alcohol content of 0.15% and higher within the meaning of **Vehicle Code Section 23578**.

“NOTICE: If convicted of this offense the court must suspend your driving privileges if you are under the age of 21 years. **Vehicle Code section 13202.5**.”

“NOTICE: Pursuant to **Vehicle Code Section 23594** you are notified that the District Attorney will request impoundment of your vehicle, at your expense, in the event of a conviction of this offense.”

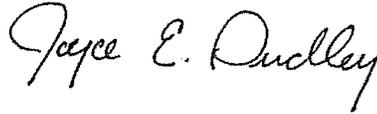
COUNT 3

On or about August 23, 2014, in the County of Santa Barbara, the crime of HIT AND RUN DRIVING, in violation of **VEHICLE CODE SECTION 20002(a)**, a Misdemeanor, was committed by ROBERTO JR ALBA, who was the driver of a vehicle involved in an accident resulting in damage to personal property and failed to stop at the scene of said accident.

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 3 COUNT(S).

Executed at Santa Barbara, California, on August 26, 2014.



LEE CARTER
SENIOR DEPUTY DISTRICT ATTORNEY

Agency: SBPD

<u>DEFENDANT NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>HGT</u>	<u>WGT</u>	<u>EYES</u>	<u>HAIR</u>	<u>DRIVER'S LICENSE</u>	<u>STS</u>	<u>COURT DATE</u>
Roberto Jr Alba an	M	H	501	130	BRO	BLK	F3232623	CR	09/23/2014

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA STREET ADDRESS: 118 East Figueroa Street CITY AND ZIP CODE: Santa Barbara, CA 93101 BRANCH NAME: Figueroa Division	<i>FOR COURT USE ONLY</i>
PLAINTIFF: People of the State of California DEFENDANT:	
ADVISEMENT AND WAIVER OF RIGHT TO COUNSEL (Faretta Waiver)	CASE NUMBER:

Fill out this form if you wish to act as your own attorney (*in propria persona* or "pro per"). Initial the box for each item only if you understand and agree with it, and sign and date the form at the end where it says "DEFENDANT'S SIGNATURE." If you have any questions about anything on this form, ask your attorney, if you have one, or the judge. The judge may ask you questions about your decision to give up your right to be represented by a professional attorney.

CONSTITUTIONAL RIGHTS

Initials

1. I am the defendant in the above-entitled case. I can read and write. I understand that my constitutional rights include the following:

A. Right to an Attorney — I understand that I have an absolute right to be represented by an attorney at all stages of the proceedings and, if I do not have the money to pay for an attorney, that one will be appointed for me by the Court at no cost.	<input type="checkbox"/>
B. Right to a Speedy and Public Jury Trial — I understand that I have a right to a speedy and public trial by a jury of twelve citizens drawn from the community.	<input type="checkbox"/>
C. Right to Subpoena Witnesses and Records — I understand that I have the right to the reasonable use of the subpoena power of the Court, at no cost to me, to subpoena any witnesses or any documents that I may need in my defense.	<input type="checkbox"/>
D. Right to Confront And Cross-Examine Witnesses — I understand that I have the right to confront in open court all witnesses who will be called to testify against me, and that I have the right to cross-examine those witnesses at the time of trial.	<input type="checkbox"/>
E. Right Against Self-Incrimination — I understand that I cannot be compelled to testify at the trial, but that I have the right to testify at my trial if I wish to do so.	<input type="checkbox"/>
F. Right to be Released on Bail — I understand that I may have the right to be released from jail pending trial on reasonable bail.	<input type="checkbox"/>
G. Right to Self-Representation — I understand that I have a right to act as my own attorney and may waive my right to the assistance of a professional attorney. I further understand that if I choose to act as my own attorney, I will have to conduct my own defense WITHOUT THE ASSISTANCE OF A PROFESSIONAL ATTORNEY.	<input type="checkbox"/>

PERSONAL INFORMATION

2. In support of my request to act as my own attorney, I offer the Court the following personal information:
 - A. Age: _____
 - B. The highest education level I have reached is: _____
 - C. Legal education I have received: _____

D. I have previously acted as my own attorney in the following criminal matters: Never

Case	Court	Year	Result

DANGERS AND DISADVANTAGES OF SELF-REPRESENTATION

Initials

3. I understand that there are many dangers and disadvantages in not having a professional attorney represent me. I understand that among those dangers and disadvantages are the following:

- A. I understand that if I act as my own attorney, it will be necessary for me, WITHOUT THE ASSISTANCE OF A PROFESSIONAL ATTORNEY, to follow all of the requirements of the criminal law, criminal procedure, law of evidence, and rules of court.
- B. I understand that the case against me will be handled by a prosecutor who is an experienced trial attorney, and that I will not be entitled to special consideration or assistance by the prosecutor prior to or during the course of the trial.
- C. I understand that if I act as my own attorney, it will be necessary for me WITHOUT THE ASSISTANCE OF A PROFESSIONAL ATTORNEY, to conduct my own trial, consisting of, but not limited to: making pretrial motions, selecting a jury, making an opening statement, cross-examining the witnesses for the prosecution, subpoenaing and presenting my own witnesses, making appropriate objections and motions during the course of the trial, preparing and presenting proposed jury instructions to the Court, making the final argument, and, in the event of a conviction, making appropriate motions after trial and representing myself at the time of any probation or sentencing hearing.
- D. I understand that I will not and cannot expect to receive any special consideration or assistance from the Court. I further understand that the Court is not permitted to and will not answer any questions I may have concerning how I should proceed, what law might apply or the correct procedure.
- E. I understand that if I ask for any additional money over the initial amount granted by the Court, I must use that money only for my defense and I will be required to keep and show the Court receipts for anything I have purchased with the money granted to me.
- F. I understand that if I am in jail, it will be more difficult for me to contact witnesses and investigate my case. I understand that I will have limited access to a telephone, which will make preparations for trial more difficult, and that I will be provided no more access to the law library than any other inmate who acts as his own attorney, and that access is limited. I understand that I must be familiar with Los Angeles County Court Rule 6.41, which explains the rules that defendants who act as their own attorney at the Los Angeles County Jail must follow.
- G. I understand that no continuance of the trial will be allowed without a showing of good cause, and that such requests made just before trial will most likely be denied.
- H. I understand that depending on the stage of my case, if I change my mind and request an attorney to handle my case, the Court may deny this request and that I may have to proceed with the trial without an attorney.
- I. I understand that in conducting the trial, I will be limited in my movements in the courtroom. All documents, for example, will be handed to witnesses when necessary through the bailiff. I will be required to remain in my seat at counsel table and will not have free movement in the courtroom.
- J. I understand that I must not act disrespectfully in court. I understand that the Judge may terminate my right to act as my own attorney in the event that I engage in serious misconduct or obstruct the conduct and progress of the trial. I understand that if my right to act as my own attorney is terminated, I may have to be represented by an attorney, appointed by the Judge, who will then take over the case at whatever stage the case may be in.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA TRIBUNAL SUPERIOR DEL ESTADO DE CALIFORNIA, CONDADO DE SANTA BARBARA STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY
PLAINTIFF: People of the State of California <i>Demandante: El Pueblo del Estado de California</i> DEFENDANT: <i>Acusado(a):</i>	
WAIVER OF CONSTITUTIONAL RIGHTS AND PLEA <i>RENUNCIA DE DERECHOS CONSTITUCIONALES Y DECLARACIÓN DE CULPABILIDAD</i>	CASE NUMBER: <i>Caso Núm:</i>

PLEA OF GUILTY/NO CONTEST – FELONY
DECLARACIÓN DE CULPABILIDAD/ NO LO DISPUTO – DELITO MAYOR

Defendant withdraws the previously entered plea of not guilty and/or denials of any enhancement(s)/prior conviction(s)/prior prison term(s)/serious felony(ies) and pleads GUILTY or NO CONTEST and ADMITS (if applicable) the enhancement(s) /prior conviction(s) /prior prison term(s)/ serious felony(ies) described below.
El/La acusado(a) retira su previa declaración de no culpable y/o las negaciones de cualesquiera agravantes, condenas anteriores, reclusiones anteriores en prisión, delitos mayores graves y se declara CULPABLE o NO LO DISPUTO y ADMITE (en su caso) el agravante o los agravantes, la condena o condenas anteriores, reclusión o reclusiones anteriores en la prisión, o delitos mayores graves que se detallan a continuación.

My attorney in this case is _____
Mi abogado(a) en este caso es _____ (print attorney's name)
(nombre del/de la abogado(a) en letra de molde)

put initials in boxes
on pages 1-6

coloque sus iniciales en los
casilleros en las páginas 1-6

I will plead GUILTY / NO CONTEST (circle one) to the following Count(s):

List Count(s) and Code Section(s) for the crime(s).

Yo me declararé CULPABLE/ NO LO DISPUTO (marque uno con un círculo) al/a los siguiente(s) cargo(s):

Indique el/los cargo(s) y la(s) Sección(es) del Código que corresponda(n) a ese/esos delito(s)

I also will ADMIT the following enhancement(s)/prior conviction(s)/prior prison term(s)/serious felony(ies) (circle if applicable). List name of Court, Court number/date of conviction(s) and Code section(s).

También ADMITIRÉ el/los siguiente(s) agravante(s), condena(s) anterior(es), reclusión(es) anterior(es) en prisión, delito(s) mayor(es)grave(s) (marque con un círculo si corresponde). Indique el nombre del Tribunal, número del Tribunal, fecha de la(s) condena(s) y sección(es) del Código.

I am entering my plea based on a promise or representation made by the District Attorney/Judge (circle one) in this case as follows:

Me declaro culpable con base en la promesa o representación hecha por el Fiscal/Juez (marque una con un círculo) de este caso conforme se explica a continuación:

CONSTITUTIONAL RIGHTS DERECHOS CONSTITUCIONALES

I understand that I have the following constitutional rights as to the CHARGES I am pleading guilty/ no contest to as well as any ENHANCEMENTS, PRISON PRIORS, SERIOUS FELONIES or PRIOR CONVICTIONS I am admitting.

Entiendo que tengo los siguientes derechos constitucionales con respecto a los CARGOS a los cuales me estoy declarando culpable/ no lo disputo, así como con respecto a cualesquiera AGRAVANTES, RECLUSIONES ANTERIORES EN LA PRISION, DELITOS MAYORES GRAVES o CONDENAS ANTERIORES que admito.

I understand this right and I give up this right.

Entiendo este derecho y renuncio a este derecho

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

El derecho a ser juzgado por un jurado en un juicio público y sin demora.

b. The right to confront & cross-examine all the witnesses against me.

El derecho a confrontar y contrainterrogar a todos los testigos en mi contra.

c. The right to remain silent/right against self-incrimination.

El derecho a permanecer callado/ el derecho a no auto incriminarme.

d. The right to call/subpoena witnesses to Court to testify.

El derecho a convocar/citar testigos para declarar en el tribunal.

CONSEQUENCES OF MY PLEA OF GUILTY/NO CONTEST
CONSECUENCIAS DE MI DECLARACIÓN DE CULPABILIDAD/ NO LO DISPUTO

I understand that the maximum sentence I can receive as a result of pleading GUILTY/ NO CONTEST at this time or in the future is _____ years, _____ months in State Prison. I may be fined up to \$10,000. I must pay a fine to the State Restitution Fund of not less than \$200 and not more than \$10,000. I may be ordered to pay restitution to the victim(s) whether I go to prison or I am granted probation. If I am granted probation (up to 5 yrs.) and, in the future, I violate my probation and I am then sent to State Prison, I could receive the maximum sentence stated above.

Entiendo que la sentencia máxima que puedo recibir como resultado de mi declaración de CULPABILIDAD/ NO LO DISPUTO en este momento o en el futuro es de _____ años, _____ meses en la Prisión Estatal. Se me podría multar hasta \$10,000 dólares. Deberé pagar una multa al Fondo Estatal de Restitución no menor de \$200 dólares y no mayor de \$10,000 dólares. Se me puede ordenar que pague restitución a la(s) víctima(s), ya sea que me envíen a la prisión o que me otorguen la libertad condicional. Si se me otorga la libertad condicional (hasta por 5 años) y en el futuro violo dicha libertad condicional y entonces se me envía a la Prisión Estatal, podría recibir la sentencia máxima indicada anteriormente.

My attorney has explained to me that other possible consequences of my GUILTY/NO CONTEST plea may be: **(Put your initials in the appropriate boxes.)**

Mi abogado me ha explicado que otras posibles consecuencias de mi declaración de CULPABILIDAD/ NO LO DISPUTO podrían ser: (Ponga sus iniciales en los casilleros que correspondan).

- a. This is a mandatory state prison sentence.
Esta es una sentencia de prisión estatal obligatoria.
- b. I must receive mandatory consecutive sentences.
Debo recibir sentencias consecutivas obligatorias.
- c. I will receive a reduced earning of custody credits.
Se reducirán los créditos que gane durante mi custodia.
- d. I will receive a prison sentence unless the judge finds this is an unusual case.
Recibiré una condena de prisión a menos que el juez determine que éste es un caso inusual.
- e. I must register as an arson, sex or narcotics offender.
Debo registrarme como delincuente sexual, de narcóticos o como provocador de incendios.
- f. My license to practice my profession or business may be affected.
Podría verse afectada mi licencia para ejercer mi profesión o mi negocio.
- g. I cannot possess a firearm as a convicted felon.
No podré poseer un arma de fuego por haber sido condenado de un delito mayor.
- h. A fine of \$1,000-\$2,000 & a \$70 AIDS education fee can be imposed.
(Health & Saf. Code, § 11350)
Se me puede imponer una multa de \$1,000 a \$2,000 dólares y una cuota de \$70 dólares para educación sobre el SIDA (Sección 11350 del Código de Salubridad y Seguridad)
- i. I will lose my driving privilege.
Perderé mi privilegio de conducir un vehículo.
- j. I can be committed to the California Youth Authority (under 25 yrs.).
Podría ser confinado al "California Youth Authority" (Reclusorio para Menores de 25 años).
- k. My parole or probation can be violated and I can receive additional punishment.
Podría ser revocada mi libertad preparatoria ("parole") o mi libertad condicional ("probación") y podría yo recibir castigo adicional.

l. This is a serious/violent "strike" felony conviction. A strike conviction means I must go to prison if I am convicted of a felony in the future, and it could result in a life sentence.
Esta es una condena por delito mayor grave o violento llamada "strike". Una condena "strike" significa que debo ir a la prisión si se me condena por un delito mayor en el futuro, y ello podría resultar en una sentencia de cadena perpetua.

m. This is a serious felony conviction which will add five years to a prison sentence if in the future I am convicted of a serious felony.
Esta es una condena por delito mayor grave que agregará cinco años a una sentencia de prisión si en el futuro se me condena por un delito mayor grave.

n. This is a violent felony conviction which will add three years to a prison sentence if in the future I am convicted of a violent felony.
Esta es una condena por delito mayor violento que agregará tres años a una sentencia de prisión si en el futuro se me condena por un delito mayor violento.

o. If I go to prison in this case, this felony conviction will add one year to any future prison sentence I receive.
Si se me envía a la prisión en este caso, esta condena de delito mayor agregará un año a cualquier sentencia de prisión que recibiera yo en el futuro.

p. Conviction of Vehicle Code section 14601.2 requires I pay to install an ignition interlock device on any vehicle I own or operate for up to 3 years.
Una condena conforme a la sección 14601.2 del Código de Vehículos requiere que yo pague por la instalación de un aparato de cerrojo para el arranque en todo vehículo del que yo sea propietario o que yo opere hasta por 3 años.

If I am not a citizen of the United States, I understand that the law concerning the effect of my conviction of a criminal offense of any kind on my legal status as a non-citizen will change from time to time. I hereby expressly assume that my plea of GUILTY/NO CONTEST in this case will, now or later, result in my deportation, exclusion from admission or readmission to the United States, and denial of naturalization and citizenship.

Si no soy ciudadano de los Estados Unidos, entiendo que cambiará de vez en cuando la ley concerniente a los efectos que resultarán sobre mi estado legal como no ciudadano por el hecho de haber cometido un delito penal de cualquier tipo. Por el presente doy por hecho expresamente que mi declaración de CULPABLE/ NO LO DISPUTO en este caso, definitivamente resultará, ahora o en el futuro, en mi deportación, exclusión de admisión o readmisión a los Estados Unidos, y la negación de mi naturalización y ciudadanía.

I understand that for a crime with a determinate prison sentence, after I am released from prison, I will be on parole for a maximum of 4 years, including a 3 year parole period with a maximum of 1 year in state prison for each parole violation.

Entiendo que tratándose de un delito con una sentencia de prisión fija, después de ser puesto en libertad estaré bajo libertad preparatoria ("parole") por un máximo de 4 años, incluyendo un término de 3 años de libertad preparatoria, con un máximo de un año en la prisión estatal por cada violación de mi libertad preparatoria.

I understand that for a crime with an indeterminate life prison sentence (except for a sentence imposed for a "one strike" crime or murder), I can be on parole for a maximum of 7 years, including a 5 year parole term with a maximum of 7 years on parole violations. I understand that for 1st or 2nd degree murder, the parole period is for life.

Entiendo que por un delito con una sentencia de prisión indeterminada, de cadena perpetua (excepto por una sentencia impuesta por un delito u homicidio considerado un "strike"), podría yo estar bajo libertad preparatoria ("parole") por un máximo de 7 años, incluyendo un término de 5 años de libertad preparatoria con un máximo de 7 años por violaciones a dicha libertad preparatoria. Entiendo que por un homicidio de primer o segundo grado, el término de la libertad preparatoria es de por vida.

I understand that for a sex crime listed as a violent felony in Penal Code section 667.5(c) (except a violation of Penal Code section 289), I can be on parole for a maximum of 7 years with a maximum of 7 years on parole violations.

Entiendo que por un delito sexual señalado como delito mayor violento en la sección 667.5(c) del Código Penal (excepto una violación de la sección 289 del Código Penal), podría yo estar bajo libertad preparatoria ("parole") por un máximo de 7 años, con un máximo de 7 años por violaciones a dicha libertad preparatoria.

I understand that for a "one strike" sex crime with a life sentence under Penal Code section 667.61, I can be on parole for a maximum of 14 years with a maximum of 14 years on parole violations.

Entiendo que por un delito sexual considerado un "strike" con sentencia a cadena perpetua conforme a la sección 667.61 del Código Penal, podría yo estar bajo libertad preparatoria ("parole") por un máximo de 14 años con un máximo de 14 años por violaciones a dicha libertad preparatoria.

If, as part of my probation, I enter a residential treatment program of any kind, I will waive any custody credits on my probation case I would be entitled to for time spent in the program, including if, in the future, I am sent to prison.

Si como parte de mi libertad condicional ingreso a un programa de tratamiento residencial de cualquier tipo, renunciaré el derecho de recibir crédito por el tiempo que yo pase en el programa al periodo equivalente de encarcelamiento, si en algún futuro se me condena a cárcel o prisión

(Watson Warning) I understand 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.

(La Amonestación Watson) Yo entiendo que el estar bajo los efectos de alcohol o drogas, o ambos, degenera la facultad que me permite conducir, con prudencia, un vehículo motorizado. Por lo tanto, le es extremadamente peligroso a la vida humana conducir bajo los efectos de alcohol o drogas, o ambos. Si aún conduzco bajo los efectos de alcohol o drogas, o ambos, y si se mata a alguien porque conduje en tal estado, se me puede inculpar con asesinato.

(Arbuckle Waiver) I understand that I have the right to be sentenced by the Judge who takes my plea of guilty or no contest. I give up my right and agree that sentence may be imposed either by the Judge who accepts this plea or by a different Judge.

(Renuncia "Arbuckle") Entiendo que tengo el derecho a ser sentenciado por el Juez que acepte mi declaración de culpabilidad o no lo disputo. Renuncio a mi derecho y estoy de acuerdo en que la sentencia sea impuesta, ya sea por el juez que acepte esta declaración, o por un juez diferente.

I understand that the legal effect of a no contest plea to any felony offense is the same as that of a guilty plea for all purposes. The plea can be used in any civil proceeding, including any hearing with respect to any forfeiture of any property seized in connection with the investigation giving rise to these charges against me.

Entiendo que en la práctica el efecto legal de una declaración de no lo disputo a cualquier delito mayor es el mismo que el de una declaración de culpabilidad. La declaración puede ser usada en todo procedimiento civil, incluyendo cualquier audiencia relacionada a la renuncia de cualquier propiedad incautada en relación con la investigación que origina estos cargos en mi contra.

(Harvey Waiver) I understand and agree that the sentencing Judge may consider the entire factual background of the case, including any dismissed or stricken charges or allegations or cases, and any charges the District Attorney agrees not to file, when granting probation, ordering restitution or imposing sentence.

(Renuncia "Harvey") Entiendo y estoy de acuerdo en que, al otorgarme la libertad condicional, ordenarme pagar una restitución o imponerme la sentencia, el Juez que me dicte la sentencia podrá considerar todos los hechos relativos a este caso, incluyendo cualesquiera cargos, alegatos o casos desestimados o retirados, y todos los cargos que el Fiscal decida no entablar.

(Cunningham Acknowledgment and Waiver)
(Constancia y Renuncia Cunningham)

Acknowledgment:

I understand I have the right to a jury or court trial, the right to confront and cross-examine witnesses, the right to subpoena witnesses, and the right to testify or remain silent. I understand my right to a jury or court trial includes the right to such a trial on many sentencing factors that may be used to increase my sentence on any count, enhancement, or allegation to the upper or maximum term provided by law.

Constancia:

Yo entiendo que tengo el derecho a tener un juicio de jurados o a tener un juicio frente a un juez, que tengo el derecho a confrontar y a cuestionar a los testigos, que tengo el derecho a que comparezcan los testigos bajo orden judicial, y que tengo el derecho a dar testimonio o a permanecer en silencio. Yo entiendo que mi derecho a un juicio de jurados o frente a un juez incluye el derecho a que se juzguen en ese juicio los factores para sentencia que podrían ser usados para aumentar mi sentencia a un término mayor o al máximo término provisto por la ley, en cualquiera de los cargos, agravantes o alegatos.

Waiver:

I hereby give up the right to a jury and court trial, the right to confront and cross-examine witnesses, the right to subpoena witnesses, and the right to remain silent regarding any sentencing factors. I consent to the judge determining the existence of any sentencing factors within the judge's discretion as allowed by statutes, court decisions, and Rules of Court existing prior to the U.S. Supreme Court decisions in *Blakely v. Washington* and *Cunningham v. California*.

Renuncia:

Yo aquí renuncio el derecho a tener un juicio de jurados o a tener un juicio frente a un juez, renuncio el derecho a confrontar y a cuestionar a los testigos, y renuncio el derecho a que comparezcan los testigos bajo orden judicial, y renuncio el derecho a permanecer en silencio con respecto a todo factor de sentencia. Yo consiento a que el juez determine la existencia de cualquier factor de sentencia a la discreción de juez mismo, tal como lo permiten los estatutos, las decisiones legales, y las Reglas de la Corte que existían antes de la decisión de la Corte Suprema de los Estados Unidos de América en las causas de *Blakely v. Washington* y de *Cunningham v. California*.

Stipulation to Upper Term:

I hereby agree the court may impose the upper term(s) of imprisonment as follows:

Count ___ Crime _____ Term _____

Estipulación al Término Mayor:

Yo aquí estoy de acuerdo que la corte pueda imponer el(los) término(s) de prisión de las siguientes maneras:

Cargo ___ Delito _____ Término _____

Future Probation Violation(s):

I agree this waiver shall apply to any future sentence imposed following the revocation of my probation.

Violaciones Futuras de la Probación:

Yo estoy de acuerdo que esta renuncia aplicará a toda futura sentencia impuesta después de la revocación de mi probación.

I understand that unless I give up the right to appeal, the law allows me to appeal the sentence I receive in this case, as well as the denial of any and all motions made and denied in my case. I waive and give up my right to appeal.

Entiendo que a menos que renuncie yo al derecho de apelar, la ley me permite presentar una apelación a la sentencia que recibo en este caso y a la negación de cualesquiera pedimentos entablados y denegados en mi caso. Renuncio a y me desisto de mi derecho de apelación.

I understand that if I am found to be a narcotic addict or in imminent danger of becoming a narcotic addict, I can be sentenced to the California Rehabilitation Center for the same period that I could have been sentenced to State Prison, followed by a parole term of up to 4 years.

Entiendo que si se determina que soy un adicto a los narcóticos o que estoy en peligro inminente de convertirme en drogadicto, puedo ser sentenciado al Centro de Rehabilitación de California por el mismo período de tiempo al que podría haber sido sentenciado a la Prisión Estatal, seguido de un término de libertad preparatoria (parole) hasta de 4 años.

I am entering my plea freely and voluntarily, without threats or pressure being made against me or anyone I know. No other promises or representations have been made to me or my attorney other than those appearing on this form.

Me declaro libre y voluntariamente, sin amenazas ni presiones hechas en mi contra ni en contra de ninguna persona que yo conozca. Ni a mí ni a mi abogado se nos han hecho otras promesas o representaciones, más allá de las que aparecen en este formulario.

I am not under the influence of any drugs, medication, alcohol or any other substance which would impair my judgment. I have had enough time to talk to my lawyer about the case and have told him/her all the facts and circumstances known to me about the case.

No me encuentro bajo la influencia de ninguna droga, medicamento, bebida alcohólica ni ninguna otra substancia que pudiera disminuir mi juicio. He tenido tiempo suficiente para consultar con mi abogado sobre el caso y le he comunicado todos los hechos y circunstancias del mismo que son de mi conocimiento.

I now plead GUILTY / NO CONTEST (circle one) to the charges and ADMIT the enhancements/ prison priors/serious felonies/prior convictions listed on Page 1 based upon the following facts:

Ahora me declaro CULPABLE/ NO LO DISPUTO (marque una con un círculo) a los cargos y ADMITO los agravantes, encarcelaciones previas en prisión, delitos mayores graves y/o condenas anteriores indicadas en la Página Uno con fundamento en los siguientes hechos:

DRUG CASES ONLY

(ÚNICAMENTE PARA CASOS DE DROGAS)

I understand that if am pleading GUILTY/NO CONTEST to violating Health and Safety Code section 11351 or 11352 and either: (1) possessing for sale, selling or offering to sell 14.25 grams or more of a substance containing heroin, or (2) possession for sale, selling or offering to sell heroin and having one or more prior convictions for violating sections 11351 or 11352, I must be ordered to pay a fine up to \$50,000 unless the sentencing judge finds I would be incapable of paying such a fine. (Health & Saf. Code, § 11352.5.)

Entiendo que si me estoy declarando CULPABLE/ NO LO DISPUTO de violar la sección 11351 u 11352 del Código de Salubridad y Seguridad y, ya sea: (1) de poseer para la venta, vender u ofrecer para la venta 14.25 gramos o más de una sustancia que contenga heroína, o (2) de poseer para la venta, vender u ofrecer para la venta heroína y habiendo ya incurrido una o más condenas anteriores por la violación de las secciones 11351 u 11352, forzosamente se me debe ordenar pagar una multa hasta de \$50,000 dólares, a menos que el juez que dicte la sentencia determine que no tengo la capacidad de pagar dicha multa. (Sección 11352.5 del Código de Salubridad y Seguridad.)

I understand that if I am pleading GUILTY/NO CONTEST to violating Health and Safety Code sections 11350 - 11353, 11355, 11359, 11360, or 11361, I can be ordered to pay a fine up to \$20,000. (Health & Saf. Code, § 11372.)

Entiendo que si me declaro CULPABLE/ NO LO DISPUTO a la violación de las secciones 11350 a 11353, 11355, 11359, 11360, u 11361 del Código de Salubridad y Seguridad, se me puede ordenar pagar una multa hasta de \$20,000 dólares. (Sección 11372 del Código de Salubridad y Seguridad.)

I understand that if I am pleading GUILTY/NO CONTEST to violating Health and Safety Code section 11350, 11351, 11351.5, 11352, et seq. I must pay a mandatory \$50 lab fee and a \$150 drug program fee for each separate offense. (Health & Saf. Code, §§ 11372.5 & 11372.7.)

Entiendo que si me declaro CULPABLE/ NO LO DISPUTO a la violación de las secciones 11350, 11351, 11351.5, 11352 y siguientes del Código de Salubridad y Seguridad, forzosamente tendré que pagar un cuota de laboratorio de \$50 dólares y una cuota de \$150 dólares para un programa contra las drogas por cada delito individual (Secciones 11372.5 y 11372.7 del Código de Salubridad y Seguridad.)

I understand that if I am pleading GUILTY/NO CONTEST to violating a Health and Safety Code section listed in Health and Safety Code section 11370.2, or conspiracy to violate any of the sections, it will add three years in prison if in the future I am convicted of one of the felony offenses listed in Health and Safety Code section 11370.2 or conspiracy to violate one of the sections.

Entiendo que si me declaro CULPABLE/ NO LO DISPUTO a la violación de una de las secciones del Código de Salubridad y Seguridad señaladas en la sección 11370.2 del propio Código de Salubridad y Seguridad, o de conspirar para violar cualesquiera de estas secciones, ello añadirá tres años en la prisión si en el futuro se me condena por cometer uno de los delitos mayores señalados en la sección 11370.2 del Código de Salubridad y Seguridad o de conspirar para violar una de dichas secciones.

My attorney and the interpreter (if applicable) has gone over this form with me. I have read and understand this form. I understand the pleas and admissions I am entering, the consequences thereof and the constitutional rights I am waiving.

Mi abogado y mi intérprete (en su caso) han repasado conmigo este formulario. He leído y entiendo este formulario. Entiendo las declaraciones y las admisiones que hago, las consecuencias que las mismas conllevan y los derechos constitucionales a los que renuncio.

Dated: _____
Fecha

Defendant's signature
Firma del/de la acusado(a)

ATTORNEY'S STATEMENT

DECLARACIÓN DEL ABOGADO

I am the defendant's attorney. I have explained to the defendant all of his/her constitutional rights. I believe he/she understands them and understands that by entering this plea he/she is giving up each of them. I have discussed with the defendant the facts of the case, the elements of the charged crime(s)/enhancement(s)/prison prior(s)/serious felony(ies)/prior conviction(s) and all possible defenses. I have explained the direct and indirect consequences of this plea to the defendant and I am satisfied he/she understands them. I am satisfied the defendant is voluntarily and of his/her own free will seeking to enter this plea. No promises have been made as to the sentence which have not been fully disclosed in his form. I personally went over this document with the defendant. I observed the defendant to read, date and sign this document and place his/her initials in the boxes. I concur in the plea and waiver of constitutional rights by the defendant.

Soy el/la abogado(a) del/de la acusado(a). Le he explicado al/a la acusado(a) todos sus derechos constitucionales. Considero que los entiende y entiende que al declararse culpable está renunciando a cada uno de ellos. He discutido con el/la acusado(a) los hechos del caso, los elementos del delito o delitos, agravante(s), condena(s) previa(s) a la prisión, delito(s) mayor(es) grave(s), condena(s) anterior(es) que se le imputan y todas las posibles defensas. Le he explicado las consecuencias directas e indirectas de esta declaración y estoy convencido(a) de que las entiende. Estoy convencido(a) de que el/la acusado(a) libre y voluntariamente desea presentar esta declaración. No se ha hecho ninguna promesa en cuanto a la sentencia que no haya sido plenamente revelada en este formulario. He repasado personalmente este documento con el/la acusado(a). Observé al/a la acusado(a) leer, fechar y firmar este documento y colocar sus iniciales en los casilleros. Estoy de acuerdo con la declaración y la renuncia de los derechos constitucionales que hace el/la acusado(a).

Dated: _____
Fecha

Attorney for the Defendant
Abogado(a) del/de la acusado(a)

INTERPRETER'S STATEMENT (if applicable)

DECLARACIÓN DEL INTÉRPRETE (en su caso)

I am a Certified Court Interpreter in the _____ language. I have read the above form to the defendant and observed the defendant place his/her initials in the above boxes and sign this form. The defendant indicated he/she understood the contents of this form.

Soy un Intérprete Jurídico Certificado en el idioma _____. Le he leído el formulario anterior al/a la acusado(a) y lo(a) he observado colocar sus iniciales en los casilleros que anteceden y firmar este formulario. El/La acusado(a) indicó que entendió el contenido de este formulario.

Dated: _____
Fecha

Certified Court Interpreter
Intérprete Jurídico Certificado

The People of the State of California, by and through its attorney, Joyce Dudley, District Attorney, concurs in the defendant's plea of GUILTY/NO CONTEST and ADMISSION of the additional allegations.

El Pueblo del Estado de California, a través de su abogado, Joyce Dudley, Fiscal de Distrito, está de acuerdo con la declaración de CULPABLE/NO LO DISPUTO del/de la acusado(a) y su ADMISIÓN de las alegaciones adicionales.

Dated: _____
Fecha

Deputy District Attorney
Fiscal de Distrito Adjunto

COURT'S FINDING AND ORDER
DETERMINACIÓN Y RESOLUCIÓN DEL JUEZ

THE COURT FINDS THAT:

EL JUEZ DETERMINA QUE:

1. Defendant and his/her attorney appeared in open court and the defendant entered his/her plea(s) and admission(s).
El/La acusado(a) y su abogado(a) se presentaron en pleno tribunal y el/la acusado(a) presentó su(s) declaración(es) y admisión(es).
2. Defendant understands the nature of the charges(s) and the consequences of his/her plea(s) and admissions(s).
El/La acusado(a) entiende la índole del/de los cargo(s) y las consecuencias de su(s) declaración(es) y admisión(es).
3. Defendant has knowingly, intelligently, and understandingly waived his/her rights as set forth above.
El/La acusado(a) renunció a sabiendas, con conocimiento y comprensión a sus derechos constitucionales especificados anteriormente.
4. Defendant's waivers of his/her rights, and his/her plea(s) and admissions(s) are free and voluntary.
Las renunciaciones que hace el/la acusado(a) a sus derechos, y su(s) declaración(es) y admisión(es) se han hecho libre y voluntariamente.
5. There is a factual basis for the plea.
Existe una base en los hechos para tal declaración.

IT IS ORDERED THAT:

SE RESUELVE QUE:

1. Defendant's plea(s) and admissions(s) are accepted (and found guilty on his/her no contest plea pursuant to Penal Code section 1016.)
La(s) declaración(es) y admisión(es) del/de la acusado(a) se aceptan (y se le determina culpable con base en su declaración de no lo dispueto, con fundamento en la sección 1016 del Código Penal).
2. Court finds special enhancements/convictions to be true.
El Juez determina que los agravantes especiales y/o las condenas son ciertas.
3. The clerk shall file this document and incorporate it by reference in the minutes of this case.
El/La secretario(a) del tribunal archivará este documento y lo incorporará mediante referencia a las minutas de este caso.

DATED: _____

FECHA: _____

JUDGE OF THE SUPERIOR COURT
JUEZ DEL TRIBUNAL SUPERIOR