For your protection and privacy, press the Reset Form button on the last page after printing.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

North Kern Division, Shafter Branch
325 Central Valley Highway
Shafter, CA 93263

TRAFFIC ADVISAL/WAIVER OF CONSTITUTIONAL RIGHTS FOR PLEA BY MAIL

People of the State of California vs.

Case (Citation) No.:
Due Date:

You have been charged with the following violation(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; a speedy trial shall be held within 45 days of your arraignment or not guilty plea;
   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 in 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. You are not entitled to a Court-appointed attorney in an infraction-only case. If your case involves a misdemeanor and you cannot afford an attorney, the court will appoint an attorney to represent you. If the court appoints an attorney to represent you, the court will, after a hearing at the conclusion of the criminal proceedings, determine your present ability to pay all or a portion of the cost of the attorney. A court order to pay all or part of the attorney fee will be a civil judgment and subject to collection.
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 $300, or an arrest/bench warrant, the addition of new misdemeanor or felony charges, and/or license holds and suspensions.
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, denial of citizenship or naturalization pursuant to the laws of the United States, removal from the US, denial of re-entry, or denial of amnesty.
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*. 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

I certify under penalty of perjury 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; and (3) I understand that as a condition of the Court's acceptance of a not guilty plea by mail, I must waive (give up) my right to a speedy trial.

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

I hereby voluntarily waive my right to a speedy trial and enter a plea of: ( ) Not Guilty

Date of Signature:_____ Signature of Defendant: _____

You must return this form to the Kern County Superior Court address shown above **on or before the Due Date indicated at the top of this form**. If your plea is accepted, a copy of the court order indicating the fine amount and due date will be mailed to you.