FILED
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Superior Court of California, County of Contra Costa

☑ MARTINEZ ☐ PITTSBURG ☐ RICHMOND By _____

People v. Jaime Francisco Bermudez Case No. 2023042700 11

MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it. If you have any questions about your case, the possible sentence, or the information on this form, ask your lawyer or the judge.

Initial Applicable Boxes

RIGHT TO A LAWYER

1. I understand that I have the right to be represented by a lawyer throughout the proceedings. I understand that the court will appoint a free lawyer for me if I cannot afford to hire a lawyer, but at the end of the case I may be asked to pay all or part of the cost of that lawyer, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to a lawyer and that it is almost always unwise to represent myself. ..... 1. [/]

NATURE OF THE CHARGES

2. I understand that I am charged with the following offense(s): CVC 23152(a) + (b) ..... 2. J.B.
   Type of offense(s) and section number(s)

3. *If applicable* – I understand that I am also charged with having the following prior conviction(s): CVC 23152(b) 6/19/15 violation Sent. Date 9/3/15 #151700 Santa Clara. ..... 3. J.B.
   Case number(s) and date(s)

4. *If applicable* – I understand that I am also charged with violating the probation imposed on me in case number(s) _____ on date(s) _____ ..... 4. [/]

5. I understand the charge(s) against me, and the possible pleas and defenses. ..... 5. J.B.

CONSTITUTIONAL RIGHTS

6. **RIGHT TO A TRIAL BY A JUDGE OR BY A JURY** – I understand that I have the right to a speedy, public trial by a judge or by a jury. ..... 6. J.B.

7. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine all witnesses testifying against me. ..... 7. J.B.

8. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, I am incriminating myself. ..... 8. J.B.

9. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me. ..... 9. J.B.

CHARGES OF PRIOR CONVICTION(S) AND PROBATION VIOLATION(S)

10. *If applicable* – I understand that I have the right to a lawyer, the right to a trial by judge or jury, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence for all the charges against me, including any charged prior conviction(s). 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. ..... 10. J.B.

WAIVER OF RIGHTS

11. Understanding all this, for *all* the charges against me, including any prior conviction(s) or probation violation(s):

11a. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer.) ..... 11a. /

11b. I give up my right to a trial by a judge or by a jury. ..... 11b. J.B.

11c. I give up my right to confront and cross-examine witnesses. ..... 11c. J.B.

11d. I give up my right to remain silent and not incriminate myself. ..... 11d. J.B.

11e. I give up my right to produce evidence or witnesses on my own behalf. ..... 11e. J.B.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

12. **Penalty:** I understand that the *possible consequences* for the offense(s) charged are:

12a. as described in Exhibit A attached hereto. I also understand that the Department of Motor Vehicles may take additional administrative actions affecting my license. .... 12a. J.B.

12b. as follows: _____ 12b. J.B.

13. Federal Law provides for mandatory deportation for certain crimes. I understand that if I am not a citizen of the United States, I have the right to contact an immigration attorney, a diplomat or consular representative of my country. I also understand that a conviction of a crime may, and for certain crimes will, result in my deportation, denial of my re-entry to the United States and denial of my application for citizenship. 13. J.B. J.B.

14. *If applicable* – I understand that any plea entered in this case may be an admission of a violation of probation or parole which has been previously imposed on me in any other case. ..... 14.

15. *If applicable* – I understand that any plea of no contest will result in conviction and punishment, the same as a plea of guilty but cannot be used against me in a civil lawsuit. 15. J.B.

16. I understand that the Department of Motor Vehicles will suspend my license for an additional six months if my offense involved a controlled substance (drug). ..... 16. /

PLEAS

17. All promises made to me concerning this plea have been stated on the record or are as follows: 20 SWPD (cts & did residential + outpatient programs); 18 month DUI program; stay on 2nd DUI terms 17. J.B.

Other than as indicated, no further promises have been made to me. No one has threatened me, or anyone closely related to or associated with me, to make me plead guilty or no contest. .....

18. Having read and understood this form, I hereby freely and voluntarily plead [ ] guilty or [✓] no contest to CVC 23152(b) 18. J.B.
(list charges)

19. I understand that I have the right to wait from six hours to five days prior to being sentenced. I give up this right and agree to be sentenced at this time. ..... 19. J.B.

20. *If applicable* – I freely and voluntarily admit the prior conviction(s) listed on this form. I understand that this admission may increase the penalties which are imposed on me. ..... 20. J.B.

21. *If applicable* – I understand that I have the right to enter my plea before, and be sentenced by a judge. I give up this right and agree to enter my plea before, and be sentenced by _____, duly appointed Temporary Judge. 21. J.B.

22. I understand that I have the right to appeal this sentence, conviction and any rulings made by the Court in this case. I give up my right to appeal in exchange for accepting this negotiated disposition. 22. J.B.

23. I am not under the influence of any alcohol or drug at the time of signing this document. 23. J.B.

11/29/23
Date

Defendant's Signature

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addendum with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant's decision to waive constitutional rights.

DATE	SIGNATURE OF DEFENDANT'S ATTORNEY
11/29/23	➔

INTERPRETER'S STATEMENT (If Applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that he/she understood the contents of the form, and then he/she initialed and signed the form.

Language: ☐ Spanish ☐ Other (specify): _____

DATE	TYPE OR PRINT NAME	COURT INTERPRETER'S SIGNATURE
		➔

WAIVERS AND PLEA IN ABSENTIA (If Applicable)

1. I specifically waive my right to personally enter my plea, I waive my right to be personally present when sentence is imposed, I waive my right to delay sentencing not less than six hours nor more than five days after entry of the plea, and I waive my right to personally address the court in mitigation of my sentence which might be imposed.

2. ☑ (Check box if represented by Attorney)

I hereby authorize and direct my attorney named Jason Runckel to enter said plea of No Contest to the court for me in my absence. My attorney is further authorized and directed to waive time for sentencing, and to receive the sentence, including probation, in my absence.

Date: 11/29/23
(Notary, if appropriate)

Signature of Defendant

COURT'S FINDINGS AND ORDER

The court, having reviewed this form and any addendum, and having questioned the defendant concerning the defendant's constitutional rights, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea is freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant's plea and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

DATE:

➔ 12/5/23

☒ Judge of the Superior Court

☐ Temporary Judge of the Superior Court