

1 SUPERIOR COURT OF CALIFORNIA

2 COUNTY OF LAKE

3
4 THE PEOPLE OF THE STATE
OF CALIFORNIA,

5 Plaintiff,

6 vs.

7
8 Defendant.

)
)
) Case No.: _____

) *APPRENDI AND BLAKELY WAIVER*

) Superior Court Department ____

9
10 This waiver pertains to the following recent United States Supreme Court cases:

11 *Apprendi v. New Jersey*, (2000) 530 U.S. 466

12 *Blakely v. Washington*, 2004 U.S. Lexis 4573 (June 24, 2004)

13
14 The Lake County District Attorney’s Office will require the following waiver from a Defendant
15 in a criminal proceeding prior to acceptance of a negotiated felony plea agreement:

16 “I hereby waive my rights under *Apprendi* and *Blakely* to jury findings and allow the
17 court to consider aggravating and mitigating factors for sentencing. I further waive my
18 right under *Apprendi* and *Blakely* to jury findings as to counts dismissed with a *Harvey*
19 waiver and allow the court to consider dismissed counts for purposes of sentencing.”
20

21
22 Dated: _____

23
24 _____
Defendant

25
26 As counsel of record, I join this waiver re *Apprendi* and *Blakely*.

27
28 _____
Attorney for Defendant