

| | | |
|--|--|-------------|
| SUPERIOR COURT OF CALIFORNIA | <i>Reserved for Clerk's File Stamp</i> | |
| COUNTY: COUNTY OF YOLO | | |
| PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA | | |
| DEFENDANT: | | |
| DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (First Offense Only - Vehicle Code § 23152) | CASE NUMBER: | DEPARTMENT: |

INSTRUCTIONS

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, and **sign and date the form on page 4**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

RIGHT TO AN ATTORNEY

1. I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.
2. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.)

NATURE OF THE CHARGES (Complete all items you are charged with.)

I understand that I am charged with a violation of Vehicle Code section(s):

3. **23152(a)** - Driving under the influence of alcohol or drugs, or both.
4. **23152(b)** - Driving when my blood-alcohol level was .08 percent or higher.
5. **23152(d)** - Driving a commercial vehicle when my blood-alcohol level was .04 percent or higher.
6. **23103, 23103.5** - Reckless driving involving alcohol or drugs, or both.
7. **If applicable** - I understand that I am also charged with the following **other offense(s)**:

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

8. I understand the charge(s) against me, and the possible pleas and defenses.

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS

9. **RIGHT TO A JURY TRIAL** - I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt.
10. I give up my right to a jury trial.
11. **RIGHT TO CONFRONT WITNESSES** - I understand that I have the right to confront and cross-examine all witnesses testifying against me.
12. I give up my right to confront and cross-examine witnesses.

| INITIALS ↓ |
|------------|
| |
| 1. |
| 2. |
| |
| 3. |
| 4. |
| 5. |
| 6. |
| |
| 7. |
| 8. |
| |
| 9. |
| 10. |
| 11. |
| 12. |

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS (Continued)

| |
|-------------------|
| INITIALS ↓ |
| 13. |
| 14. |
| 15. |
| 16. |

13. **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.
14. I give up my right to remain silent and to not incriminate myself.
15. **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.
16. I give up my right to produce evidence and witnesses on my own behalf.

| SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (Section 23152) | | |
|--|--|--|
| Offense | Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term) | Minimum and Maximum Sentences without Probation |
| First offense within 10 years | The Court may order me to serve between 48 hours to 6 months in jail. It will impose a fine of \$390 to \$1,000 and order me to complete a 3-month alcohol/drug treatment program (or a 9-month program if my blood-alcohol content was .20 percent or more, or if I refused a chemical test upon my arrest). The DMV will also impose a 6-month driver's license suspension, or a 10-month suspension if a 9-month program is required. | 96 hours to 6 months in jail, and a \$390 to \$1,000 fine. The DMV will also impose a 6-month driver's license suspension. |
| Second offense within 10 years | A jail term of either: (a) 10 days to 1 year, or (b) 96-hours to 1 year, a \$390 to \$1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug treatment program. The DMV will also impose a 2-year driver's license suspension. | 90 days to 1 year in jail, and a \$390 to \$1,000 fine. The DMV will also impose a 2-year driver's license suspension. |

| SENTENCES FOR RECKLESS DRIVING (Sections 23103, 23103.5) | | | |
|---|--------------------------------------|---|---|
| Offense | Minimum and Maximum Sentences | | Other Consequences |
| Reckless driving reduced from driving under the influence (DUI) | If probation is granted: | A maximum of 90 days in jail, or \$1,000 fine, or both, plus attendance at treatment program. | If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 10 years. |
| | If probation is not granted: | 5 days to 90 days in jail, or \$145 to \$1,000 fine, or both. | |

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

| |
|-------------------|
| INITIALS ↓ |
| 17. |
| 18. |
| 19. |
| 20. |
| 21. |

17. I have read and understood the above charts which list the minimum and maximum penalties for the offense(s) I am charged with. (See item No. 32 for the offenses not listed in the charts.) . . .
18. I understand that in addition to the fine, **the Court will add assessments which will significantly increase the amount I must pay.** I will also be ordered to make restitution and to pay a restitution fine of \$140 to \$1,000. .
19. **If applicable** - I understand that if I was **under the age of 21** at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the Court. If I do not have a valid driver's license, the Court will order the Department of Motor Vehicles (DMV) to delay issuing a license to me for 1 year after I become eligible to drive.
20. 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 my driving, someone is killed, I can be charged with murder.
21. I understand that the Court may order my vehicle impounded at my expense for up to 30 days. It may also require me to install an ignition interlock device (IID) for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid license.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

INITIALS ↓

- 22. I understand that if the Court determines that I would present a traffic safety or public safety risk if I am authorized to drive during the license suspension period, I will be unable to obtain a restricted driver's license from the DMV, which would allow me to drive to and from work, and to and from the alcohol/drug treatment program.
- 23. I understand that the DMV may suspend my driver's license under a civil procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the Court's sentence and that I must obey it.
- 24. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a first DUI violation, or willfully refused to submit to or complete a chemical test to determine my blood-alcohol level, which occurred in **any** vehicle.
- 25. I understand that the DMV will revoke my driver's license for a period of 4 years if I have a prior **felony** conviction in the past 10 years of Vehicle Code § 23152 or 23153, or Penal Code § 191.5, 192(c)(1) or 192(c)(3).
- 26. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me to have my driving privilege reinstated, **even if I am not ordered to attend such a program by the Court.** I also understand that I must surrender my license to the Court.
- 27. I understand that the DMV will not restore my driving privilege following a driver's license suspension unless I provide the DMV with **proof of insurance** for 3 years.
- 28. I understand that the DMV may consider any of my other convictions for DUI or reckless driving, **even those that are not charged in this proceeding,** and may impose a more severe driver's license suspension, or revocation as a result.
- 29. I understand that if I am not a citizen, a plea of guilty or no contest could result in my deportation, exclusion from admission to this country, or denial of naturalization.
- 30. I understand that a plea of no contest (*nolo contendere*) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit.
- 31. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case.

22.

23.

24.

25.

26.

27.

28.

29.

30.

31.

PENALTIES FOR OTHER CHARGES

32. **If applicable** - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on page 2, include the following:

• _____
SECTION NUMBER JAIL - MIN. MAX. FINE - MIN. MAX.

OTHER CONSEQUENCES : _____

• _____
SECTION NUMBER JAIL - MIN. MAX. FINE - MIN. MAX.

OTHER CONSEQUENCES : _____

• _____
SECTION NUMBER JAIL - MIN. MAX. FINE - MIN. MAX.

OTHER CONSEQUENCES : _____

32.

PLEA(S)

33. I hereby freely and voluntarily plead _____ to:
GUILTY OR NO CONTEST

| INITIALS ↓ |
|------------|
| 33. |
| 34. |
| 35. |

LIST CHARGE(S)

34. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced. I give up this right and agree to be sentenced at this time.

35. **If applicable** - I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

TEMPORARY JUDGE'S NAME

**** DEFENDANT'S SIGNATURE: _____ DATE: _____**

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda 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 also 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 his or her constitutional rights.

SIGNATURE OF DEFENDANT'S ATTORNEY _____
DATE

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 (s)he understood the contents of the form, and then (s)he initialed and signed the form. Language: Spanish Other (specify): _____

COURT INTERPRETER'S SIGNATURE _____
TYPE OR PRINT NAME _____
DATE

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, 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.

 Judge of the Superior Court _____
DATE
 Temporary Judge of the Superior Court