

**OFFENSES OCCURRING ON OR AFTER 9/20/05**

SUPERIOR COURT OF CALIFORNIA COUNTY OF YUBA 215 5TH STREET, SUITE 200 MARYSVILLE, CA 95901 (530) 740-1800	
THE PEOPLE OF THE STATE OF CALIFORNIA  vs.  DEFENDANT:	
<b>MISDEMEANOR ENTRY OF PLEA – VC § 23152(a) § 23152(b)                  or § 23152(e)</b>	CASE NUMBER:

I, **THE ABOVE-NAMED DEFENDANT**, hereby offer to:

\_\_\_\_\_ Enter a plea of  **GUILTY**  **NOLO CONTENDERE** to the violation of VC § 23152(a) § 23152(b) or § 23152 (e) as set forth in the Complaint.  
 \_\_\_\_\_ I knowingly, voluntarily and expressly waive my one and only opportunity to challenge or contest the below listed prior conviction(s).  
 \_\_\_\_\_ I acknowledge that some of the grounds for contesting the prior(s) are that I did not waive my Constitutional Rights listed as 1 through 5 below.

Arrest Date	Conviction Date	County

**I understand that by initialing each of the following Rights, I am expressly waiving each and every Right in relation to the present charge(s) against me, as well as the alleged and admitted prior conviction(s):**

- \_\_\_\_\_ 1. The Right to be represented by an attorney; if I am unable to hire my own attorney, the Court will appoint an attorney to represent me.
- \_\_\_\_\_ 2. The Right to a speedy and public court or jury trial.
- \_\_\_\_\_ 3. The Right to confront adverse witnesses, that is, to see, hear and question all witnesses against me.
- \_\_\_\_\_ 4. The Right to subpoena witnesses to testify on my behalf at no cost to me.
- \_\_\_\_\_ 5. The Right to remain silent, that is, not to be compelled to plead guilty/no contest or testify against myself.

**I UNDERSTAND THAT THE CONSEQUENCES OF MY PLEA ARE:**

- \_\_\_\_\_ 1. For a first conviction, the maximum penalties are 6 months in county jail and/or a fine of \$3,800 (including penalty assessments and fees). If I am not granted probation, I must serve at least 96 hours in county jail, 48 of which must be continuous. If probation is granted, the Court may order me to serve between 48 hours and 6 months in county jail. The minimum fine for my plea is \$1,560 (including penalty assessments and fees). I must also complete a First Offender alcohol/drug program and DMV will suspend my license for 6 months.
- \_\_\_\_\_ 2. For a second conviction of VC § 23152(a) (b) or (e), the maximum penalties are 1 year in county jail and/or a fine of \$4,000 (including penalty assessments and fees), and a license suspension for 2 years. The minimum penalties are a mandatory minimum of 10 days in county jail, a fine of \$2,900 (including penalty assessments and fees), and a mandatory admin per se license suspension for 2 years. Probation may be granted for up to 5 years. DMV requires an 18-month alcohol rehabilitation program (SB 38), with no credit for any enrollment or participation prior to the time of the current violation, as a prerequisite to having my license reinstated.
- \_\_\_\_\_ 3. For a third conviction of VC § 23152(a) (b) or (e), the maximum penalties are 1 year in county jail and/or a fine of \$3,800 (including penalty assessments and fees). The minimum penalties are a mandatory minimum of 120 days in county jail, a fine of \$3,080 (including penalty assessments and fees), and a mandatory 3-year driver's license suspension. The Court will also designate me as a habitual traffic offender for a period of 3 years (VC § 23546), and I may be required to immediately surrender my license to the Court. The Court may also declare the vehicle I was operating a nuisance and order it forfeited (VC § 23596) if I am the registered owner. Probation may be granted for up to 5 years. DMV requires an 18-month alcohol rehabilitation program (SB 38), with no credit for any enrollment or participation prior to the time of the current violation, as a prerequisite to having my license reinstated.
- \_\_\_\_\_ 4. For a fourth conviction of VC § 23152(a) (b) or (e) treated as a misdemeanor, the maximum penalties are 1 year in county jail and/or a fine of \$3,800 (including penalty assessments and fees). The minimum penalties are a minimum of 180 days in county jail, a fine of \$3,080 (including penalty assessments and fees), and a mandatory 4-year license revocation. Further, the Court will designate me as a habitual traffic offender for a period of 3 years (VC § 23546). The Court may declare the vehicle a nuisance and order it forfeited (VC § 23596) if I am the registered owner. DMV must certify my eligibility prior to license reinstatement.
- \_\_\_\_\_ 5. For a fourth conviction of VC § 23152(a) (b) or (e) treated as a **felony**, the maximum penalties are up to 3 years in state prison or a fine of \$38,000 (including penalty assessments and fees), or both, and a mandatory 4-year driver's license revocation. The minimum penalties are up to 1 year in county jail, a fine of \$3,800 (including penalty assessments and fees), and a mandatory 4-year driver's license revocation, plus a restitution fine of between \$200 and \$10,000. Further, the Court will designate me as a habitual traffic offender for a period of 3 years (VC § 23546). The Court may also declare the vehicle I was operating a nuisance and order it forfeited (VC § 23596) if I am the registered owner. DMV must certify my eligibility prior to license reinstatement. In compliance with PC § 296, I must provide blood and saliva samples and palm prints for the state DNA data bank. If I serve state prison time, it will constitute a 1-year prison prior pursuant to PC § 667.5, if alleged and proved.

- \_\_\_\_\_ 6. This conviction for VC § 23152(a) (b) or (e) may be used to increase the sanctions for any future alcohol or drug related misdemeanor or felony conviction for the next 10 years.
- \_\_\_\_\_ 7. I may be ordered to install, at my own cost, an Ignition Interlock Device in any vehicle that I own or operate (VC § 23575).
- \_\_\_\_\_ 8. 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 drivers license from DMV, which would allow me to drive to and from work and to and from the alcohol/drug treatment program.
- \_\_\_\_\_ 9. I understand that DMV will prohibit me from operating a commercial vehicle for 1 year if I am convicted of a first DUI violation, or if I willfully refused to submit to or complete a chemical test to determine my blood-alcohol level, which occurred in **any** vehicle.
- \_\_\_\_\_ 10. I understand that DMV will prohibit me from operating a commercial vehicle for a lifetime (55 years) if I am convicted of a second or subsequent DUI violation, or if I willfully refused to submit to or complete a chemical test to determine my blood-alcohol level, which occurred in **any** vehicle.
- \_\_\_\_\_ 11. I understand that DMV will revoke my drivers license for a period of 4 years if I have a prior felony conviction in the past 10 years of VC § 23152 or 23153 or PC § 191.5, 192(c)(1) or 192(c)(3).
- \_\_\_\_\_ 12. 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.
- \_\_\_\_\_ 13. I understand that DMV will not restore my driving privilege following a drivers license suspension unless I provide DMV with proof of insurance for 3 years.
- \_\_\_\_\_ 14. The vehicle I was operating at the time of the violation may be impounded at my expense for not more than 30 days.
- \_\_\_\_\_ 15. If I am not a citizen, a plea of GUILTY or NOLO CONTENDERE could result in my deportation or exclusion from admission to this Country or denial of naturalization or amnesty.
- \_\_\_\_\_ 16. If I was under the age of 21 at the time of my arrest, my drivers license will be suspended for one year and I must surrender my license to the Court. If I do not have a valid drivers license, the Court will order the DMV to delay issuing me a license for one year after I become eligible to drive (VC § 13202.5).
- \_\_\_\_\_ 17. I understand that I may be ordered to make restitution to the victim, if the offense involved a victim, or to the state restitution fund in an amount between \$100 and \$10,000 depending upon the offense (PC § 1202.4), and that I may also be ordered to pay the expense incurred by any agencies that responded to this incident. I must also pay a mandatory \$30 court security fee, \$30 ICNFA assessment (SB 1407) and a \$4 EMS Fees, per Government Code §76000.10(c).
- \_\_\_\_\_ 18. There have been no other representations or promises made to me other than what is stated on this form. If the Court accepts this offered plea/plea bargain, no penalty more severe than that set forth in this *Entry of Plea* will be imposed. I further understand that the Court may refuse to accept the offered plea/plea bargain and that if the Court so refuses, a NOT GUILTY plea will be reinstated and the offered plea/plea bargain shall not be used as an admission against me during the trial of this case.

\_\_\_\_\_ **I ACKNOWLEDGE 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. I FURTHER ACKNOWLEDGE THAT 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.**

**I, THE DEFENDANT NAMED ABOVE, EXPRESSLY REPRESENT I HAVE READ AND I UNDERSTAND ALL OF THE FOREGOING AND FREELY, VOLUNTARILY AND EXPRESSLY WAIVE ALL THE INITIALED RIGHTS AND UNDERSTAND FULLY THE CONSEQUENCES OF MY PLEA.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant's Signature

I, the undersigned counsel for Defendant, expressly represent that I have discussed all of the Constitutional Rights, possible defenses and consequences connected with the entry of plea with the Defendant, and concur in the waiver of all enumerated rights and join in the plea with the Defendant, believing it in the Defendant's best interest to do so.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defense Counsel's Signature

The District Attorney of the County of Yuba JOINS/OPPOSES the proposed plea set forth in this Entry of Plea Form.

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy District Attorney's Signature

**Interpreter's Statement (if applicable)**

I, \_\_\_\_\_, having been duly sworn, truly translated this form to the Defendant in the \_\_\_\_\_ language. The Defendant initialed that he/she understood the contents of the form and he/she then initialed and signed the form in my presence.

Date: \_\_\_\_\_

\_\_\_\_\_  
Interpreter's Signature

**FINDINGS AND ORDER**

This document having been completed and presented to the Court; the Court being satisfied that the plea and waivers expressly, intelligently and voluntarily made; and the Court finding that there is factual basis for said plea, the Court accepts such plea and enters it on the record.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court