

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER
ADVISEMENT AND WAIVER OF RIGHTS (MISDEMEANOR)

People vs. [full name] _____ Date of birth: _____ Case number: _____

Charge(s):
Priors:

You have the following trial rights in connection with the charges, which are now pending against you. You will be giving up all of the following rights if you enter a plea of guilty or no contest.	I understand this right	I give up this right
Attorney: You have the right to an attorney. If you cannot afford to hire your own attorney, the court will appoint one to represent you.	initial	initial
Jury Trial: You have the right to a jury trial on the charges which are pending against you.		
Confrontation: You have the right to confront the witnesses against you in trial: to see, hear and question all witnesses yourself or through your attorney.		
Subpoena: You have the right to subpoena witnesses for your defense.		
Testimony: You have the right to testify in your own defense.		
Self-incrimination: You have the right to remain silent and you cannot be forced to testify if you do not want to do so.		
I understand that if I am charged and convicted of a similar offense in the future that the plea of guilty or no contest I enter now may be used to increase my punishment, the consequences of which have been explained to me. See back of this page.		

ALCOHOL RELATED MISDEMEANOR OFFENSES ONLY

I understand that if I am convicted of violation of Vehicle Code §23152 and the offense occurred in a vehicle, which requires a class 1 or class 2 driver's license, my license will be suspended for six months upon a first conviction, or for one year upon a second conviction within ten years, even if probation is granted.		
I understand that if my blood alcohol content was .20 percent or above, or if I refused to submit to a chemical test, the court shall consider this in determining whether to enhance the penalties imposed on me, whether to grant probation or whether to impose additional terms and conditions of probation.		
I understand that if I am convicted of violation of Vehicle Code §23152, the court shall impound my car at my expense for up to 90 days, unless it determines that it is in the interest of justice not to do so.		
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.		
§23593 Advisement: You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your 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 you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.		
§23103 under 23103.5 – Reckless Driving Involving Alcohol or Drugs I understand that this means that if, in the next ten years, I am arrested for driving under the influence or driving when my blood alcohol level was .08 percent or higher and I am convicted of that charge, I will be sentenced under the increased penalties the law provides for subsequent convictions. If applicable: I freely and voluntarily admit the other conviction(s) listed on this form. I understand that this admission will increase the penalties imposed on me.		

Attorney's statement: I have explained the contents of this form to my client. I have had sufficient time to discuss this case with my client, including the elements of the crime, and I have advised him/her of his/her rights, defenses and the consequences of his/her plea. I join in the waiver of the rights made by my client, including the right to a jury trial.	Defendant's statement: I have read the front and back of this form. If represented by an attorney, I have had enough time to speak with my attorney; I have told my attorney everything I know about this case; my attorney has explained to me my rights, my defenses and the possible consequences of my plea, including the consequences explained on the second page of this form. I am entering this plea freely and voluntarily. I hereby enter a plea of <input type="checkbox"/> guilty <input type="checkbox"/> nolo contendere to the charges listed above.
Dated: _____ Signed: _____	Dated: _____ Signed: _____

The Court finds the defendant understands his/her constitutional rights, the nature of the crime(s) which he/she is admitting, the consequences of the plea, that plea and waiver of rights have been knowingly and voluntarily made and that there is a factual basis for the plea.	
Dated: _____	Signed: _____

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (VEHICLE CODE §23152 OR 23102)

OFFENSE	MINIMUM AND MAXIMUM SENTENCES WHEN PROBATION IS GRANTED (3 TO 5 YEARS)	MINIMUM AND MAXIMUM SENTENCES WITHOUT PROBATION	REFUSING OR NOT COMPLETING BLOOD, BREATH OR URINE TEST
FIRST OFFENSE	Two options, both requiring attendance at an alcohol program, a fine of \$916.50 to \$2,350.00, up to 6 months in jail, plus a minimum of either: A. 48 hours to 6 months in jail; <u>OR</u> B. a 90 day license restriction allowing driving for work and to/from alcohol program only	96 hours to 6 months in jail, \$916.50 to \$2,350.00 fine and a 6 month license suspension.	6 month license suspension and additional 48 hours in jail.
SECOND OFFENSE WITHIN 10 YEARS	Two options, both carrying a fine of \$916.50 to \$2,350.00, plus either A. 10 days to 1 year in jail and an 18 month license suspension; <u>OR</u> B. 48 hours to 1 year in jail, a 1 year alcohol program, and a 1 year license restriction allowing driving for work and to/from alcohol program only.	90 days to 1 year in jail, \$916.50 to \$2,350.00 fine and an 18 month license suspension.	2 years license revocation and additional 96 hours in jail.
THIRD OFFENSE WITHIN 10 YEARS VC§23170/23171	120 days to 1 year in jail, \$916.50 to \$2,350.00 fine, 3 year license revocation and a 1 year alcohol program *, if you have not completed one before. *SB-38	120 days to 1 year in jail, \$916.50 - \$2,350.00 fine and a 3 year license revocation. Designated as a habitual traffic offender for 3 years. VC §14601.3	3 years license revocation and additional 10 days in jail.
FOURTH OR SUBSEQUENT OFFENSE WITHIN 10 YEARS VC §23175/23176	180 days to 1 year in jail, \$916.50 to \$2,350.00 fine, 4 years license revocation and a 1 year alcohol program *, if you have not completed one before. *SB-38	Felony: 16 months, 2 years or 3 years in state prison Misdemeanor: 180 days to 1 year in jail. \$916.50 to \$2,350.00 fine and a 4 year license revocation. Designated as a habitual traffic offender for 3 years. VC§14601.3	Additional 18 days in jail

SENTENCES FOR RECKLESS DRIVING (VEHICLE CODE §23103 UNDER 23103.5)

OFFENSE	MINIMUM AND MAXIMUM SENTENCES WHEN PROBATION IS GRANTED (3 TO 5 YEARS)	MINIMUM AND MAXIMUM SENTENCES WITHOUT PROBATION
RECKLESS DRIVING	A fine of \$347.50 to \$2,350.00 or up to 90 days in jail, or both.	A fine of \$347.50 to \$2,350.00, 5 days to 90 days in jail, or both.
RECKLESS DRIVING WHEN REDUCED FROM DRIVING UNDER THE INFLUENCE	Same as above except that the conviction counts as driving under the influence 'prior' for seven years after the violation date.	Same as above except that the conviction counts as driving under the influence 'prior' for seven years after the violation date.

SENTENCES FOR DRIVING WITH A SUSPENDED, REVOKED OR RESTRICTED LICENSE (VEHICLE CODE §14601, 14601.1 or 14601.2)

OFFENSE	FIRST OFFENSE: NO PRIOR CONVICTIONS IN PAST FIVE YEARS OF §14601, 14601.1 or 14601.2		SECOND OR SUBSEQUENT OFFENSE: PRIOR CONVICTION(S) IN PAST 5 YEARS OF §14601, 14601.1 or 14601.2	
	WITH PROBATION	WITHOUT PROBATION	WITH PROBATION	WITHOUT PROBATION
SECTION 14601 suspended/revoked license -negligent operator	A fine of up to \$2,350.00 and up to 6 months in jail.	A fine of \$705.00 to \$2,350.00 and 5 days to 6 months in jail.	A fine of \$1,175.00 to \$4,700.00 and 10 days to 1 year in jail.	A fine of \$1,175.00 to \$4,700.00 and 10 days to 1 year in jail.
SECTION 14601.1 suspended/revoked license -other	A fine of up to \$2,350.00 and up to 6 months in jail.	A fine of \$705.00 to \$2,350.00 and up to 6 months in jail.	A fine of up to \$4,700.00 and up to 1 year in jail.	A fine of \$1,175.00 to \$4,700.00 and 5 days to 1 year in jail.
SECTION 14601.2 suspended/revoked license-violation of license restriction on alcohol related offense	A fine of up to \$2,350.00 and 10 days to 6 months in jail.	A fine of \$705.00 to \$2,350.00 and 10 days to 6 months in jail.	A fine of up to \$4,700.00 and 30 days to 1 year in jail.	A fine of \$1,175.00 to \$4,700.00 and 30 days to 1 year in jail.
SECTION 14601.3 suspended/revoked license -habitual traffic offender	A fine of up to \$2,350.00 and up to 30 days in jail.	A fine of up to \$2,350.00 and up to 30 days in jail.	A fine of up to \$4,700.00 and up to 180 days in jail.	A fine of up to \$4,700.00 and up to 180 days in jail.

INTERPRETER'S STATEMENT (if applicable)

I, _____ have been duly sworn or is certified and has an oath on file, truly translated this form to the defendant in the _____ language. The defendant indicated that he/she understood the contents of the form and he/she then completed the form.

Dated: _____

Signed: _____
Interpreter