

SACRAMENTO SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

WAIVER AND PLEA TO DRIVING UNDER THE INFLUENCE WITH INJURY

No Prior Conviction (23554 Veh. Code) / One Prior Conviction (23560 Veh. Code)

CASE NO. _____

I, _____, understand that on (Date) _____ I am charged with driving a vehicle while under the influence of an alcoholic beverage or drugs or both (23153(a) Veh. Code), and/or while having 0.08 percent or more, by weight, of alcohol in my blood (23153(b) Veh. Code) and when so driving, did any act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, which act or neglect proximately caused bodily injury to another person.

I understand that I am also charged with having a conviction for a separate violation of an offense specified in 23560 of the Vehicle Code with an offense date of _____.

I understand the penalties are:

FIRST CONVICTION OF 23153(a) AND/OR 23153(b) Veh.Code: (23554 Veh. Code)

- A. **Maximum:** Fine of \$1,000.00, plus penalty assessments of \$2,000.00, plus surcharge of \$200.00, plus DNA fee of \$100.00, plus \$20.00 fee, plus restitution to victim(s) if any or restitution fund assessment of \$1,000.00, 1 year in jail, suspension of driving privilege for 1 year, and vehicle impoundment at defendant-owner's expense for 30 days (unless defendant was driving another's vehicle or is exempted pursuant to Veh. Code 23594).
- B. **Minimum Without Probation:** Fine of \$390.00, plus penalty assessments of \$780.00, plus surcharge of \$78.00, plus DNA fee of \$39.00, plus \$20.00 fee, plus restitution to victim(s) if any or restitution fund assessment of \$100.00, 90 days in jail, and suspension of driving privilege for 1 year.
- C. **Minimum With 3 to 5 Years Probation:** Fine of \$390.00, plus penalty assessments of \$780.00, plus surcharge of \$78.00, plus DNA fee of \$39.00, plus \$20.00 fee, plus restitution to victim(s) if any or restitution fund assessment of \$100.00 plus an additional \$100.00 suspended pending violation of probation, 5 days in jail, an alcohol program of at least 3 months, and suspension of driving privilege for 1 year.
- D. **Assessment Program:** I understand that I may be ordered to attend an alcohol and drug problem assessment program, and that I will be required to do so if I have been required to attend a licensed program pursuant to court order and failed at least once to comply with the rules and policies of the licensed program other than a rule related to the payment of fees (23646(b) Veh. Code).
- E. **Ignition Interlock Device:** I understand that I may be prohibited from operating any vehicle that I own or operate unless it is equipped with a certified ignition interlock device, which will prevent the vehicle from starting if I have alcohol in my body, for a period of one to three years. I also understand that this will be imposed if I am convicted hereafter of driving while my license is suspended or in violation of license restrictions (14601.2 Veh. Code).
- F. **Refusal:** If I refused a chemical test (23577 Veh. Code) 48 continuous hours in jail will be added to the jail term imposed.

ONE PRIOR CONVICTION OF AN OFFENSE SPECIFIED IN SECTION 23560 OF THE VEH. CODE WITHIN THE LAST TEN YEARS

- A. **Maximum:** Fine of \$5,000.00, plus penalty assessments of \$10,000.00, plus surcharge of \$1,000.00, plus DNA fee of \$500.00, plus \$20.00 fee, plus restitution to victim(s) if any or restitution fund assessment of \$1,000.00, 1 year in jail, revocation of driving privilege for 3 years, and vehicle impoundment at defendant-owner's expense for 30 days (unless defendant was driving another's vehicle or is exempted pursuant to Veh. Code 23594).
- B. **Minimum Without Probation:** Fine of \$390.00, plus penalty assessments of \$780.00, plus surcharge of \$78.00, plus DNA fee of \$39.00, plus \$20.00 fee, plus restitution to victim(s) if any or restitution fund assessment of \$100.00, 120 days in jail, revocation of driving privilege for 3 years and vehicle impoundment at defendant-owner's expense for 30 days (unless defendant was driving another's vehicle or is exempted pursuant to Veh. Code 23594).
- C. **Minimum With 3 to 5 Years Probation:** Fine of \$390.00, plus penalty assessments of \$780.00, plus surcharge of \$78.00, plus DNA fee of \$39.00, plus \$20.00 fee, plus restitution to victim(s) if any or restitution fund assessment of \$100.00 plus an additional \$100.00 suspended pending violation of probation, and either 120 days in jail and license revocation for 3 years or 30 days in jail, participation for at least 18 months in an alcohol treatment program, suspension of license for 1 year and restricted license for an additional 2 years upon proof of financial responsibility, and vehicle impoundment at defendant-owner's expense for 1 to 30 days (unless defendant was driving another's vehicle or is exempted pursuant to Veh. Code 23594).
- D. **Assessment Program:** I understand that I may be ordered to attend an alcohol and drug problem assessment program, and that I will be required to do so if I have been required to attend a licensed program pursuant to court order and failed at least once to comply with the rules and policies of the licensed program other than a rule related to the payment of fees (23646(b) Veh. Code).
- E. **Ignition Interlock Device:** I understand that I may be prohibited from operating any vehicle that I own or operate unless it is equipped with a certified ignition interlock device, which will prevent the vehicle from starting if I have alcohol in my body, for a period of one to three years. I also understand that this will be imposed if I am convicted hereafter of driving while my license is suspended or in violation of license restrictions (14601.2 Veh. Code).
- F. **Refusal:** If I refused a chemical test (23577 Veh. Code) 96 hours in jail will be added to the jail term imposed.

I understand that if I am not a citizen of the United States, a plea of guilty or no contest could result in my being deported from the United States, excluded from admission to the United States, or denied naturalization as a United States Citizen.

I understand that if I am currently on probation or parole for any other criminal offense, that such probation could be revoked as a result of my plea today

I understand that in order to become eligible for a California driver's license, I must give satisfactory proof to the Department of Motor Vehicles of successful completion of an 18 month alcohol rehabilitation program

I understand that any driver's license suspension or revocation from DMV administrative proceedings is independent of our court imposed penalties.

READ AND COMPLETE REVERSE

By personally writing YES in the boxes below, I indicate that I understand the following rights and facts, and I expressly give up and waive each right knowingly, intelligently and voluntarily as each applies to this charge and the separate conviction alleged.

DEFENDANT TO PERSONALLY WRITE YES OR NO IN EACH BOX:

	I understand this right	I give up this right
1. Right to a speedy and public jury trial.....	<input type="checkbox"/>	<input type="checkbox"/>
2. Right to confront and cross examine all witnesses against me	<input type="checkbox"/>	<input type="checkbox"/>
3. Right to remain silent and not incriminate myself	<input type="checkbox"/>	<input type="checkbox"/>
4. Right to subpoena and produce evidence	<input type="checkbox"/>	<input type="checkbox"/>
5. Right to be sentenced by a judge: I understand that by giving up this right I stipulate that I may be sentenced by a temporary judge.....	<input type="checkbox"/>	<input type="checkbox"/>
6. Right to be represented by an attorney at all stages of the proceedings and to have the court appoint one at no charge if I cannot afford my own	<input type="checkbox"/>	<input type="checkbox"/>
7. Right to delay sentencing not less than 6 hours nor more than 5 days after the entry of this plea	<input type="checkbox"/>	<input type="checkbox"/>

DEFENDANT TO PERSONALLY WRITE YES IN ONE OF TWO BOXES:

REPRESENTED BY SELF: I give up my right to an attorney.

REPRESENTED BY AN ATTORNEY: I have discussed my case with my attorney. We discussed the rights I am giving up by my plea, the elements of the offense(s) charged, the possible defenses and consequences to my plea.

I have read this document or have had it read for me, and I understand it. I have personally and voluntarily placed the answers in the boxes.

I enter a plea of _____ (GUILTY OR NO CONTEST) to the charge(s) of violation of the Vehicle Code Section(s) _____

and I admit the separate conviction as alleged.

Signed: _____ Dated: _____

Vehicle Code Section 23593(a) states: "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."

ATTORNEY'S STATEMENT

I certify that I am the attorney on record for the defendant; that I have fully discussed the matters herein with the defendant and advised the defendant thereon; that the representations of the defendant are the defendant's own; that I believe that the plea and waivers are intelligently and expressly made; that I join the plea and waivers; that I stipulate there is a factual basis for the plea and that the time is waived for judgment and sentencing.

Absentia form attached.

Signed: _____ Dated: _____

INTERPRETER'S STATEMENT

I, _____, a certified/registered interpreter, having been sworn, truly translated this form and all the questions therein to the defendant in the _____ language. With the exception of the defendant's signature, I have completed this form at the defendant's direction. The defendant indicated understanding the contents of the form, and then signed the form.

Signed: _____ Dated: _____