

SACRAMENTO SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

WAIVER AND PLEA TO DRIVING UNDER THE INFLUENCE

(23152 Veh. Code)

NO PRIORS

CASE NO. _____

I, _____, understand that I am charged with driving a vehicle on (Date) _____ while under the influence of an alcoholic beverage or drugs or both (23152(a) Veh. Code), and/or while having 0.08 percent or more, by weight, of alcohol in my blood (23152(b) Veh. Code).

I understand that a conviction resulting from a plea of guilty or no contest in this matter shall be a prior offense for the purpose of subsequent sentencing as specified in Sections 23540, 23546, 23550, 23566 or 23622 of the Vehicle Code if I am convicted of a subsequent offense under Sections 23152 or 23153 of the Vehicle Code which occurs within ten years of this offense. In such a case, this conviction shall not be stricken by the court to avoid imposing the minimum penalties provided in the Vehicle Code for a violation of Sections 23152 or 23153 with prior convictions.

I understand the penalties are:

- 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, 6 months in jail, DMV suspension of driving privilege for 6 months, 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), installation of an Ignition Interlock Device for up to 3 years, and possible court disallowment of the DMV's ability to issue a restricted license.
- 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, 96 hours in jail, at least 48 hours of which shall be continuous, and suspension of driving privilege for 6 months.
- 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, completion of a driving-under-the-influence program of at least 3 months, or at least 6 months (9 months for offenses on or after 01/01/06) if blood alcohol level was .20 or higher, and suspension by the DMV of driving privileges and surrender of license to the court.
- D. **Minimum With 3 to 5 Years Probation, If Refused Chemical Test:** Fine of \$390.00 plus penalty assessment 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, plus alcohol education program of at least 6 months (9 months for offenses on or after 01/01/06), and 48 hours in jail.
- E. I understand that I may be ordered to attend an alcohol and drug problem assessment program (23646(b) Veh. Code).
- F. **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).
- G. **Commercial Vehicle:** I understand that the DMV will prohibit me from operating a commercial vehicle for one year if I am convicted of either of the following that occurred in any vehicle: 1) a first DUI offense or, 2) willful refusal to submit to or complete a chemical test to determine my blood alcohol level. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of either of the following that occurred in any vehicle: 1) a second or subsequent DUI offense or, 2) willful refusal to submit to or complete a chemical test.

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 my driver's license suspension or revocation from DMV administrative proceedings is independent of court imposed penalties and that my driving privilege will not be restored until I provide satisfactory proof to the DMV that I successfully completed the required driving-under-the-influence program.

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

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: _____