

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER
MISDEMEANOR ENTRY OF PLEA

People of the State of California,
Plaintiff
-vs-

Case No. _____

Defendant.

Misdemeanor Entry of Plea

Comes now the Defendant above-named represented by _____ and offers to:

[X] Enter plea(s) of guilty/no contest to the charge(s) Defendant violated the following Code Section(s) _____
Vehicle Code §23152() + _____ prior(s) _____.

[X] as set forth in the complaint or information

[X] admitting the truth of the alleged prior conviction(s) as set forth in the complaint or information

[X] on the following terms and conditions

A. [] The Court dismisses, on the motion of the District Attorney, the following charge(s): _____

B. [X] That the Court impose only the following judgment:

_____ 60 months summary probation	_____ search terms for narcotics and paraphernalia
\$2397 fine + \$_____ conviction assessment(s)	alcohol/weapons/firearms/stolen property
_____ 10 days in county jail	XX DUI school/ SB-38 /batterer's treatment class
\$ 150 restitution fine + collection fee	anger management/teen alcohol program
XX chemical test narcotics/alcohol	XX \$70 addl per count on misdemeanor conviction
	\$75 addl per count on infraction conviction

other: [] Must install ignition interlock device on any vehicle owned or operated by the defendant for 3 years.

In making this offer the Defendant represents her/she understands each of the following rights initialed and expressly waives each and every right in relation to the present charge(s) as well as the prior conviction(s) alleged and admitted:

- ___ [] 1. The right to be represented by an attorney or, if indigent, by the Public Defender;
- ___ [X] 2. The right to a speedy and public trial;
- ___ [X] 3. The right to a trial by jury or court;
- ___ [X] 4. The right to be confronted by adverse witnesses (to see, hear and question all witnesses against me);
- ___ [X] 5. The right to subpoena witnesses to testify on my behalf, and to present evidence in my own defense;
- ___ [X] 6. The right to remain silent, that is, not to be compelled to plead guilty or testify against myself.

I understand the consequences of my plea are:

- ___ [X] 1. The maximum sentence is \$7,600 and/or 1 year in the county jail;
- ___ [X] 2. Must serve not less than _____ hours/days in the county jail, and pay of fine of not less than \$2397.
- ___ [X] 3. There have been no other representations or promises made to me other than what is stated on this entry plea form.
- ___ [] 4. Suspended license:
 - ___ [] For a second or subsequent conviction for Vehicle Code §14601.2 within 5 years, a mandatory minimum of not less than 30 days in the county jail;
 - ___ [] For a second or subsequent conviction for Vehicle Code §14601.1 (or second or subsequent conviction with previous VC §14601, §14601.2 or §14601.5) within 5 years, a mandatory minimum of not less than 5 days in the county jail; 10 days for §14601(a) or §14601.5 with prior.
- ___ [X] 5. A conviction may be used to violate your probation or parole, and you may be sentenced to maximum term.
- ___ [] 6. 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.
- ___ [] 7. I understand that the DMV will prevent me from operating a commercial vehicle for one year if I was operating a commercial vehicle at the time of the offense. The DMV will also 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) .
- ___ [] 8. A plea of no contest carries the same possible penalties, from the court and/or the Department of Motor Vehicles as a guilty plea.
- ___ [X] 9. I understand that I have the right not to be sentenced earlier than six hours, nor later than 5 days after my plea. I give up the right and agree to be sentenced at this time.

___[X]10. **Subsequent DUI Convictions within 10 Years:**

___[X] For second conviction of Vehicle Code §23152 (a) or (b) there is a minimum fine, noted above, and a mandatory minimum of 90 days in the county jail. If probation is granted, probation terms shall include the following: 10 day minimum in jail (with at least 48 hours served consecutively), a minimum fine, noted above, and a two-year license suspension. Offender must complete a 18 month or 30-month alcohol program rehabilitation program. Failure to enroll or participate in the program is a mandatory minimum of 30 days in the county jail and 18-months license suspension. Termination from the program requires a jail sentence of at least 90 days.

___[X] For a third conviction of Vehicle Code §23152 (a) or (b) there is a minimum fine, noted above, a three year license suspension, and a mandatory minimum 120 days in the county jail. For a fourth or subsequent conviction, there is a minimum fine, a three-year license suspension, and a mandatory minimum of 180 days in the county jail; and it may be charged as a felony.

___[X] A conviction of Vehicle Code §23103/23103.5 (wet reckless) is treated as a §23152 prior.

___[X]11 If you are not a citizen, you are hereby advised that the conviction of the offense for which you have been charged may cause you to be deported from the United States, denied citizenship to the United States and denied re-entry into the United States should you leave the country.

___[X]12. I have only one opportunity to challenge the alleged prior conviction(s) and I knowingly, voluntarily and expressly waive my right to contest the alleged prior(s), knowing that some of the grounds for contesting the prior(s) are that I did not waive my right to an attorney, or my right to confront and examine witnesses, or my right to a jury trial, or my right against self-incrimination.

___[X]13. 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 a result of my driving, someone is killed, I can be charged with murder.

___[X] 14. I understand that the DMV may restrict or suspend my driver's license under a procedure, which is separate from this criminal action. If the Court orders my driver's license restricted, the restriction will begin only upon reinstatement of my driving privilege following completion of the DMV's action, unless the DMV's action is set aside.

___[X] 15. 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 if my license is suspended.

___[X] 16. I understand that the DMV will not issue a restricted driver's license or restore my driving privilege following a restriction or suspension unless I have proof of insurance for 3 years. The DMV will suspend my license: (1) until proof of insurance is provided to the DMV and (2) upon my failure to maintain such proof during the 3-year period.

___[X] 17. 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 restriction, suspension, or revocation as a result.

___[X] 18. **If applicable** – I understand that if I am convicted of a third or subsequent DUI violation I will be designated as an habitual traffic offender for 3 years after my conviction, and I will receive an enhanced sentence if I drive in violation of my license revocation.

___[X] 19. The Court will impound my vehicle at my expense for up to 90 days, unless it is in the interests of justice not to do so. The Court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter {Penal Code §191.5 or §192(c)(3)}, or any combination thereof, in the past 7 years.

___[X] 20. The Court 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 driver's license.

I have read and understand all of the foregoing and freely, voluntarily and expressly waive all the initialed rights and understand fully the consequences of my plea.

Dated: _____, Defendant

The undersigned has discussed all of the constitutional rights, all possible defenses, and all consequences connected with the entry of plea with the defendant and concurs in the waiver of all enumerated rights.

Dated: _____, Defense Counsel

The District Attorney of Sutter County joins the proposed offered plea herein set forth.

Dated: _____, Deputy District Attorney

The Court finds the Defendant has made a knowing, intelligent, voluntary and express waiver of his/her rights, and understands the possible consequences of the plea(s)/admission(s). The plea(s)/admission(s) is/are accepted and ordered entered by the clerk.

Dated: _____, Judge of the Superior Court

I translated the foregoing entry of plea form to the defendant in the language of Spanish/Punjabi/_____.

Dated: _____, Interpreter