

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA
WAIVER AND PLEA TO DRIVING UNDER THE INFLUENCE
 One Prior Conviction (Veh. Code 23540 VC)

My true name is _____

CASE NO. _____

I am charged with driving a vehicle on (Date) _____ while under the influence of an alcoholic beverage or drugs or both (Veh. Code 23152(a)), and/or while having .08% or more, by weight, of alcohol in my blood (Veh. Code 235152(b)).

I understand that I am also charged with having been convicted of a separate violation of an offense specified in Veh. Code 23540 with an offense date of _____

I understand that the penalties are:

- A. **Maximum:** Fine of \$1,000 plus fees and assessments of \$2,856.00, plus restitution fine of \$1,000, plus restitution to the victim(s) or restitution fund, one year in jail, suspension of my driving privilege for 2 years, and vehicle impoundment at defendant-owner's expense for 30 days.
- B. **Minimum Without Probation:** Fine of \$390, plus fees and assessments of \$1,148.00, restitution fine of \$100, plus restitution to the victim(s) or restitution fund, 90 days in jail, suspension of my driving privilege for 2 years, and vehicle impoundment at defendant-owner's expense for one day (unless defendant was driving another's vehicle or is exempted pursuant to Veh. Code 23594).
- C. **Minimum With Probation:** Fine of \$390, plus fees and assessments of \$1,148.00, restitution fine of \$100, plus restitution to the victim(s) or restitution fund, 96 hours in jail, suspension of my driving privilege for 2 years, participation in driving under the influence program for 18 months, with a restriction of my driving privilege after 12 months upon satisfying specified conditions (financial responsibility, IID) for necessary to travel to, from and during employment and to and from the driving under the influence program, and vehicle impoundment at defendant-owner's expense for one day (unless defendant was driving another's vehicle or is exempted pursuant to Veh. Code 23594).
- D. **Refusal: If I refused a chemical test (Veh. Code 23577)** 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 consent could result in my deportation from the United States, my exclusion from reentry into the United States, or my denial of naturalization as a United States citizen and amnesty.

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

I understand that a third conviction of Veh. Code 23152 could result in a jail sentence of 120 days to 1 year, a \$1000 fine (plus additional fees and assessments) a 3 year license revocation, and designation as an habitual traffic offender.

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 to the prior conviction alleged.

DEFENDANT TO PERSONALLY WRITE YES OR NO IN EACH BOX:

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 the consequences of my plea.

YES

WRITE "YES" IN EA. BOX

1. **REPRESENTED BY SELF:** I am representing myself. I give up my 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 to do so.
2. Right to a speedy and public jury or court trial
3. Right to confront and cross examine all witnesses against me
4. Right to remain silent and not incriminate myself
5. Right to testify in my own defense
6. Right to subpoena witnesses and produce evidence
7. Right to the presumption of innocence until the prosecution proves me guilty beyond a reasonable doubt
8. Right to have my case heard by a judge. I agree that a court commissioner may act as a temporary judge in this case.

I understand this right	I give up this right
N/A	N/A
YES	YES
YES	YES
YES	YES
YES	YES
YES	YES
YES	YES
YES	YES

All promises made to me concerning this plea are set forth below:

I have read this document or have had it read to me, and I understand it. I have personally and voluntarily placed my answers in the boxes above. I enter a plea of _____ to the charge(s) of violation of Veh. Code _____ and I admit the separate conviction as alleged.

I admit the allegation that I refused to submit to or complete a chemical test. N/A Initials

Signed: John R. Client Dated: 11/29/09

ATTORNEY'S STATEMENT

I certify that I am the attorney of record for the defendant; that I have fully discussed the matters herein with the defendant and advised the defendant thereof; that the representations of the defendant are the defendant's own; that I believe that the plea and waivers are intelligently, voluntarily and expressly made; that I join in 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 qualified 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 the form at the defendant's direction. The defendant indicated understanding the contents of the form, and then signed the form.

Signed: _____ Dated: _____

The Court finds that the defendant's waivers have been made knowingly, intelligently, freely, voluntarily, and understandingly, and that there is a factual basis for the plea(s) and admissions.

Dated: _____ Signed: _____ (Judicial Officer)

