

SUPERIOR COURT OF CALIFORNIA COUNTY OF YUBA 215 5TH STREET, SUITE 200 MARYSVILLE, CA 95901 (530) 740-1800	
THE PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
MISDEMEANOR ENTRY OF PLEA – VC § 23153(a) or (b)	CASE NUMBER:

I, **THE ABOVE-NAMED DEFENDANT**, hereby offer to:

_____ Enter a plea of **GUILTY** **NOLO CONTENDERE** to the violation of VC § 23153(a) or § 23153(b) as set forth in the Complaint.

_____ I knowingly, voluntarily and expressly waive my one and only opportunity to challenge or contest the below listed prior conviction(s). I acknowledge that some of the grounds for contesting the prior(s) are that I did not waive my Constitutional Rights listed as 1 through 5 below.

Arrest Date	Conviction Date	County

I understand that by initialing each of the following Rights, I am expressly waiving each and every Right in relation to the present charge(s) against me, as well as the alleged and admitted prior conviction(s):

- _____ 1. The Right to be represented by an attorney; if I am unable to hire my own attorney, the Court will appoint an attorney to represent me.
- _____ 2. The Right to a speedy and public court or jury trial.
- _____ 3. The Right to confront adverse witnesses, that is, to see, hear and question all witnesses against me.
- _____ 4. The Right to subpoena witnesses to testify on my behalf at no cost to me.
- _____ 5. The Right to remain silent, that is, not to be compelled to plead guilty/no contest or testify against myself.

I UNDERSTAND THAT THE CONSEQUENCES OF MY PLEA ARE:

- _____ 1. For a first conviction of VC § 23153(a) or (b) as a **misdemeanor**, if probation is not granted, the maximum penalty is 1 year in the county jail, with a mandatory minimum of 90 days, and/or a minimum fine of \$2,000 to a maximum fine of \$4,300 (including penalty assessments and fees). If probation is granted, the maximum penalty is 1 year in the county jail, with a mandatory minimum of 5 days, and/or a minimum fine of \$ 2,000 to a maximum of \$4,300 (including penalty assessments and fees). The Court must suspend my license for 1 year with immediate surrender of my license to the Court. DMV will not reinstate my license until I provide proof of financial responsibility and proof of completion of a 3 month or 6-month licensed driving-under-the-influence program. The Court may order the vehicle impounded at my expense for not more than 30 days.
- _____ 2. For a second conviction of VC § 23153(a) or (b) as a **misdemeanor** within 10 years of a prior conviction under VC § 23103/23103.5, 23152 or 23153, the maximum penalties are a minimum of 120 days to a maximum of 1 year in the county jail (VC § 23560) and a minimum fine of \$2,425 to a maximum of \$20,780 (including penalty assessments and fees), a 3-year license suspension and immediate surrender of my license to the Court. DMV will not reinstate my license until I provide proof of financial responsibility and proof of completion of an 18-month or 30-month licensed driving-under-the-influence program. I may apply to DMV for a restricted license after completion of 18 months of the revocation period. The vehicle I was operating at the time of the violation must be impounded at my expense for not more than 30 days, except in an unusual case; if the offense occurred within 5 years of a prior, the Court must state the circumstances on the record when not ordered (VC § 23594(a)). The Court may declare the vehicle a nuisance and order its forfeiture (VC § 23596) if I am the registered owner. For a second conviction of VC § 23103 as a **felony** within 10 years of a prior conviction as specified in VC §§ 23103/23103.5, 23152 or 23153, the mandatory penalties are 3 years in state prison and/or a fine of \$41,566 (including penalty assessments and fees).
- _____ 3. For a third or subsequent conviction of VC § 23153(a) or (b) within 10 years of a prior conviction under VC § 23103/23103.5; 23152 or 23153, with the time computed from arrest to arrest, this violation must be punished as a **felony**, with mandatory jail time and state prison for 2, 3 or 4 years and a 3-year enhancement in state prison if the violations resulted in great bodily injury and I have four or more prior convictions (VC § 23566), unless the Court grants probation under VC § 23568. If **misdemeanor** probation is granted, the minimum penalty is 1 year in the county jail, a minimum fine of \$3,080 to a maximum fine of \$20,780 (including penalty assessments and fees), a 5-year license revocation and immediate surrender of my license to the Court. I may apply to DMV for restricted license after 30 months of the revocation period. The Court shall designate me as a habitual traffic offender for 3 years. The Court must order the vehicle impounded for 1-90 days if I am the registered owner, except in an unusual case; if the offense occurred within 5 years of a prior, the Court must state the circumstances on the record when not ordered. The Court may declare the vehicle a nuisance and order its forfeiture (VC § 23596) if I am the registered owner.
- _____ 4. Additional felony consequences include compliance with PC § 296, i.e., the providing of blood and saliva samples and palm prints for the state DNA databank. If I serve state prison time, it will constitute a 1 year prison prior pursuant to PC § 667.5. I will also be required to pay a restitution fine of between \$200 and \$10,000.

- _____ 5. If I refused to take a chemical test, there is an enhanced mandatory imprisonment of 48 continuous hours (VC § 23577(a) (2)) consecutive to any other sentence.
- _____ 6. If my alcohol concentration was .20% or more or if I refused a chemical test, the Court must consider this as a special factor that may justify enhancing penalties in sentencing and in determining whether to grant probation (VC § 23578).
- _____ 7. If I am under the age of 21, the Court will impose an additional 1-year license suspension or delay and order immediate surrender of my license to the Court (VC § 13202.5).
- _____ 8. If I drove 30 mph over the speed limit on a freeway (20 mph for other roads) in a manner prohibited by VC § 23103 during commission of the DUI, the Court must impose an additional and consecutive term of 60 days, except in unusual cases with specification of reasons on the record.
- _____ 9. If I have a prior conviction of VC § 23152 or 23153 that occurred more than 10 years ago, or if I have been previously convicted of PC § 647(f), the Court must order me to attend and complete a county alcohol and drug problem assessment program.
- _____ 10. This conviction for VC § 23153(a) or (b) may increase the sanctions for any future alcohol-related misdemeanor or felony convictions for the next 10 years.
- _____ 11. The Court may order me to install, at my own cost, an Ignition Interlock Device in any vehicle that I own or operate.
- _____ 12. A plea to this charge may result in a violation of probation and the proper court(s) will be notified of my plea.
- _____ 13. I must also pay a mandatory fine in the amount of \$4, pursuant to Government Code §76000.10 (c).
- _____ 14. If I am not a citizen, a plea of GUILTY or NOLO CONTENDERE could result in my deportation or exclusion from admission to this Country or denial of naturalization or amnesty.
- _____ 15. I understand that I may be ordered to make restitution to the victim, if the offense involved a victim, or to the state restitution fund in an amount between \$100 and \$10,000 for a misdemeanor conviction, depending upon the offense (PC § 1202.4), and that I may also be ordered to pay the expense incurred by any agencies that responded to this incident. I must also pay a mandatory \$20 court security fee and \$30 UCNFA assessment (SB 1407).
- _____ 16. There have been no other representations or promises made to me other than what is stated on this form. If the Court accepts this offered plea/plea bargain, no penalty more severe than that set forth in this *Entry of Plea* will be imposed. I further understand that the Court may refuse to accept the offered plea/plea bargain and that if the Court so refuses, a NOT GUILTY plea will be reinstated and the offered plea/plea bargain shall not be used as an admission against me during the trial of this case.

I ACKNOWLEDGE 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. I FURTHER ACKNOWLEDGE THAT IF I CONTINUE TO DRIVE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, OR BOTH, AND AS A RESULT OF THAT DRIVING, SOMEONE IS KILLED, I CAN BE CHARGED WITH MURDER.

I, THE DEFENDANT NAMED ABOVE, EXPRESSLY REPRESENT I HAVE READ AND I UNDERSTAND ALL OF THE FOREGOING AND FREELY, VOLUNTARILY AND EXPRESSLY WAIVE ALL THE INITIALED RIGHTS AND UNDERSTAND FULLY THE CONSEQUENCES OF MY PLEA.

Date: _____

Defendant's Signature

I, the undersigned counsel for Defendant, expressly represent that I have discussed all of the Constitutional Rights, possible defenses and consequences connected with the entry of plea with the Defendant, and concur in the waiver of all enumerated rights and join in the plea with the Defendant, believing it in the Defendant's best interest to do so.

Date: _____

Defense Counsel's Signature

The District Attorney of the County of Yuba JOINS/OPPOSES the proposed plea set forth in this Entry of Plea Form.
Date: _____

Deputy District Attorney's Signature

Interpreter's Statement (if applicable)

I, _____, having been duly sworn, truly translated this form to the Defendant in the _____ language. The Defendant initialed that he/she understood the contents of the form and he/she then initialed and signed the form in my presence.

Date: _____

Interpreter's Signature

FINDINGS AND ORDER

This document having been completed and presented to the Court; the Court being satisfied that the plea and waivers were expressly, intelligently and voluntarily made; and the Court finding that there is factual basis for said plea, he Court accepts such plea and enters it on the record.

Date: _____

Judge of the Superior Court