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| 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 § 23103 / 23103.5 | CASE NUMBER: |

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

_____ Enter a plea of **GUILTY** **NOLO CONTENDERE** to the violation of VC § 23103 / 23103.5 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 |
|-------------|-----------------|--------|
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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. I understand a conviction constitutes a prior for purposes of subsequent DUI convictions for the next 10 years. The penalties are a minimum 5 days to a maximum 90 days in county jail and/or a minimum \$880 to maximum \$3,900 fine (including penalty assessments and fees); a discretionary license suspension by the Court of up to 30 days for a first conviction, up to 60 days for a second conviction, and up to 6 months for a third conviction (VC § 13200). If I am under age 21, there is an additional 1-year license suspension or delay and immediate surrender of my license to the Court (VC § 13202.5). If probation is granted, the minimum fine for my plea is \$880 (including penalty assessments and fees). I must also complete a minimum of a 12-hour education component of an alcohol/drug education program.
- _____ 2. For a second conviction of VC § 23152(a) or (b), the maximum penalties are a fine of \$19,000 (including penalty assessments and fees) and/or 1 year in county jail, and a license suspension for 2 years. The minimum penalties are a fine of \$2,000 (including penalty assessments and fees), a mandatory minimum of 10 days in county jail, and a mandatory admin per se license suspension for 1 year. Probation may be granted for up to 5 years. DMV requires an 18-month alcohol rehabilitation program (SB 38), with no credit for any enrollment or participation prior to the time of the current violation, as a prerequisite to having my license reinstated.
- _____ 3. For a third conviction of VC § 23152(a) or (b), the maximum penalties are a fine of \$19,000 (including penalty assessments and fees) and/or 1 year in county jail. The minimum penalties are a fine of \$3,080 (including penalty assessments and fees), a mandatory minimum of 120 days in county jail, and a mandatory 3-year driver's license suspension. The Court will also designate me as a habitual traffic offender for a period of 3 years (VC § 23546), and I may be required to immediately surrender my license to the Court. The Court may also declare the vehicle I was operating a nuisance and order it forfeited (VC § 23596) if I am the registered owner. Probation may be granted for up to 5 years. DMV requires an 18-month alcohol rehabilitation program (SB 38), with no credit for any enrollment or participation prior to the time of the current violation, as a prerequisite to having my license reinstated.
- _____ 4. For a fourth conviction of VC § 23152(a) or (b) treated as a **felony**, the maximum penalties are a fine of \$19,000 (including penalty assessments and fees) or up to 3 years in state prison, or both, and a mandatory 4-year driver's license revocation. The minimum penalties are a fine of \$3,080, up to 1 year in county jail, and a mandatory 4-year driver's license revocation. Further, the Court will designate me as a habitual traffic offender for a period of 3 years (VC § 3546). The Court may also declare the vehicle I was operating a nuisance and order it forfeited (VC § 23596) if I am the registered owner. DMV must certify my eligibility prior to license reinstatement. In compliance with PC § 296, I must provide blood and saliva samples and palm prints for the state DNA data bank. If I serve state prison time, it will constitute a 1-year prison prior pursuant to PC § 667.5, if alleged and proved.
- _____ 5. For a fourth conviction of VC § 23152(a) or (b) treated as a **misdemeanor**, the maximum penalties are a fine of \$19,000 (including penalty assessments and fees) and/or 1 year in county jail. The minimum penalties are a fine of \$3,800 (including penalty assessments and fees), a minimum of 180 days in county jail, and a mandatory 4-year license revocation. Further, the

Court will designate me as a habitual traffic offender for a period of 3 years (VC § 23546). The Court may declare the vehicle a nuisance and order it forfeited (VC § 23596) if I am the registered owner. DMV must certify my eligibility prior to license reinstatement.

- _____ 6. This conviction for VC § 23103/23103.5 may be used in any future felony driving-under-the-influence conviction to increase the penalties, which may include a state prison sentence and a fine up to \$38,000 (including penalty assessments and fees), plus a restitution fine of between \$200 and \$10,000, and may increase the sanctions for any future alcohol-related misdemeanor or felony convictions for the next 10 years.
- _____ 7. If a subsequent DUI conviction occurs within 5 years of a prior DUI conviction, I may be ordered to install, at my own cost, an Ignition Interlock Device in any vehicle that I own or operate.
- _____ 8. The vehicle I was operating at the time of the violation may be impounded at my expense for not more than 30 days.
- _____ 9. A plea to this charge may result in a violation of probation and the proper court(s) will be notified of my plea.
- _____ 10. 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.
- _____ 11. 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 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 \$30 court security fee, \$30 ICNFA assessment (SB 1407) and \$4 EMS Fee per Government Code §76000.10(c).
- _____ 12. 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.
- _____ 13. **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 expressly, intelligently and voluntarily made; and the Court finding that there is factual basis for said plea, the Court accepts such plea and enters it on the record.

Date: _____

Judge of the Superior Court