

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 § 14601, 14601.1, 14601.2 , 14601.5]	CASE NUMBER:

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

_____ Enter a plea of **GUILTY** **NOLO CONTENDERE** to the violation of VC §§ 14601, 14601.1, 14601.2 or 14601.5 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

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. **14601(a).** For a first conviction, the maximum penalties are imprisonment in the county jail for not more than 6 months with a mandatory non-suspendable minimum of 5 days AND by a fine of not less than \$1,140 or more than \$3,800 (including penalty assessments and fees) and discretionary vehicle impound for a maximum of 6 months if I am the owner. For either a first or subsequent conviction, if I plead guilty or no contest in satisfaction of, or as a substitute for, an original charge of VC § 14601.2, the Court must order installation of an ignition interlock device for a period not to exceed 3 years. For a second or subsequent conviction within 5 years of a prior conviction under VC § 14601, 14601.1, 14601.2 or 14601.5, the maximum penalties are a sentence of 1 year in the county jail with a mandatory non-suspendable minimum of 10 days AND a fine of not less than \$1,900 or more than \$7,600 (including penalty assessments and fees), and discretionary vehicle impound for a maximum of 12 months if I am the owner.

_____ **14601.1(a).** For a first conviction, the maximum penalties are imprisonment in the county jail for not more than 6 months and/or a fine of not less than \$1,200 or more than \$3,800 (including penalty assessments and fees), or both, and discretionary vehicle impound for a maximum of 6 months if I am the owner. For either a first or subsequent conviction, if I plead guilty or no contest in satisfaction of, or as a substitute for, an original charge, of VC § 14601.2, the Court must order installation of an ignition interlock device for a period not to exceed 3 years. For a second or subsequent conviction within 5 years of a prior conviction under VC § 14601, 14601.1, 14601.2 or 14601.5, the maximum penalties are a sentence of 1 year in the county jail with a mandatory non-suspendable minimum of 5 days and/or a fine of not less than \$1,900 or more than \$7,600 (including penalty assessments and fees), and discretionary vehicle impound for a maximum of 12 months if I am the owner.

_____ **14601.2.** For a first conviction, the maximum penalties are imprisonment in the county jail for not more than 6 months with a mandatory non-suspendable minimum of 10 days AND a fine of not less than \$2,000 or more than \$3,800 (including penalty assessments and fees) and discretionary vehicle impound for a maximum of 6 months if I am the owner. For either a first or subsequent conviction, the Court must order installation of the ignition interlock device for a period of up to 3 years. For a second or subsequent conviction within 5 years of a prior conviction under VC § 14601, 14601.1, 14601.2, or 14601.5, the maximum penalties are a sentence of 1 year in the county jail with a mandatory non-suspendable minimum of 30 days AND a fine of not less than \$1,900 or more than \$7,600 (including penalty assessments and fees), unless I am designated a habitual traffic offender, in which case I shall be sentenced consecutively pursuant to the habitual traffic offender sections. For a second or subsequent conviction within 7 years, but over 5 years of a prior conviction under VC § 14601, 14601.1, 14601.2, or 14601.5, the maximum penalties are a sentence of 1 year in the county jail with a mandatory non-suspendable minimum of 10 days and discretionary vehicle impound for a maximum of 12 months if I am the owner.

_____ **14601.5.** For a first conviction, the maximum penalties are imprisonment in the county jail for not more than 6 months and/or a fine of not less than \$1,200 or more than \$3,800 (including penalty assessments and fees), or both, and discretionary vehicle impound for a maximum of 6 months if I am the owner. For either a first or subsequent conviction, if I plead guilty or no contest in satisfaction of, or as a substitute for, an original charge of VC § 14601.2, the Court, in its discretion, may order installation of

an ignition interlock device for a period not to exceed 3 years. For a second or subsequent conviction within 5 years of a prior conviction under VC § 14601, 14601.1, 14601.2, 14601.3 or 14601.5, the maximum penalties are a sentence of 1 year in the county jail with a mandatory non-suspendable minimum of 10 days and/or a fine of not less than \$1,900 or more than \$7,600 (including penalty assessments and fees), and discretionary vehicle impound for a maximum of 12 months if I am the owner.

- _____ 2. **Habitual traffic offender (VC § 14601.3).** Upon a first conviction as a habitual traffic offender, I shall be punished by imprisonment in the county jail for 30 days AND by a fine of \$4,000 (including penalty assessments and fees). Upon a second or any subsequent offense within 7 years of a prior conviction, I shall be sentenced to 180 days in the county jail AND by a fine of \$7,600 (including penalty assessments and fees). If I sustain a conviction of VC § 14601.2, the penalty as a habitual traffic offender shall be served consecutively to that violation.
- _____ 3. I must also pay a mandatory restitution fine in the minimum amount of \$150, a \$40 court security fee and \$30 ICNFA assessment (SB 1407).
- _____ 4. A plea to this charge may result in a violation of probation and the proper court(s) will be notified of my plea.
- _____ 5. 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.
- _____ 6. For a second or subsequent conviction, my vehicle may be declared a nuisance and subject to forfeiture (VC § 14607.6).
- _____ 7. 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, 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