

NO PRIORS

**WAIVER AND PLEA TO DRIVING UNDER THE INFLUENCE**  
No Prior Convictions (Veh. Code 23160) CASE NO. \_\_\_\_\_

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

I understand the penalties are:

- A. **Maximum:** Fine of \$1,000 plus penalty assessments of \$701, plus restitution fund assessment of \$1,000, six months in jail, suspension of driving privilege for six months, and vehicle impoundment at defendants-owner's expense for 30 days.
- B. **Minimum Without Probation:** Fine of \$390, plus penalty assessments of \$274, 96 hours in jail and suspension of driving privilege for six months.
- C. **Minimum With 3 Years Probation:** Fine of \$390, plus penalty assessments of \$274, plus restitution to the victim(s) or restitution fund, and either 48 hours in jail or restriction of driving privilege for 90 days to necessary travel to, from and during employment.
- D. **Refusal: If refused chemical test (23157 Veh. Code)** 48 hrs. in jail, additional fine of \$390 plus penalty assessments of \$274.00, plus restitution to the victim(s) or restitution fund. Not eligible for 90 days license restriction.

I understand that if I am not a citizen of the United States, a plea of guilty could result in my being deported from the United States, excluded from admission to the United States, or denied naturalization as a United States Citizen.

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

I understand that a second conviction of 23152a Veh. Code could result in a maximum sentence of 1 year in jail, \$1000 fine and 18 month license suspension.

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.

**DEFENDANT TO PERSONALLY WRITE YES OR NO IN EACH BOX:**

1. Right to a speedy and public jury or court trial .....
2. Right to confront and cross examine all witnesses against me .....
3. Right to remain silent and not incriminate myself .....
4. Right to testify in my own defense .....
5. Right to subpoena witnesses and produce evidence .....
6. Right to be sentenced by a judge: I understand that by giving up this right I stipulate that I may be sentenced by a court commissioner .....
7. 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 my own .....
8. Right to the presumption of innocence until the prosecution shall prove me guilty beyond a reasonable doubt .....
9. You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your 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 you continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving, someone is killed, you can be charged with murder.

I understand this right	I give up this right
YES	YES
YES	YES
YES	YES
YES	YES
YES	YES
YES	YES
YES	X
YES	YES
YES	YES

**DEFENDANT TO PERSONALLY WRITE YES IN ONE OF THE TWO BOXES:**

- REPRESENTED BY SELF: I give up my right to an attorney.
- 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.

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

I have read this document or have had it read for me, and I understand it. I have personally and voluntarily placed the answers in the boxes.

I enter a plea of \_\_\_\_\_ to the charge(s) of violation of the Veh. Code Section(s) \_\_\_\_\_  
(GUILTY OR NO CONTEST)

I admit the allegation that I refused to submit to or complete a chemical test

Signed: John R. Client Dated: 12/12/08 Initials: \_\_\_\_\_

**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 thereon; 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 judgement 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: \_\_\_\_\_

**DISTRICT ATTORNEY STATEMENT**

The above information correctly reflects the position of the District Attorney's Office as to this case.

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_  
DEPUTY DISTRICT ATTORNEY

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

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_  
(Judge's Name)

