

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS		
Plaintiff	THE PEOPLE OF THE STATE OF CALIFORNIA	
Defendant	DOB: _____	
Case Number		
PLEA FORM (DRIVING UNDER THE INFLUENCE)		BAC _____

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest. Initial the box for each item that **applies to you**, but only if you understand it, and **sign and date the form on page 3**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

RIGHTS FOR ALL CHARGES, PRIOR CONVICTIONS, AND PROBATION VIOLATIONS		INITIALS
1.	Right To An Attorney - I understand that I have the right to be represented by an attorney in this case. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but, at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.	1. _____
2.	I give up my right to an attorney, and I choose to represent myself.	2. _____
3.	Right To A Trial - I understand that I have the right to a speedy and public jury trial by 12 members of the community and that I would have the right to participate in jury selection. I understand that I would be presumed innocent and I could not be convicted unless, after hearing all the evidence, all 12 jurors agree that I am guilty of the charged offenses beyond a reasonable doubt.	3. _____
4.	I give up my right to a jury trial and my right to a court trial.	4. _____
5.	Right To Confront And Cross-Examine Witnesses - I understand that I have a right to see and hear all witnesses who may testify against me at the trial. I understand that I have a right to ask them questions during the trial.	5. _____
6.	I give up my right to confront and cross-examine witnesses.	6. _____
7.	Right To Produce Evidence - I understand that I have a right to present evidence, to testify in my own behalf, and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me.	7. _____
8.	I give up my right to produce evidence.	8. _____
9.	Right To Remain Silent - I understand that I have a right to remain silent and not incriminate myself. I understand that by pleading guilty or no contest I am incriminating myself.	9. _____
10.	I give up my right to remain silent.	10. _____

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NATURE OF CHARGES

11. I understand the nature of the charge(s) against me and the possible pleas and defenses. 11. _____

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (OR ADMISSION TO VOP)

12. **Penalty For Charges I Am Pleading Guilty Or No Contest To (Or Admitting A Violation of Probation To) – I understand that the possible consequences of my plea(s) include the following:** 12. _____

13.	Count No.	Charge (code & section no.)	Minimum Penalty (jail & fine)	Maximum Penalty (jail & fine)	13. _____
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14. Other Consequences: 14. _____

15.	Count No.	Charge (code & section no.)	Minimum Penalty (jail & fine)	Maximum Penalty (jail & fine)	15. _____
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16. Other Consequences: 16. _____

17.	Count No.	Charge (code & section no.)	Minimum Penalty (jail & fine)	Maximum Penalty (jail & fine)	17. _____
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18. Other Consequences: 18. _____

19.	Count No.	Charge (code & section no.)	Minimum Penalty (jail & fine)	Maximum Penalty (jail & fine)	19. _____
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20. _____ License suspension for _____ 20. _____

21. **I ADMIT THE FOLLOWING PRIOR CONVICTION(S): (List Case No(s). and Charge(s))**

 _____ 21. _____

22. **Attachment One** lists additional charges I am pleading guilty or no contest to. 22. _____

23. I understand the maximum term I could serve, if probation is denied, as a result of the plea(s) in this case, and all other cases, is: _____ 6 months or one year. 23. _____

24. I understand that a plea of no contest has exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is a felony. 24. _____

25. I understand that a plea of guilty or no contest may be grounds for violating probation or parole that has been previously granted to me in any other case. 25. _____

26. I understand that the Court or the Department of Motor Vehicles may suspend or revoke my privilege to operate a motor vehicle. 26. _____

27. I understand that, if I am not a United States citizen, a plea of guilty or no contest could result in my deportation, exclusion from admission to this country, or denial of naturalization. 27. _____

28. I understand that in addition to any fine imposed, the law requires the court to add penalty assessments, which will substantially increase the amount I must pay. 28. _____

29. I understand that I may be ordered to pay restitution to the victim(s), if any. 29. _____

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30.	I understand that I will be ordered to pay a restitution fine. The fine is \$150 to \$1000 for one or more misdemeanors.	30. _____
31.	Plea Bargain - The following promises have been made to me as a condition of my plea(s). No other promises have been made. I understand that if the Court refuses to follow this plea bargain then I will be allowed to withdraw my plea(s) of guilty or no contest and enter a not guilty plea.	31. _____
32.	Count _____ Imposition of sentence suspended; Probation granted for a period of _____ years; - _____ days in custody, with credit for time served as determined by the court; - Court fines and fees not to exceed \$2000, - Completion of a <input type="checkbox"/> Level 1 <input type="checkbox"/> Level 1 enhanced <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 2 enhanced program, - Do not drive unless licensed and insured, do not fail to submit to a test of your BAC if stopped under suspicion of DUI.	32. _____
33.	I Acknowledge my BAC was a .15% or higher.	33. _____
34.	Harvey Waiver - I understand that ordinarily I cannot be punished for any charges that are dismissed. I give up that right and I agree the Court can consider the following dismissed charges when I am sentenced in this case.	34. _____
35.	I understand that a conviction in this case may be used to increase my punishment for future driving under the influence convictions.	35. _____
36.	I understand that being under the influence of alcohol and/or drugs impairs my ability to safely drive a motor vehicle. Therefore, it is extremely dangerous to human life to drive under the influence. If I continue to drive under the influence alcohol and/or drugs, and as a result of my driving someone is killed I can be charged with murder.	36. _____
PLEA(S)		
37.	I hereby freely and voluntarily: <input type="checkbox"/> PLEAD GUILTY <input type="checkbox"/> PLEAD NO CONTEST <input type="checkbox"/> ADMIT A VIOLATION OF PROBATION to the charges listed in paragraphs 13-21 above.	37. _____
38.	No one has used any threats, force, violence, duress or undue influence of any kind on me, or anyone close to me, in order to get me to plead guilty or no contest.	38. _____
39.	I declare I am of sound mind and I am not under the influence of alcohol, drugs, or medication of any kind.	39. _____
40.	I stipulate there is a factual basis for my plea(s).	40. _____
41.	Arbuckle Waiver - I understand that I may have a right to be sentenced by the judge who accepts my plea(s). I give up that right and agree to be sentenced by another judge.	41. _____
42.	Appeal Rights - I give up my right to appeal any issue in this case.	42. _____

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TEMPORARY JUDGE		
43.	I understand that I have the right to enter my plea(s) before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and be sentenced by: _____	43. _____
Temporary Judge		
DEFENDANT'S SIGNATURE:		DATE:
ATTORNEY'S STATEMENT		
I am the attorney of record for the defendant. I have gone over this form, and any attachments, with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions about this form and the plea(s). I have discussed the facts of the case with the defendant and have explained the nature of the charges, the elements of the offense(s), any possible defenses, and the consequences of the plea(s). I join in the waivers and consent to the plea(s).		
SIGNATURE:		DATE:
INTERPRETER'S STATEMENT		
I, the interpreter in this proceeding, having been sworn, or having a written oath on file, certify that I interpreted this form, and any attachments to the defendant in the language indicated below. Language: <input type="checkbox"/> Spanish <input type="checkbox"/> Other (specify) _____		
SIGNATURE:		DATE:
PROSECUTOR'S STATEMENT		
I am the prosecutor in this case. I have reviewed the information above and consent to the plea(s) being entered on the terms and conditions indicated. I stipulate there is a factual basis for the plea(s).		
SIGNATURE:		DATE:
COURT'S FINDINGS AND ORDER		
The Court, having reviewed this form, together with any attachments, and having questioned the defendant concerning his or her constitutional and statutory rights, finds that the defendant understands his or her rights and that the defendant expressly, knowingly, voluntarily, and intelligently waived those rights. The Court finds that the defendant understands the nature of the charges and the consequences of the plea(s) and admission(s). The Court finds the plea(s) and admission(s) have been made freely and voluntarily. The Court finds there is a factual basis for the plea(s) and admission(s). The Court accepts the plea(s) and admission(s) and orders this form filed and incorporated in the docket by reference as though fully set forth therein.		
SIGNATURE:		DATE: