SUPERIOR COURT OF CALIFORNIA	*Reserved for Clerk's File Stamp*	
COUNTY: **COUNTY OF HUMBOLDT** **825 5TH STREET, EUREKA, CA 95501**		
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA		
DEFENDANT:		
ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM **(Vehicle Code § 14601 *et seq.*; Vehicle Code § 12500(a))**	CASE NUMBER: CR	DEPARTMENT:

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 4**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

	INITIALS ↓
RIGHT TO AN ATTORNEY	
1. I understand that I have the right to be represented by an attorney throughout the proceedings. 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.
NATURE OF THE CHARGES (Complete all items you are charged with.)	
I understand that I am charged with a violation of Vehicle Code section(s):	
2. **Check if applicable** - ☐ **14601** or ☐ **14601.1** or ☐ **14601.2** or ☐ **14601.5** Driving in knowing violation of a driver's license restriction, suspension or revocation.	2.
3. **Check if applicable** - ☐ **14601.3** (Habitual traffic offender) – Accumulating a driving record history in knowing violation of a driver's license suspension or revocation.	3.
4. **Check if applicable** - ☐ **12500(a)** – Driving without a valid driver's license.	4.
5. **If applicable** – I understand that I am also charged with the following **other offense(s)**: _____ TYPE OF OFFENSE(S) AND SECTION NUMBER(S)	5.
6. **If applicable** – I am also charged with the following **prior conviction(s):** _____ LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)	6.
7. **If applicable** – I am also charged with violating the **probation order(s)** in the following case(s): _____ CASE NUMBER(S) AND DATE(S)	7.
8. I understand the charge(s) against me, and the possible pleas and defenses.	8.
CONSTITUTIONAL RIGHTS	
9. **RIGHT TO A JURY TRIAL** – I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt.	9.

Continued on reverse

CONSTITUTIONAL RIGHTS (Continued)

	INITIALS ↓
10. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine all witnesses testifying against me.	10.
11. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, or admitting prior conviction(s) or probation violation(s), I am incriminating myself. .	11.
12. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me.	12.

RIGHTS ON CHARGES OF PRIOR CONVICTION(S) AND PROBATION VIOLATION(S)

13. **If applicable** – I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for **all** of the charges against me, including any alleged prior conviction(s) or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, although I do have the right to a hearing before a judge.	13.

WAIVER OF RIGHTS

Understanding all the above, for all of the charges against me, including any alleged prior conviction(s) or probation violation(s):

14. I give up my right to an attorney, and I choose to represent myself. (Does not apply if I have an attorney.)	14.
15. I give up my right to a jury trial.	15.
16. I give up my right to confront and cross-examine witnesses.	16.
17. I give up my right to remain silent and to not incriminate myself.	17.
18. I give up my right to produce evidence and witnesses on my own behalf.	18.

SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION

Vehicle Code Section	First Offense	Second or Subsequent Offense: I have prior conviction(s) in past 5 years of sections 14601, 14601.1, 14601.2, or 14601.5.
14601	5 days to 6 months in jail, and a fine of $300 to $1,000.	10 days to 1 year in jail, and a fine of $500 to $2,000. 10 days in jail required if probation is imposed.
14601.1	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	5 days to 1 year in jail, and a fine of $500 to $2,000.
14601.2	10 days to 6 months in jail, and a fine of $300 to $1,000. 10 days in jail required if probation is imposed. If I have been designated as a habitual traffic offender within 3 years of this conviction, I will, in addition, be sentenced to serve 180 days in jail and to pay a $2,000 fine.	30 days to 1 year in jail, and a fine of $500 to $2,000. 30 days in jail required if probation is imposed.
14601.5	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	10 days to 1 year in jail, and a fine of $500 to $2,000. Note- section 14601.3 also constitutes a prior conviction for this offense.
Vehicle Code Section	**First Offense**	**Second or Subsequent Offense**: Prior conviction(s) in past 7 years of section 14601.3.
14601.3	30 days in jail, and a fine of $1,000.	180 days in jail, and a fine of $2,000.

ADDITIONAL PENALTIES (Ignition Interlock Device)

	INITIALS ↓
19. I understand that if I am convicted of a violation of section 14601.2, or if the original charge was for a violation of that section but I am pleading to section 14601, 14601.1 or 14601.5, the Court will require me to install an ignition interlock device (IID) on any vehicle that I own or operate for a period of up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license. Failure to install the IID shall result in the suspension of my driver's license by the DMV.	19.

Continued on reverse

SENTENCE FOR DRIVING WITHOUT A VALID LICENSE	
Vehicle Code Section 12500(a)	Up to 6 months in jail, or a fine of up to $1,000, or both.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

INITIALS ↓

20. I have read and understood the penalty charts which list the minimum and maximum penalties for the offense(s) I am charged with. (See item **No. 27** for the offenses not listed in the charts.) . . . **20.**

21. I understand that in addition to the fine, **the Court will add assessments which will significantly increase the amount I must pay**. I will also be ordered to make restitution and to pay a restitution fine of $150 to $1,000, unless the Court finds compelling and extraordinary reasons not to do so. **21.**

22. I understand that in addition to any other penalty, the Court may impound my vehicle for an additional 6 months for a first conviction of section 14601 *et seq.*, or up to 12 months for a second or subsequent conviction. . . . . **22.**

23. I understand that my vehicle will be subject to forfeiture as a nuisance if I drive in violation of a license suspension or revocation (V.C. § 14601 *et seq.*) or without a license (V.C. § 12500(a)) and I am the registered owner of the vehicle. . . . . **23.**

24. I understand that if I am not a citizen, a plea of guilty or no contest could result in my deportation, exclusion from admission to this country, or denial of naturalization. . . . . **24.**

25. I understand that a plea of no contest (*nolo contendere*) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit. . . . . **25.**

26. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case. . . . . **26.**

PENALTIES FOR OTHER CHARGES

27. **If applicable** – I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on page 2, include the following: **27.**

o _____ _____ _____

SECTION NUMBER | JAIL - MIN. MAX. | FINE - MIN. MAX.

OTHER CONSEQUENCES : _____

o _____ _____ _____

SECTION NUMBER | JAIL - MIN. MAX. | FINE - MIN. MAX.

OTHER CONSEQUENCES : _____

o _____ _____ _____

SECTION NUMBER | JAIL - MIN. MAX. | FINE - MIN. MAX.

OTHER CONSEQUENCES : _____

PLEA(S)

28. I hereby freely and voluntarily plead _____ to the following: **28.**

GUILTY OR NO CONTEST

_____

LIST CHARGE(S)

29. **If applicable** - I freely and voluntarily admit the prior conviction(s) that I listed on this form. I understand that this admission will increase the penalties which are imposed on me. . . . . **29.**

30. **If applicable** – I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s). . . . . **30.**

31. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced. I give up my right and agree to be sentenced at this time. . . . . **31.**

Continued on reverse

INITIALS ↓
32.

32. **If applicable –** I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

TEMPORARY JUDGE'S NAME

**** DEFENDANT'S SIGNATURE:** _____ **DATE:** _____

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

SIGNATURE OF DEFENDANT'S ATTORNEY _____ DATE _____

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form. Language: ☐ Spanish ☐ Other (specify): _____

COURT INTERPRETER'S SIGNATURE _____ TYPE OR PRINT NAME _____ DATE _____

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of prior conviction(s) and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The Court accepts the defendant's plea(s), the defendant's admission of the prior conviction(s) and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

☐ Judge of the Superior Court

☐ Temporary Judge of the Superior Court

DATE _____

Continued on reverse