SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT
DUI/WET RECKLESS MISDEMEANOR PLEA FORM

For Court Use Only

CASE NO. _____ PEOPLE vs. _____

1. My true full name is _____

2. I understand that I am pleading ☐ ***GUILTY*** / ☐ ***NOLO CONTENDERE*** and admitting the following offenses, prior convictions, and special punishment allegations, with the maximum punishment indicated below:

CT.	CHARGE	PRIORS (Date)	ALLEGATIONS ENHANCEMENTS	MAX SENTENCE JAIL/FINES

3. Remaining count(s), prior(s), and other allegation(s) dismissed on People's motion. 3.

4. I understand I am also charged with a violation of probation in case number _____ 4.

RIGHTS AND WAIVERS

5. I understand I have the following constitutional rights, which I am waiving and giving up by entering my plea, and, if applicable, by my admission of a probation violation: 5.

5a. I have the right to be represented by an attorney at all stages of the proceedings until the case is completed. If I cannot afford an attorney, one will be appointed to represent me. (For defendants without an attorney: I am aware that there are dangers and disadvantages of representing myself and there may be a value in obtaining advice from an attorney in this matter, but I knowingly and voluntarily waive and give up my right to an attorney and choose to represent myself.) 5a.

5b. I have the right to a speedy and public trial by a jury or a judge, and if charged with a probation violation, the right to a hearing before a judge. I waive and give up this right. 5b.

5c. I have the right to confront the witnesses against me and to cross-examine them. I waive and give up this right. 5c.

5d. I have the right to testify on my own behalf, but I cannot be compelled to be a witness against myself and may remain silent if I choose. I waive and give up this right. 5d.

5e. I have the right to present evidence and have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. I waive and give up this right. 5e.

6. I understand I have the right to appeal an adverse ruling on a Penal Code § 1538.5 motion. I waive and give up this right. 5f.

7. I understand that I have the right to have a delay in pronouncement of my sentence of not less than six hours and not more than five days after my plea. I waive and give up this right and agree to be sentenced at this time. 7.

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8. ***Arbuckle Waiver.*** I understand I have the right to be sentenced by the judge who accepts this plea. I waive and give up this right. 8.

9. ***Harvey Waiver.*** I understand I may be required to pay restitution on a count or case that is being dismissed pursuant to this plea agreement. 9.

10. I understand I have the right to be present for the entry of the plea of guilty or nolo contendere. I waive and give up this right. 10.

11. I understand I have the right to reject probation. I waive and give up this right and accept probation on the terms and conditions as imposed by the Court 11.

11a. If I violate any of the terms of probation, I may be returned to court and sentenced up to the maximum punishment as indicated on page 1. 11a.

12. ***Watson Advisement:*** I understand that if I am charged with violating Vehicle Code § 23103, as specified in Vehicle Code § 23103.5 or Vehicle Code §§ 23152 or 23153, the following warning applies: 12.

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.

CONSEQUENCES

13. I understand that some possible consequences of my plea and admissions are as follows:

13a. There will be state penalty assessments added to any fines imposed by the Court. 13a.

13b. I will be ordered to pay a minimum of $150 and a maximum of $1,000 to the State Restitution Fund unless the court makes a finding of "compelling and extraordinary reasons" for waiving this fine. 13b.

13c. I will be ordered to pay a minimum of $150 and a maximum of $1,000 Probation Revocation Restitution fine pursuant to Penal Code § 1202.44. The restitution fine will be stayed but will be payable upon revocation of probation. 13c.

13d. I will be ordered to pay restitution on count(s) ____, and dismissed count(s) _____ pursuant to a *Harvey* waiver, as part of the plea agreement, in the amount of $ _____, or in an amount to be determined by the Court or the Probation Department. If I disagree with the amount of restitution determined by the Court or Probation Department, I may request a court hearing to determine the amount of restitution. 13d.

13e. ***Immigration Consequences:*** If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States 13e.

13f. This conviction shall be a prior offense for purpose of subsequent sentencing as specified in VC23540, 23546, 23550, 23566 or 23622. A prior within 10y of this offense cannot be stricken. 13f.

13g. If I am presently on probation or parole for any previous conviction, my plea today may cause me to be in violation of that probation or parole and result in additional penalties and/or punishment. 13g.

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13h. If I was under 21 years of age at the time of the crime charged, and am convicted of violating Penal Code § 191.5, or subdivision (a) or (b) of § 192, Vehicle Code § 23152, § 23103 when subject to § 23103.5, or § 23140, the Department of Motor Vehicles (DMV) may suspend my driver's license for one year. If I do not have a license, the DMV may delay issuing me a license for one year after I become eligible to drive. 13h.

13i. Alcohol Content) OVER .20; I will be required to attend a first offender program at least nine months' duration. 13i.

13j. Ignition Interlock: If I am convicted of a first or subsequent offense for driving under the influence, the Court may order the installation of an Ignition Interlock Device (IID) on all vehicles operated by me for up to a four-year period. If I am convicted of driving on a suspended license under Vehicle Code §§ 14601.2, 14601.4 or 14601.5, with a prior conviction for same offenses or for violation of Vehicle Code §§ 23103.5, 23152, or 23153, the Department of Motor Vehicles (DMV) will require the installation of an Ignition Interlock Device (IID) as a condition of a restricted license separate from any action by this Court. 13j.

13k. The DMV may restrict or suspend my driver's license separate from any action by this Court. 13k.

13l. For a conviction of Vehicle Code §§ 23152 or 23153: the DMV will require completion of an alcohol/drug program in order to have my driving privilege reinstated, even if the Court did not order such a program. 13l.

13m. My driving privilege may not be restored until I provide the DMV satisfactory proof of successful completion of a licensed alcohol/drug program of the appropriate length required by law. 13m.

13n. If you have a Commercial license and are convicted of this offense or refuse a chemical test for the same, you are prohibited from operating a commercial vehicle of 1 year. A second offense or second refusal you are prohibited from ever driving a commercial vehicle. 13n.

13o. Refusing to take a chemical test will result in additional penalties, including additional jail time (see VC23577). 13o.

13p. The Court can place you on supervised probation. The Court must place you on a minimum of three years of probation, but can make the term five years. 13p.

14. I understand if I am the registered owner of the vehicle used in the offense and the offense is:

14a. Vehicle Code §§ 23152 or 23153 (first conviction), the Court may order my vehicle impounded up to 30 days at my expense. Upon a second conviction for violation of Vehicle Code §§ 23152 or 23153, the Court is required (absent unusual circumstances) to order my vehicle impounded for at least one day, but not more than 30 days; the Court may also declare the vehicle a nuisance and order it sold after a hearing. 14a.

14b. Vehicle Code §§ 23152 or 23153 (third conviction or more), the Court may order my vehicle impounded up to 90 days at my expense. The court may declare the vehicle to be a nuisance and order it sold after a hearing. 14b.

14c. Driving on a suspended license (Vehicle Code § 14601) or without a license (Vehicle Code § 12500), my vehicle will be subject to impoundment by the police and court for six months and up to one year and may be subject to forfeiture as a nuisance. 14c.

15. I understand I have the right to enter my plea before and be sentenced by a judge. I waive and give up this right and agree to enter my plea before, and be sentenced by, a Commissioner or Temporary Judge: _____ (enter name of Commissioner or Temporary Judge) 15.

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PLEA

16. I offer my plea and admit the listed prior(s) and allegation(s) freely and voluntarily. No one has made any threats, used any force against me or my family or loved ones, and no one has made any promises to me outside of open court. 16.

17. I make my plea with a full understanding of all the matters set forth in the charging document and in this form. I have read, understood, and personally initialed each item herein, and I understand that the signing and filing of this form is conclusive evidence that I have pleaded ☐ GUILTY ☐ NOLO CONTENDERE to the charges set forth. 17.

18. Discussion with my attorney (*Leave this box blank if you are not represented by an attorney*). Before entering this plea, I have had a full opportunity to discuss with my attorney the facts of the case, the elements of the charged offenses and prior convictions (if any), any defenses that I may have, my constitutional and statutory rights and waiver of those rights, the consequences of this plea, and anything else I think is important to my case. 18.

19. I understand I have 30 days to file a notice of appeal. 19.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: _____ SIGNED: _____
(Defendant)

DEFENSE ATTORNEY'S STATEMENT: I am the attorney of record for the defendant. I have explained to the defendant each of the rights set forth on this form. I have discussed the charges and the facts with the defendant. I have studied the possible defenses to the charges and discussed those defenses with the defendant. I have discussed the possible sentence ranges with the defendant. I have advised the defendant of immigration consequences and have complied with the requirements of Penal Code § 1016.3(a). I have discussed the facts of the case with the defendant and have explained the nature and elements of each charge; any possible defenses to the charges; the effect of any prior convictions, enhancements, allegations, and circumstances in aggravation; and the consequences of the plea. I also have discussed the contents of this form with the defendant. I concur with the defendant's decision to waive the rights set forth on this form and to plead guilty. No promises of a particular sentence or sentence recommendation have been made to the defendant by me, or to my knowledge by the prosecuting attorney or the court, which have not been fully disclosed on this form. I agree that this form may be received by the court as evidence of defendant's advisement and voluntary, intelligent, knowing, and express waiver of the rights set forth on this form.

DATED: _____ SIGNED: _____
(Attorney of Record)

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INTERPRETER'S STATEMENT: I, _____, having been duly sworn as a court certified/registered/provisionally qualified interpreter, state that I am fluent in the _____ language. I translated the contents of this form to defendant in that language.

DATED: _____ SIGNED: _____
(Court Interpreter)

FOR THE PEOPLE: I am the prosecuting attorney in this case. I certify that I have complied with the requirements of California Penal Code §1016.3(b). (Immigration consequences considered)

DATED: SIGNED: _____

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, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's pleas is freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant's plea and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

_____ _____
☐ Judge of the Superior Court DATE
☐ Temporary Judge of the Superior Court