Superior Court of California, County of Humboldt
Waiver and Plea to Reckless Driving (Alcohol Related) Reckless Driving (Vehicle Code §§ 23103 and 23103.5)

(For Court Use Only)

Defendant Name:
Case Number:

I, _____, understand that I am charged with driving a vehicle on (Date) _____ while under the influence of an alcoholic beverage or drugs or both. Indicate with an "x" which subdivision of Vehicle Code § 23152 Defendant is alleged to have violated: (a)☐ (b)☐ (c)☐ (d)☐ (e)☐ (f)☐ (g)☐. But for reasons specified by the prosecution, said charge is being reduced to a violation of Section 23103 of the Vehicle Code (Reckless Driving).

I understand that I am also charged with having a conviction for a separate violation of an offense specified in Sections 23103 and 23103.5 of the Vehicle Code with an offense date of _____.

I understand the penalties are:

A. Maximum: Fine of $1,000.00, plus penalty assessments up to $2,700.00, plus additional fees up to an amount of $839.00, plus restitution to victim(s) in an amount to be determined, if any, or restitution fund assessment of $1,000.00, 90 days in jail, and a suspension of driving privilege for 30 days.

B. Minimum Without Probation: Fine of $145.00, plus penalty assessments of $405.00, plus additional fees up to an amount of $668.00, plus restitution to victim(s) in an amount to be determined, if any, or restitution fund assessment of $150.00, or 5 days in jail, or both.

C. Minimum With Probation: Fine of $145.00, plus penalty assessments of $405.00, plus additional fees up to an amount of $668.00, plus restitution to victim(s) in an amount to be determined, if any, or restitution fund assessment of $150.00 (plus an additional $150.00 suspended pending violation of probation); Enrollment in an alcohol and drug education program and completion, at a minimum, of educational component of that program except under compelling circumstances (Vehicle Code Section 23103.5(e)). understand that I may be ordered to attend an alcohol and drug problem assessment program (Vehicle Code Section 23647). Standard probation terms and conditions to include: obey all laws, not drive a motor vehicle with any drugs or measurable amount of alcohol in your system, not refuse to complete a blood alcohol chemical test when offered by any peace officer, not drive without a valid California driver's license or without valid insurance.

I further understand that a conviction resulting from a plea of guilty or no contest in this matter shall be a prior offense for the purpose of subsequent sentencing as specified in Sections 23540, 23546, 23550, 23560, 23566 or 23622 of the Vehicle Code if I am convicted of a subsequent offense under Sections 23152 or 23153 of the Vehicle Code which occurs within ten years of this offense. In such a case, this conviction shall not be stricken by the court to avoid imposing the minimum penalties provided in the Vehicle Code for a violation of Sections 23152 or 23153 with prior convictions.

I understand that if I am not a citizen of the United States, a plea of guilty or no contest 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 have discussed any applicable immigration consequences with my attorney.

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

I understand that my driver's license suspension or revocation from DMV administrative proceedings is independent of court imposed penalties.

Conviction with one or more prior violations of Vehicle Code sections 23103/23103.5:

If I am subsequently convicted of a violation of Vehicle Code section 23103 and 23103.5 within 10 years of a conviction for the same offense, which violation results in my placement on probation, I shall be subject to the above penalties except that I will be required to participate in an alcohol education program for at least nine months (Vehicle Code Section 23103.5(f)(1)).

DEFENDANT TO PERSONALLY WRITE **YES** OR **NO** IN EACH BOX:		I understand this right	I give up this right
1.	Right to a speedy and public jury trial. At the trial, I would be presumed to be innocent, and I could not be found guilty unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were unanimously convinced beyond a reasonable doubt that I am guilty. I have a right, through my lawyer, to participate in jury selection.		
2.	Right to confront and cross examine all witnesses against me.		
3.	Right to remain silent and not incriminate myself.		
4.	Right to subpoena and produce evidence.		
5.	Right to be sentenced by a judge: I understand that by giving up this right I stipulate that I may be sentenced by a temporary judge.		
6.	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.		
7.	Right to delay sentencing not less than 6 hours nor more than 5 days after the entry of this plea.		

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 an 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.	

Vehicle Code Section 23593(a) states: "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 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 _____(No Contest or Guilty) to the charge(s) of violation of the Vehicle Code Section 23103.

Signed: _____ Date: _____

READ AND COMPLETE REVERSE

ATTORNEY'S STATEMENT

I certify that I am the attorney of record for the defendant; that I have fully discussed matters herein with the defendant and advised the defendant thereon;

- that I have explained each of the above rights to the defendant, and the representations of the defendant are the defendant's own;
- that I have explored the facts with defendant and studied defendant's possible defenses to the charge(s);
- that I have discussed the nature of the charges and direct consequences of entering a plea;
- that I have advised about the immigration consequences of a proposed disposition, and defended against those consequences consistent with the goals of and with the informed consent of the defendant and professional standards;
- that I believe that the plea and waivers are intelligently and expressly made;
- that I join the plea and waivers; that I stipulate there is a factual basis for the plea and that the time is waived for judgment and sentencing.

The immigration aspect is based on California Penal Code Section 1016.3 (a).

☐ Absentia form attached.

Signed: _____ Date: _____

INTERPRETER'S STATEMENT

I, _____, a certified/registered 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 this form at the defendant's direction. The defendant indicated understanding the contents of the form and then signed the form.

Signed: _____ Date: _____

DISTRICT ATTORNEY'S STATEMENT

This offense is alcohol related. This reduction to a charge of reckless driving is made for the following reasons:

☐ Accuracy of chemical test

☐ May be unable to sustain burden of proof

☐ Questionable probable cause

☐ Negotiated disposition involving a guilty plea to related or other offense

☐ Other: _____

Signed: _____ Date: _____

FINDINGS AND ORDER

The court has advised the defendant of the consequences of a conviction of a violation of Section 23103 as set forth in the 23013.5(c) of the Vehicle Code, and has done so prior to accepting the plea, I accept the defendant's plea and the prosecutor's statement that the offense was alcohol related.

Signed: _____ Date: _____
(Judge / Temporary Judge, Superior Court of California, County of Humboldt)