

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER
ADVISEMENT AND WAIVER OF RIGHTS (MISDEMEANOR)**

People vs. [Print full name] Date of birth: _____ Case number: _____

Charge(s):		
Priors:		
You have the following trial rights in connection with the charges, which are now pending against you. You will be giving up all of the following rights if you enter a plea of guilty or no contest.	I understand this right	I give up this right
Attorney: You have the right to an attorney. If you cannot afford to hire your own attorney, the court will appoint one to represent you.	initial	initial
Jury Trial: You have the right to a speedy, public jury trial on the charges which are pending against you.		
Confrontation: You have the right to confront the witnesses against you in trial: to see, hear and question all witnesses yourself or through your attorney.		
Subpoena: You have the right to present evidence and subpoena witnesses for your defense.		
Testimony: You have the right to testify in your own defense.		
Self-incrimination: You have the right to remain silent and you cannot be forced to testify if you do not want to do so.		
Sentencing: I understand that I have the right to be sentenced by a Superior Court Judge. I give up this right and agree to be sentenced by a duly appointed commissioner, Referee or Judge Pro Tem.		
I understand that if I am charged and convicted of a similar offense in the future that the plea of guilty or no contest I enter now may be used to increase my punishment, the consequences of which have been explained to me. I have reviewed the back of this form.		
Penal Code section 1016.5 Advisement: I understand that if I am not a United States citizen, a plea of guilty or no contest to offense(s) listed above "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."		

ALCOHOL RELATED MISDEMEANOR OFFENSES ONLY

I understand that if my blood alcohol content was .15 percent or above, or if I refused to submit to a chemical test, the court shall consider this in determining whether to enhance the penalties imposed on me, whether to grant probation or whether to impose additional terms and conditions of probation.		
I understand that if I am convicted of violation of Vehicle Code §23152, the court shall impound my car at my expense for up to 90 days, unless it determines that it is in the interest of justice not to do so.		
§23593 Advisement: 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.		
§23103 under 23103.5 – Reckless Driving Involving Alcohol or Drugs I understand that this means that if, in the next ten years, I am arrested for driving under the influence or driving when my blood alcohol level was .08 percent or higher and I am convicted of that charge, I will be sentenced under the increased penalties the law provides for subsequent convictions.		
If applicable: I freely and voluntarily admit the other conviction(s) listed on this form. I understand that this admission will increase the penalties imposed on me.		
Commercial license: I understand that the DMV will prohibit me from operating a commercial vehicle for one year if I am convicted of a first DUI violation, or willfully refused a chemical test to determine my blood-alcohol level, which occurred in any vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a second or subsequent DUI offense or willful refusal to submit to a chemical test in any vehicle.		

Attorney's statement: I have explained the contents of this form to my client. I have had sufficient time to discuss this case with my client, including the elements of the crime, and I have advised him/her of his/her rights, defenses and the consequences of his/her plea. I join in the waiver of the rights made by my client, including the right to a jury trial.	Defendant's statement: I have read the front and back of this form. If represented by an attorney, I have had enough time to speak with my attorney; I have told my attorney everything I know about this case; my attorney has explained to me my rights, my defenses and the possible consequences of my plea, including the consequences explained on the second page of this form. I am entering this plea freely and voluntarily. I hereby enter a plea of <input type="checkbox"/> guilty <input type="checkbox"/> nolo contendere to the charges listed above.
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Dated: _____ Signed: _____

The Court finds the defendant understands his/her constitutional rights, the nature of the crime(s) which he/she is admitting, the consequences of the plea, that plea and waiver of rights have been knowingly and voluntarily made and that there is a factual basis for the plea.

Dated: _____ Signed: _____

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (VEHICLE CODE §23152)

OFFENSE	MINIMUM AND MAXIMUM SENTENCES WHEN PROBATION IS GRANTED (3 TO 5 YEARS)	MINIMUM AND MAXIMUM SENTENCES WITHOUT PROBATION	REFUSING OR NOT COMPLETING BLOOD, BREATH OR URINE TEST
FIRST OFFENSE	A. 48 hours to 6 months in jail; B. Fine of \$390–\$1,000 plus penalties and assessments; C. 3-month DUI school (9-month if B.A. .20 or higher); D. DMV will impose a 6- to 10-month driver’s license suspension, and it may be longer under other circumstances. I may apply for a restricted license to drive for work and to/from alcohol program only through DMV.	A. 96 hours to 6 months in jail; B. Fine of \$390–1,000 plus penalties and assessments; C. DMV will impose a driver’s license suspension, the length of which depends on the conviction and age of the driver.	6- to 10-month driver’s license suspension and additional 48 hours in jail.
SECOND OFFENSE WITHIN 10 YEARS	A. 10 days to 1 year in jail; B. Fine of \$390–\$1,000 plus penalties and assessments; C. 18-month DUI school; D. DMV will impose a minimum 2-year driver’s license suspension.	A. 90 days to 1 year in jail; B. Fine of \$390–\$1,000 plus penalties and assessments; C. DMV will impose a minimum 2-year driver’s license suspension.	2-year driver’s license revocation and additional 96 hours in jail.
THIRD OFFENSE WITHIN 10 YEARS	A. 120 days to 1 year in jail; B. Fine of \$390–\$1,000 plus penalties and assessments; C. 18-month DUI school; D. DMV will impose a 3-year driver’s license revocation; E. Designated as a Habitual Traffic Offender for 3 years.	A. 120 days to 1 year in jail; B. Fine of \$390–\$1,000 plus penalties and assessments; C. DMV will impose a 3-year driver’s license revocation; D. Designated as a Habitual Traffic Offender for 3 years.	3-year driver’s license revocation and additional 10 days in jail.
FOURTH OR SUBSEQUENT OFFENSE WITHIN 10 YEARS	A. 180 days to 1 year in jail; B. Fine of \$390–\$1,000 plus penalties and assessments; C. 18-month DUI school; D. DMV will impose a 4-year driver’s license revocation; E. Designated as a Habitual Traffic Offender for 4 years.	A. Felony: 16 months, 2 years or 3 years in prison / Misdemeanor: 180 days to 1 year in jail; B. Fine of \$390–\$1,000 plus penalties and assessments; C. DMV will impose a 4-year driver’s license revocation; D. Designated as a Habitual Traffic Offender for 4 years.	Additional 18 days in jail.

SENTENCES FOR RECKLESS DRUG/ALCOHOL-RELATED DRIVING (VEHICLE CODE §23103 PURSUANT TO 23103.5)

OFFENSE	MINIMUM AND MAXIMUM SENTENCES WHEN PROBATION IS GRANTED (1 YEAR)	MINIMUM AND MAXIMUM SENTENCES WITHOUT PROBATION
RECKLESS DRIVING WHEN REDUCED FROM DRIVING UNDER THE INFLUENCE	A. Maximum of 90 days jail, and/or; B. Fine \$145–\$1,000 plus penalties and assessments; C. 12-hour alcohol/drug treatment program; D. The conviction counts as driving under the influence “prior” for ten years after the violation date.	A. 5 to 90 days jail; B. Fine of \$145–\$1,000 plus penalties and assessments.

SENTENCES FOR DRIVING WITH A SUSPENDED, REVOKED OR RESTRICTED LICENSE (VEHICLE CODE §14601, 14601.1, 14601.2, 14601.3 or 14601.5)

OFFENSE	MINIMUM AND MAXIMUM SENTENCE FIRST OFFENSE: NO PRIOR CONVICTIONS IN PAST FIVE YEARS OF §14601, 14601.1, 14601.2, 14601.3 or 14601.5	MINIMUM AND MAXIMUM SENTENCE SECOND OR SUBSEQUENT OFFENSE: PRIOR CONVICTION(S) IN PAST 5 YEARS OF §14601, 14601.1, 14601.2, 14601.3 or 14601.5
SECTION 14601 suspended/revoked license -negligent operator	5 days to 6 months in jail, and Fine of \$300–\$1,000 plus penalties and assessments	10 days to 1 year in jail, and Fine of \$500–\$2,000 plus penalties and assessments
SECTION 14601.1 suspended/revoked license -other	Up to 6 months in jail, and/or Fine of \$300–\$1,000 plus penalties and assessments	5 days to 1 year in jail, and Fine of \$500–\$2,000 plus penalties and assessments
SECTION 14601.2 restriction on alcohol related offense	10 days to 6 months in jail, and Fine of \$300–\$1,000 plus penalties and assessments Installation of an Ignition Interlock Device (up to 3 years)	30 days to 1 year in jail, and Fine of \$500–\$2,000 plus penalties and assessments Installation of an Ignition Interlock Device (up to 3 years)
SECTION 14601.3 suspended/revoked license -habitual traffic offender	30 days in jail, and Fine of \$1,000 plus penalties and assessments	Prior conviction within 7 years: 180 days in jail Fine of \$2,000 plus penalties and assessments
SECTION 14601.5 Suspended/revoked license	Up to 6 months jail, and/or Fine of \$300–\$1,000 plus penalties and assessments	10 days to 1 year in jail, and Fine of \$500–\$2,000 plus penalties and assessments

INTERPRETER’S STATEMENT (if applicable)

I, _____ have been duly sworn or I am a certified language interpreter and I have an oath on file. I have translated this form to the defendant in the _____ language. The defendant confirmed he/she understood the contents of the form and he/she then completed the form.

Dated: _____ Signed: _____
Interpreter