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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MONTEREY**

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

CASE NUMBER: \_\_\_\_\_

VS.

Defendant.

**WAIVER OF RIGHTS  
PLEA OF "GUILTY" OR "NO CONTEST"**

1. My true full name is: \_\_\_\_\_ DOB: \_\_\_\_\_

2. I understand that:

(a) I am pleading "Guilty" / "No Contest" to the offense(s) charged:

(b) I am admitting the prior conviction(s) and/or special allegation(s) charged:

3. I understand, and I freely and voluntarily give up, the following constitutional rights:

(a) I understand, and I give up, my right to a speedy and public trial by jury or Court.

(b) I understand, and I give up, my right to confront the witnesses against me.

(c) I understand, and I give up, my right to present evidence on my own behalf and to have witnesses compelled to testify on my behalf.

(d) I understand, and I give up, my right to remain silent.

(e) I understand, and I give up, my right to be represented by an attorney at all stages of the proceedings and, if I cannot afford an attorney, my right to have an attorney appointed by the court to represent me.

4. I understand the maximum sentence I could receive for the offense(s). (**Review and sign reverse side.**)

5. If I am not a citizen of the United States, I understand that my plea of "Guilty" or "No Contest" to these charges will result in deportation, exclusion from admission to the United States, denial of naturalization or amnesty, and/or denial of re-entry into this country.

6. If I am currently on probation or parole in any other case, I understand that my plea of "Guilty" or "No Contest" to these charges constitutes grounds for revoking probation or parole previously granted to me in any other case.

I understand that I am giving up these rights, and I understand the possible penalties and other consequences of my plea. Knowing my rights and the consequences of my plea, I enter a plea of "Guilty" or "No Contest."

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

**PLEASE READ, DATE, AND SIGN BOTH SIDES OF THIS FORM**

I certify that I translated this form to the defendant who acknowledged understanding its contents before signing.

Language: Spanish / Other: \_\_\_\_\_

SPECIFY OTHER

INTERPRETER'S SIGNATURE OR PRINT NAME

DATE

Upon inquiry, the Court finds that there is a factual basis for the plea and further that this defendant understands the possible penalties and consequences of his/her plea and that he/she understands and knowingly, voluntarily, and intelligently waives each of the above rights.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

**W A I V E R   O F   R I G H T S**

**I understand that the maximum sentence is**

- 1 year in jail and a fine of \$1000 plus penalty assessments
- 6 months in jail and a fine of \$1000 plus penalty assessments

Other: \_\_\_\_\_

I understand that in addition to the statutory fines, mandatory assessments and fees will be imposed that will significantly increase the amount I have to pay. Also, I will be ordered to make victim restitution and to pay a restitution fine of \$150 to \$1000 unless the Court finds compelling and extraordinary reasons not to do so.

| DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (V.C. SECTION 23152) |  |  |
|--|--|--|
| PENALTIES AND PUNISHMENT   |  |  |
| Offense  | Minimum and Maximum Sentence When Probation is Granted (3 to 5 years)  | Minimum and Maximum Sentence without Probation   |
| <b>FIRST OFFENSE</b><br>Within 10 Years                                  | (A) 48 HOURS TO 6 MONTHS IN JAIL<br>(B) A FINE OF \$390 TO \$1000 PLUS PENALTY ASSESSMENTS<br>(C) DMV WILL IMPOSE A 6-MONTH DRIVER'S LICENSE SUSPENSION<br>(D) ATTEND A 3 OR 9 MONTH 1 <sup>ST</sup> OFFENDER ALCOHOL PROGRAM  | 96 HOURS TO 6 MONTHS IN JAIL; FINE OF \$390 TO \$1000 PLUS ASSESSMENTS; LICENSE SUSPENDED 6 MONTHS                   |
| <b>SECOND OFFENSE</b><br>Within 10 Years                                 | (A) 10 DAYS TO 1 YEAR IN JAIL<br>(B) A FINE OF \$390 TO \$1000, PLUS PENALTY ASSESSMENTS<br>(C) DMV WILL IMPOSE A 2-YEAR DRIVER'S LICENSE SUSPENSION<br>(D) ATTEND 18 MONTH OR 30 MONTH MULTIPLE OFFENDER ALCOHOL PROGRAM  | 90 DAYS TO 1 YEAR IN JAIL; FINE OF \$390 TO \$1000 PLUS ASSESSMENTS; LICENSE SUSPENDED 2 YEARS.                      |
| <b>THIRD OFFENSE</b><br>Within 10 Years                                  | (A) 120 DAYS TO 1 YEAR IN JAIL<br>(B) A FINE OF \$390 TO \$1000, PLUS PENALTY ASSESSMENTS<br>(C) DMV WILL IMPOSE A 3-YEAR DRIVER'S LICENSE REVOCATION<br>(D) ATTEND 18 OR 30-MONTH ALCOHOL PROGRAM IF YOU HAVE NOT COMPLETED ONE BEFORE. DESIGNATED HABITUAL TRAFFIC OFFENDER.   | 120 DAYS TO 1 YEAR IN JAIL; \$390 TO \$1000 FINE; LICENSE REVOKED 3 YEARS; DESIGNATED HABITUAL TRAFFIC OFFENDER.     |
| <b>FOURTH OR SUBSEQUENT OFFENSE</b><br>Within 10 Years                   | (A) 180 DAYS TO 1 YEAR IN JAIL<br>(B) \$390 TO \$1000 FINE, PLUS PENALTY ASSESSMENTS<br>(C) DMV WILL IMPOSE A 4-YEAR DRIVER'S LICENSE REVOCATION<br>(D) AN 18 OR 30-MONTH ALCOHOL PROGRAM IF YOU HAVE NOT COMPLETED ONE BEFORE. DEFENDANT MAY REQUEST TO PARTICIPATE IN A 30-MONTH TREATMENT PROGRAM. DESIGNATED AS HABITUAL TRAFFIC OFFENDER. | 180 DAYS TO 1 YEAR IN JAIL; \$390 TO \$1000 FINE; LICENSEE REVOKED 4 YEARS; DESIGNATED AS HABITUAL TRAFFIC OFFENDER. |

**DRIVER'S LICENSE SUSPENSION/REVOCATION:** I understand that if I plead guilty or no contest to an offense of driving under the influence (Vehicle Code section 23152 or 23153) my driver's license will be suspended for a period of between 6 months and 4 years as set forth in the table above. I understand that my driving privileges may not be restored until I have provided satisfactory proof to the Department of Motor Vehicles that I have successfully completed a driving-under-the-influence program of the required length from a provider that is licensed under Health and Safety Code section 11836. Individuals whose licenses have been suspended may apply to the DMV for a restricted license permitting them to drive for work purposes. However, the Court may prohibit the DMV from issuing a restricted license if it determines that I would pose a traffic safety or public safety threat if allowed to drive.

**UNDER 21 YEARS OF AGE:** If applicable - I understand that if I was **under the age of 21** at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the Court. If I do not have a valid driver's license, the Court will order the Department of Motor Vehicles (DMV) to delay issuing a license to me for 1 year after I become eligible to drive.

**VEHICLE IMPOUNDMENT:** For a first offense of 23152, the court may impound the vehicle at the defendant's expense for up to 30 days; for a second offense, the court shall impound the vehicle up to 30 days; for a third or subsequent offense within 5 years, the court shall impound the vehicle for up to 90 days or order defendant's vehicle forfeited.

**IGNITION INTERLOCK DEVICE INSTALLATION:** I understand that I may be ordered to install an ignition interlock device on any vehicle that I own or to which I have access for up to three years.

**FARM LABOR CERTIFICATE:** I also understand that if I plead guilty or no contest to an offense of driving under the influence of an alcoholic beverage (VC 23152a or 23153), reckless driving, or driving on a suspended or revoked driver's license, the Department of Motor Vehicle will revoke or not issue a Farm Labor Vehicle Certificate for 3 years.

**COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION:** I understand that if I plead guilty or no contest to an offense of driving under the influence of an alcoholic beverage (VC 23152 or 23153) or willfully refusing to submit to or complete a blood-alcohol test I will be disqualified from operating a commercial vehicle for 1 year, unless this is my second offense for these matters in which case I understand that I will be disqualified from operating a commercial vehicle for life. These penalties will apply regardless of whether or not I was operating a commercial vehicle at the time of my offense. I also understand that if I am convicted of more than one violation of any of the offenses listed in VC 15302, I will be disqualified from operating a commercial vehicle for the rest of my life.

**VC 23593 ADVISEMENT:** I understand being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. Furthermore, I understand that if I continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, I can be charged with murder.

**I HAVE READ AND UNDERSTAND THE MINIMUM AND MAXIMUM SENTENCES AND THE CONSEQUENCES FOR THE OFFENSE(S) TO WHICH I AM PLEADING "GUILTY" OR "NO CONTEST".**

Date: \_\_\_\_\_

Defendant

