SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE 12855 Justice Center Dr Sonora, CA 95370 Phone: (209) 533-5555	Space below for use by Court Clerk only.
Plaintiff: The People of the State of California VS. Defendant(s):	Case Number:

MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM

1) I hereby freely and voluntarily plead_____ guilty or _____ no contest to:_____ _____. _____
2) 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. _____
3) I understand that if I am not a citizen of the United States, I am advised that conviction of the offense for which I 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. _____
4) I have been advised of, understand and knowingly and intelligently waive each of the following constitutional rights:
    a. To an attorney to represent me at all stages of the proceeding. If I cannot afford to hire an attorney, the court will appoint one to represent me. _____
    b. To have a speedy and public trial by court or by jury. At the trial I am presumed to be innocent, and the prosecution has the burden of proving me guilty beyond reasonable doubt. _____
    c. To confront and cross-examine all witnesses testifying against me. _____
    d. To present evidence and to have the Court issue subpoenas to bring into court witnesses or evidence favorable to me, at no cost. _____
    e. To testify on my own behalf if I choose, or to remain silent and not incriminate myself. By pleading guilty or no contest I am incriminating myself. _____
5) I understand the charge(s) against me, the elements thereof, and the possible pleas and defenses. _____
6) I understand the minimum and maximum penalties for the offense(s) I am charged with. _____
7) I understand that this conviction could be used against me in the future as a prior conviction that could increase any penalties for future convictions or could be used to violate my probation or parole which has been granted in another case. _____
8) No promises, or threats to me or anyone close to me, or inducements have been made in connection with this plea except: _____ _____. _____
9) If applicable: I understand that I have the right to enter my plea before, and be sentenced by, a Judge. I give up this right and agree to enter my plea before and be sentenced by a Superior Court Commissioner. _____

DEFENDANT'S STATEMENT

I am aware of and understand each of the above items. I have initialed those items as proof thereof. I hereby freely and voluntarily waive my rights and enter a plea to the listed charge(s).

Defendant's signature: _____Dated: _____

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 defendants' 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.

Attorney's signature:_____ Dated:_____

INTERPRETER'S STATEMENT

Having been sworn or having a written oath on file, I certify that I truly translated this form and any addenda to the defendant in the_____ language. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form in my presence.

Interpreter's signature:_____ Dated:_____

Printed name of interpreter:_____

COURT'S FINDINGS AND ORDER

The Court finds that the defendant has expressly, knowingly, voluntarily 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 and that there is a factual basis for the plea(s). The Court accepts the defendant's plea(s) and admission(s), if any, and orders this form and any applicable addendum filed and incorporated by reference.

JUDGE OF THE SUPERIOR COURT:_____ Dated:_____

ADDENDUM TO ADVISEMENT, WAIVER AND PLEA FORM
SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (23152)

Offense	Min./Max. When Probation Granted	Min./Max. Without Probation
First Offense in 10 years	Fine of $1,485 to $3,620 (including penalty assessments) and attendance at a 3 month alcohol/drug program (or 9 month program if my blood alcohol was .20 or more, or if I refused a chemical test) plus either: (a) 48 hrs to 6 months in jail and a 6 month driver's license suspension; or (b) A 90-day driver's license restriction for work and alcohol/drug program attendance only. However, if offense occurred in vehicle requiring a Class A or B license, my license shall be suspended for 6 months. (V.C.§ 23538)	Fine of $1,485 to $3,620 (including penalty assessments); 96 hours to 6 months in jail, and a 6-month driver's license suspension. (V.C.§ 23536)
Second Offense in 10 years	Fine of $1,485 to $3,620 (including penalty assessments) plus either: (a) 10 days to 1 year in jail and a 2 year license suspension; or (b) 96 hrs to 1 year in jail (96 hrs to be served in 2 increments of 48 hrs each) and an 18 (or 30) month alcohol/drug program, and a restricted driver's license for work and program attendance only. This option is not available to me if the offense occurred in a vehicle requiring a class A or B driver's license. (V.C. § 23542)	Fine of $1,485 to $3,620 (including penalty assessments); 90 days to 1 year in jail, and a license suspension for the duration of the sentence. (V.C. §23540)
Third Offense in 10 years	Fine of $1,485 to $3,620 (including penalty assessments) plus 120 days to 1 year in jail and a 3-year driver's license revocation. If no previous completion of an alcohol/drug program, an 18 or 30 month program. (V.C. § 23548)	Fine of $1,485 to $3,620 (including penalty assessments); 120 days to 1 year in jail, and a three-year license revocation. (V.C. §23546)
Fourth Offense in 10 years	Fine of $1,485 to $3,620 (including penalty assessments), 180 days to 1 year in jail, a 4-year driver's license revocation. License may not be re-instated until successful completion of 18 or 30-month alcohol/drug program. (V.C. §23552)	Fine of $1,485 to $3,620 (including penalty assessments); 180 days to 1 year in jail and a 4-year driver's license revocation. (V.C. §23550) Or 16 months-2 years-3 years in State Prison
Offense	Minimum/Maximum Sentence (with or without probation) (V.C. §§ 23103 and 23103.5)	
Reckless Driving	Fine of $639 to $3,620 and/or 5 to 90 days in jail.	
When Reduced from § 23152	Fine of $639 to $3,620 and/or 5 to 90 days in jail, plus enrollment in alcohol/drug program, and conviction to count as a DUI prior for a period of ten years	

SENTENCES FOR DRIVING WITH SUSPENDED, REVOKED OR RESTRICTED LICENSE

OFFENSE	FIRST OFFENSE (NO PRIOR WITHIN 5 YEARS)	SECOND OR SUBSEQUENT OFFENSE
§ 14601	Fine of $1,170 to $3,620; jail for 5 days to 6 months.	(Includes priors for §§ 14601.1, 14601.2 and 14601.5.)
§ 14601.1	Fine of $1,170 to $3,620; and/or jail for up to 6 months.	(Includes priors for §§ 14601, 14601.2 and 14601.5.) Fine of $1,880 to $7,020 and jail for 5 days to 1 year.
§ 14601.2	Fine of $1,170 to $3,620; jail for 10 days to 6 months. Ignition interlock device mandatory.	(Includes priors for §§14601, 14601.1 and 14601.5.) Fine of $1,880 to $7,020 and jail for 30 days to 1 year. Ignition interlock device mandatory.
§ 14601.3	Fine of $3,620 and jail for 30 days.	(Within 7 years, includes priors for §14601.3 only.) Fine of $7,020 and jail for 180 days.
§ 14601.5	Fine of $1,170 to $3,620 and/or jail for up to 6 months.	(Includes priors for §§14601, 14601.1 and 14601.2.) Fine of $1,880 to $7,020 and jail for 10 days to 1 year.

1. I have read and understand the penalty chart on the previous page that lists the minimum and maximum sentences for the offense(s) I am charged with. _____
2. I have read and understand the following 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." _____
3. I understand that the DMV may restrict, suspend or revoke my driver's license under a procedure which is separate from this criminal action and I understand that DMV's action, if any, will be in addition to the Court's sentence and I must obey it. _____
4. I understand that the DMV may consider any of my other convictions for DUI or reckless driving, even those that are not charged in this proceeding, and may impose a more severe license restriction, suspension or revocation as a result. _____
5. I understand that the DMV will not issue a restricted driver's license or restore my driving privilege following a restriction, suspension or revocation unless I have proof of insurance for 3 years. DMV will suspend my driver's license: (1) until proof of insurance is provided to the DMV; and (2) upon my failure to maintain such proof during the 3 year period. _____
6. I understand that I must successfully complete an alcohol/drug program in order to have my driving privilege reinstated following any license restriction, suspension or revocation which is imposed on me, even if I am not ordered to attend such a program by the court. _____
7. If applicable: I understand that if my blood-alcohol level was .20 percent or above, or if I refused to submit to a chemical test, the Court will consider this in determining whether to enhance the penalties, grant probation or impose additional terms of probation. _____
8. If applicable: I understand that if I am the registered owner of the vehicle used in the offense:
    a. The Court will impound my vehicle for up to 90 days, unless it is in the interests of justice not to do so. The Court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter or any combination thereof, in the past 10 years. _____
    b. I may be required to install an ignition interlock device (IID) for up to 3 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. _____
    c. If I am convicted of a second or subsequent violation of driving with a suspended or revoked license or driving without a license, my vehicle will be subject to forfeiture as a nuisance. _____
9. 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 DMV to delay issuing a license to me for 1 year after I become eligible to drive. _____

DEFENDANT'S STATEMENT

I am aware of and understand each of the above items regarding the additional consequences of my plea in this case. I have initialed those items as proof thereof.

Defendant's signature:_____ Dated:_____