SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL	FOR COURT USE ONLY
220 Main Street, Brawley, CA 92227	
415 East Fourth Street, Calexico, CA 92231	
939 West Main Street, El Centro, CA 92243	
2124 Winterhaven Drive, Winterhaven, CA 92283	
People of the State of California,	
VS.	
Defendant(s):	
Advisement of Rights, Waiver, and Plea Form	CASE NUMBER:
First Offense Only – Vehicle Code §23152	

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial each applicable item **only** if you understand it. If you have any questions about your case, the possible sentence, or the information on this form, ask your lawyer or the judge.

RIGHT TO A LAWYER

- 1. I understand that I have the right to be represented by a lawyer throughout the proceedings. I understand that the Court will appoint a free lawyer for me if I cannot afford to hire a lawyer, but at the end of the case I may be asked to pay all or part of the cost of that lawyer, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to a lawyer and that it is almost always unwise to represent myself
- 2. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer)

NATURE OF THE CHARGES (Initial all sections you are charged with.)

I understand that I am charged with a violation of Vehicle Code section(s):

- 3. 23152(a) Driving under the influence of alcohol or drugs, or both
- 4. 23152(b) Driving when my blood-alcohol level was .08 percent or higher
- 5. 23103 under 23103.5 Reckless driving involving alcohol or drugs, or both. 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.

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS

- RIGHT TO A JURY TRIAL I understand that I have a right to a speedy, public jury trial. At the trial, I would be
 presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond
 a reasonable doubt.
- 7. I give up my right to a jury trial.
- RIGHT TO CONFRONT WITNESSES I understand that I have the right to confront and cross-examine all witnesses testifying against me.
- 9. I give up my right to confront and cross-examine witnesses.
- RIGHT AGAINST SELF-INCRIMINATION I understand that I have the right to remain silent and not incriminate myself, and the right to testify in my own behalf. I understand that by pleading guilty or no contest, I am incriminating myself.
- 11. I give up my right to remain silent and to not incriminate myself.
- 12. **RIGHT TO PRODUCE EVIDENCE** I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me.
- 13. I give up my right to produce evidence and witnesses in my own behalf.

See Reverse Side

CO	DNSEQUENCES OF PLEA OF GUILTY OR NO CONTEST	ſ	
14. I understand that if I am not a citizen, of the United States, I have the right to seek the advice and assistance of the consulate of the country of my citizenship. I am further advised that conviction of any crime may adversely affect my immigration status, and could result in deportation or exclusion from the United States, denial of admission to the United States, or denial of naturalization, amnesty, or certain federal benefits.			
15.	I understand that a plea of no contest (nolo contendere) will have exa of guilty, but it cannot be used against me in a civil lawsuit.	ctly the same effect in this case as a plea	
	Sentences for Driving Under the Influence of	f Alcohol and/or Drugs (Section 23152)	
Offense	Minimum and maximum sentences when probation is granted (3 to 5 year probation term)	Minimum and maximum sentences without probation	
First offen within 10		\$1,000 fine, and a 6-month license suspension.	
	Under either option, the Court may also suspend my license	e for 6 months.	
Second of within 10	1 5 6	nsion; <i>or</i> \$1,000 fine, and an 18-month -month alcohol/drug license suspension.	
	Sentences for Reckless Driving	g (§23103 under §23103.5)	
Nature of o	offense Minimum and maximum sentences	Other	
Reckless d reduced fre under the i	om driving 45 to \$1,000, or both. If probation <i>is</i> granted: a	If alcohol or drugs are involved, this conviction will act as a separate conviction for driving under the influence (DUI) if I commit a subsequent DUI offense within ten years.	
	I have read and understood the above chart which lists the minimum at offense(s) I am charged with.		
17.	I understand that in addition to the fine imposed, the law requires the G significantly increase the amount I must pay. I understand that I must to the victim, if the offense involved a victim, or to a Restitution Fund a public agency which responded to any incident caused by my vehicle	y also be ordered (1) to make restitution , and (2) to pay the expenses incurred by	
18.	18. I understand that if it is alleged that I recklessly drove 30 or more miles above the speed limit on a freeway, or 20 or more miles above the speed limit on any other street or highway, the Court may impose an additional consecutive term of 60 days in the county jail. If this is my first offense, the Court may also order me to complete an alcohol/drug counseling program.		
19.	 19. If applicable – I understand that if I was under the age of 21 at the time of my arrest, in addition to the penalties in the above chart, my driver's license shall be suspended for one year and I must surrender my license to the Court. If I do not have a valid license at the time of my conviction, the Court shall order the DMV to delay issuing a license to me for one year after I become eligible to drive. 		
20.	 20. If applicable – I understand that if I am convicted of a first violation of Vehicle Code §23152, and the offense occurred in a vehicle which requires a class 1 or class 2 (or class A or class B) driver's license, my license shall be suspended for six months even if probation is granted. 		
21.	If applicable – I understand that if my blood-alcohol content was .20 to a chemical test, the Court shall consider this in determining whethe me, whether to grant probation, or whether to impose additional terms	r to enhance the penalties imposed on	
22.	I understand that if I am convicted of a first violation of Vehicle Code impounded at my expense for up to 30 days.	§23152, the Court may order my vehicle	
23.	I understand that the Department of Motor Vehicles (DMV) may restri an administrative procedure which is separate from this criminal actio may also require me to attend an alcohol/drug program before my lice the DMV's action, if any, will be in addition to the Court's sentence	n. If such a procedure is used, the DMV nse will be restored. I understand that	
24.	I understand that the DMV will not issue a restricted license or restore suspension, or revocation unless I have proof of successful completic program, proof of valid insurance and maintain it for three years . (1) until proof of insurance is provided by my insurance company to proof during the three-year period and (3) the DUI program provide th	on of a licensed driving-under-the-influence The DMV will suspend my license: the DMV, (2) upon my failure to maintain such	
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25.	I understand that the DMV may consider any of my prior convictions for driving under the influence or reckless
	driving which are not charged in this proceeding and impose a more severe license restriction, suspension, or
	revocation as a result of my uncharged conviction(s).

- 26. I understand that any plea entered in this case may be grounds for **revoking probation** or **parole** which has been previously imposed on me in any other case.
- 27. I understand the charge(s) against me, and the possible plea(s) and defenses.
- 28. I am advised and understand 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 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**.

PLEA(S)

29. I hereby freely and voluntarily plead (guilty or no contest):_

to (list charge(s)):_

30. I understand that I have the right to wait from **six hours** to **five days** prior to being sentenced. I give up this right and agree to be sentenced at this time

31. 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 ______

Temporary Judge

Date

Defendant's Signature ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have gone over the form with my client. I have explained each of the defendant's rights to the defendant, and answered all of the defendant's questions with regard to this plea. I have discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, *including immigration consequences*, the elements of the offense(s), and the possible defenses. I concur in this plea and the defendant's decision to waive constitutional rights.

DATE:	SIGNED:		
	Attorney for Defendant		
	INTERPRETER'S STATEMENT (IF APPLICABLE)		
I,	, having been duly sworn, truly translated this form to the		
defendant in the	language. The defendant indicated that (s)he understood the contents		
of the form, and (s)he th	initialed the form.		
DATE:	SIGNED:		
	Court Interpreter		
	COURT FINDINGS AND ORDER		
rights, finds that the d constitutional rights. Th of the nature and cons	d this form and having questioned the defendant concerning the defendant's constitution endant has expressly, knowingly, understandingly and intelligently waived his or h Court finds that the defendant's plea is freely and voluntarily made with an understandin uences thereof, and that there is a factual basis for the plea. The Court accepts the fendant is convicted on his or her plea.		
The Court orders this fo	filed and incorporated in the docket by reference as though fully set forth therein.		
DATE:	SIGNED:		
	Judge of the Superior Court		

SIGNED:

Temporary Judge of the Superior Court