

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE  
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM**

*For Court Use Only*

CASE NO. \_\_\_\_\_ PEOPLE vs. \_\_\_\_\_

1. My true full name is \_\_\_\_\_
2. I understand that I am pleading  **GUILTY** /  **NOLO CONTENDERE** and admitting the following offenses, prior convictions and special punishment allegations, with the maximum punishment indicated below:

CT	CHARGE	PRIORS (Date)	ALLEGATIONS	MAX SENTENCE JAIL/FINES

3. Remaining count(s), prior(s), and other allegation(s) dismissed on People's motion. 3.
4. I understand I am also charged with a violation of probation in case no. \_\_\_\_\_ 4.

**RIGHTS AND WAIVERS**

5. I understand I have the following constitutional rights, which I am waiving and giving up by entering my plea, and, if applicable, by my admission of a probation violation: 5. 
  - 5a. I have the right to be represented by an attorney at all stages of the proceedings until the case is completed. If I cannot afford an attorney, one will be appointed to represent me. (For defendants without an attorney: I am aware that there are dangers and disadvantages of representing myself and there may be a value in obtaining advice from an attorney in this matter but I knowingly and voluntarily waive and give up my right to an attorney and choose to represent myself.) 5a.
  - 5b. I have the right to a speedy and public trial by a jury or a judge, and if charged with a probation violation, the right to a hearing before a judge. I waive and give up this right. 5b.
  - 5c. I have the right to confront the witnesses against me and to cross examine them. I waive and give up this right. 5c.
  - 5d. I have the right to testify on my own behalf but I cannot be compelled to be a witness against myself and may remain silent if I choose. I waive and give up this right. 5d.
  - 5e. I have the right to present evidence and have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. I waive and give up this right. 5e.
  - 5f. Under the Fourth and Fourteenth Amendments to the United States Constitution, I have a right to be free from unreasonable searches and seizures. If I am granted probation, I waive and give up this right. I agree to submit my person and property, including any residence, premises, container, or vehicle under my control which may include electronic devices, to search and seizure at any time of the day or night by any law enforcement or probation officer, with or without a warrant, and with or without reasonable cause or reasonable suspicion. 5f.
6. I understand I have the right to appeal an adverse ruling on a Penal Code 1538.5 suppression motion. I waive and give up this right. 6.
7. I understand I have the right to have a delay in pronouncement of my sentence of not less than six hours and not more than five days after my plea. I waive and give up this right and agree to be sentenced at this time. 7.

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8. **Arbuckle Waiver:** I understand I have the right to be sentenced by the judge who accepts this plea. I waive and give up this right. 8.
9. **Harvey Waiver:** I understand I may be required to pay restitution on a count that is being dismissed pursuant to this plea agreement. 9.
10. I understand I have the right to be present for the entry of the plea of guilty or nolo contendere, and I hereby waive and give up that right. 10.
11. I understand I have the right to reject probation, and I hereby waive and give up that right and accept probation on the terms and conditions  as imposed by the Court, or  as contained in the attached Sentence Recommendation form. 11.
- 11a. If the judge does not wish to follow the prosecutor's sentence recommendation, I may withdraw my plea. 11a.
- 11b. If I violate any of the terms of probation, I may be returned to Court and sentenced up to the maximum punishment as indicated on page 1. 11b.
- 11c. I understand I have the right to a hearing before a judicial officer to determine whether I violated the conditions of my court-ordered supervision and to determine the appropriate sanction for the violations. I hereby waive and give up this right for all violations for which the county probation department orders me to serve a "flash incarceration", which can be a period of one to ten consecutive days in the county jail. However, if I do not agree with the imposition of flash incarceration, I am preserving my right to demand a hearing. I understand the Court may not deny me probation if I elect not to sign this waiver. 11c.
12. **Watson Advisement:** I understand that if I am charged with violating Vehicle Code section 23103, as specified in Vehicle Code section 23103.5 or Vehicle Code sections 23152 or 23153, the following warning applies: 12.

I am hereby advised that being under the influence of alcohol or drugs, or both, impairs my 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.

**CONSEQUENCES**

13. I understand some of the possible consequences of my plea and admissions are as follows:
- 13a. I have read the attached punishment chart and understand the minimum and maximum penalties and consequences listed therein. 13a.
- 13b. There will be state penalty assessments added to any fines imposed by the Court. 13b.
- 13c. I will be ordered to pay a minimum of \$150 and a maximum of \$1,000 to the State Restitution Fund unless the Court makes a finding of "compelling and extraordinary reasons" for waiving this fine. 13c.
- 13d. I will be ordered to pay a minimum of \$150 and a maximum of \$1,000 Probation Revocation Restitution fine pursuant to Penal Code 1202.44. The restitution fine will be stayed but will be payable upon revocation of probation. 13d.
- 13e. I will be ordered to pay restitution on count(s) \_\_\_\_\_, and dismissed count(s) \_\_\_\_\_ pursuant to Harvey Waiver, as part of the plea agreement, in the amount of \$\_\_\_\_\_, or in an amount to be determined by the Court or the Probation Department. If I disagree with the amount of restitution determined by the Court or Probation Department, I may request a Court hearing to determine the amount of restitution. 13e.

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13f. **Immigration consequences:** I understand if I am not a citizen of the United States, the plea or my conviction for the offense(s) charged will have the consequence of deportation, exclusion from admission to the United States, and denial of naturalization pursuant to the laws of the United States. 13f.

13g. **Firearms Advisement:** I am now prohibited from owning, purchasing, receiving, possessing, or having under my custody or control any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines. I am ordered to relinquish all firearms and complete a relinquishment form pursuant to Penal Code 29810. 13g.

13h. If I am charged and convicted of a similar offense in the future, my plea today may be used to increase my punishment for the new offense. 13h.

13i. If I am presently on probation or parole for any previous conviction, my plea today may cause me to be in violation of that probation or parole and result in additional penalties and/or punishment. 13i.

13j. If I am convicted of driving under the influence and I was UNDER 21 at time of arrest, my driver's license will be suspended for one year. If I do not have a license, the Department of Motor Vehicles will delay issuing a license for one year after I become eligible to drive. 13j.

The Department of Motor Vehicles may take action and may suspend my driver's license for specified drug, alcohol and vandalism offenses including the following:

EVERYONE convicted of Penal Code 594, 594.3, or 594.4 (Vandalism): up to a 2-year suspension.

UNDER 21 years of age – 1-year suspension for violation of Penal Code 647f, 191.5, 192.5; Health and Safety Code sections involving dangerous drugs, controlled substances, and alcohol; Business and Professions Code sections 25658, 25658.5, 25661, 25662; Vehicle Code section 23224.

EVERYONE convicted of a vehicle related offense involving a controlled substance including Health and Safety Code sections 11350, 11351, 11352, 11353, 11357, 11359, 11360, and 11361; up to 3-year suspension.

13k. If I am convicted of driving under the influence and it involved a REFUSAL/OR BAC (Blood Alcohol Content) OVER .20; I will be required to attend a first offender program of at least nine months duration. 13k.

13l. **Ignition Interlock:** If I am convicted of a first or subsequent offense for driving under the influence, the Court may order the installation of an Ignition Interlock Device (IID) on all vehicles operated by me for up to a three-year period. If I am convicted of driving on a suspended license under Vehicle Code sections 14601.2, 14601.4 or 14601.5, with a prior conviction for same offenses or for violation of Vehicle Code sections 23103.5, 23152, or 23153, the Department of Motor Vehicles (DMV) will require the installation of an Ignition Interlock Device (IID) as a condition of a restricted license separate from any action by this Court. 13l.

13m. The DMV may restrict or suspend my driver's license separate from any action by this Court. 13m.

13n. If the Court determines that it would be unsafe for me to operate a motor vehicle during a suspension period, the Court may prohibit the issuance of a restricted driver's license. 13n.

13o. For a conviction of Vehicle Code sections 23152 or 23153: the DMV will require completion of an alcohol/drug program in order to have my driving privilege reinstated, even if the Court did not order such a program. 13o.

13p. My driving privilege may not be restored until I provide the DMV satisfactory proof of successful completion of a licensed alcohol/drug program of the appropriate length required by law. 13p.

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14. I understand that if I am the registered owner of the vehicle used in the offense and the offense is:

14a. Vehicle Code sections 23152 or 23153 (first conviction), the Court may order my vehicle impounded up to 30 days at my expense. Upon a second conviction for violation of Vehicle Code sections 23152 or 23153, the Court is **required** (absent unusual circumstances) to order my vehicle impounded for at least one day, but not more than 30 days; the Court may also declare the vehicle a nuisance and order it sold after a hearing. 14a.

14b. Vehicle Code sections 23152 or 23153 (third conviction or more), the Court may order my vehicle impounded up to 90 days at my expense. The court may declare the vehicle to be a nuisance and order it sold after a hearing. 14b.

14c. Driving on a suspended license (Vehicle Code section 14601) or without a license (Vehicle Code section 12500), my vehicle will be subject to impoundment by the police and court for six months and up to one year, and may be subject to forfeiture as a nuisance. 14c.

15. I understand I have the right to enter my plea before, and be sentenced by a judge. I waive and give up this right and agree to enter my plea before, and be sentenced by, a Commissioner or Temporary Judge: 15.  
\_\_\_\_\_ (enter name of Commissioner or Temporary Judge).

**PLEA**

16. I offer my plea and admit the listed prior(s) and allegation(s) freely and voluntarily. No one has made any threats, used any force against me or my family or loved ones, and no one has made any promises to me other than as on the Sentence Recommendation form. 16.

17. I make my plea with a full understanding of all the matters set forth in the charging document and in this form. I have read, understood, and personally initialed each item herein, and I understand that the signing and filing of this form is conclusive evidence that I have pleaded  **GUILTY** /  **NOLO CONTENDERE** to the charges set forth. 17.

18. Discussion with my attorney (*Leave this box blank if you are not represented by an attorney*). Before entering this plea, I have had a full opportunity to discuss with my attorney the facts of the case, the elements of the charged offenses and prior convictions (if any), any defenses that I may have, my constitutional and statutory rights and waiver of those rights, the consequences of this plea, and anything else I think is important to my case. 18.

19. I offer the following as a factual basis for my plea:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Defendant)

**DEFENSE ATTORNEY'S STATEMENT:** I am the attorney of record for the defendant. I have explained to defendant each of the rights set forth on this form. I have discussed the charges and the facts with the defendant. I have studied the possible defenses to the charges and discussed those possible defenses with the defendant. I have discussed the possible sentence ranges with the defendant. I have advised the defendant of immigration consequences and have complied with the requirements of California Penal Code 1016.3(a). I also have discussed the contents of this form with the defendant. I concur with the defendant's decision to waive the rights set forth on this form and to plead guilty. No promises of a particular sentence or sentence recommendation have been made to the defendant by me, or to my knowledge by the prosecuting attorney or the court, which have not been fully disclosed on this form. I agree that this form may be received by the court as evidence of defendant's advisement and voluntary, intelligent, knowing, and express waiver of the rights set forth on this form.

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Attorney of Record)

**INTERPRETER'S STATEMENT:** I, \_\_\_\_\_, having been duly sworn as a court certified/registered/provisionally qualified interpreter, state that I am fluent in the \_\_\_\_\_ language. I translated the contents of this form to defendant in that language.

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Court Interpreter)

**FOR THE PEOPLE:** I am the prosecuting attorney in this case. I certify that I have complied with the requirements of California Penal Code 1016.3(b).

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_

**Plea to the Court:** \_\_\_\_\_

**SENTENCE RECOMMENDATION FORM – VEHICLE CODE**

CASE NO. \_\_\_\_\_ PEOPLE vs. \_\_\_\_\_

**SENTENCING CONSEQUENCES FOR SELECTED VEHICLE CODE VIOLATIONS**

VEHICLE CODE VIOLATION	MINIMUM SENTENCE	MAXIMUM SENTENCE
23152(a) or (b)* 23152(f) 23152(g)	If probation granted, either option A) or B) may be imposed in addition to penalty C): A) 48 hours in jail, a fine of \$390 and attendance at an alcohol/drug program B) a fine of \$390 and attendance at an alcohol/drug program C) 6-month suspension of license  Without probation: 96 hours in jail, a fine of \$390, and 6-month license suspension.  *Jail time not to interfere with work schedule.  *Commercial driver's license shall be suspended for 12 months if the offense occurred in a vehicle requiring a class A or B driver's license.	6 months jail and \$1000 fine
23152(a), (b), (f), or (g) * - within 10 years of one prior conviction for 23152, 23153 or 23103 per VC 23103.5	If probation granted, either option A) or B) may be imposed: A) 10 days in jail, a fine of \$390- and 2-year suspension of license B) 96 hours in jail, a fine of \$390 and attendance at an 18-month alcohol/drug program and 2-year suspension of driver's license  Without probation: 90 days in jail and a fine of \$390- and 2-year suspension of license.  * Commercial driver's license shall be revoked for life if the offense occurred in a vehicle requiring a class A or B driver's license.	1-year jail and \$1,000 fine
23152(a), (b), (f) or (g) - within 10 years of two prior convictions for 23152, 23153 or 23103 per VC 23103.5	If probation granted either option A) or B) may be imposed: A) 120 days in jail, a fine of \$390, habitual traffic offender designation for 3 years and an 18-month alcohol/drug program, if not previously completed, 3-year revocation of license and habitual traffic offender designation for 3 years B) 120 days in jail, a fine of \$390, habitual traffic offender designation for 3 years and an 18-month alcohol/drug program, if not previously completed and 3-year revocation of license. 30 months in driving under the influence program upon special request and good cause shown. 30 days in jail in lieu of the 120 days  Without probation: 120 days in jail, a fine of \$390, 3-year revocation of driver's license and habitual traffic offender designation for 3 years.	1-year jail and \$1,000 fine; habitual traffic offender designation for 3 years
23152(a), (b), (f) or (g) - within 10 years of three prior convictions for 23152, 23153 or 23103 per VC 23103.5	If probation granted: 180 days in jail, a fine of \$390, habitual traffic offender designation for 3 years and may require an 18-month alcohol/drug program, if not previously completed and 4-year revocation of license  Without probation: 180 days in jail, a fine of \$390 and habitual traffic offender designation for 3 years and 4-year revocation of license.	1-year jail and \$1,000 fine; habitual traffic offender designation for 3 years
23153(a), (b), (f) or (g)	If probation granted: 5 days jail, a fine of \$390 and attendance at an alcohol/drug program and 1-year suspension of license  *If Blood Alcohol Content (BAC) is less than .20% - 3 months with 30 hours of education, counseling and interview program required.  *If Blood Alcohol Content (BAC) is more than .20% or if defendant refused to submit to test, 9 months with 60 hours of education, counseling and interview program required.  Without probation: 90 days in jail and a fine of \$390- and 1-year suspension of license.	1-year jail and \$1,000 fine
23153(a), (b), (f) or (g) - within 10 years of one prior conviction for 23152, 23153 or 23103 per VC 23103.5	If probation granted, either option A) or B) may be imposed: A) 120 days in jail and a fine of \$390- and 3-year revocation of license B) 30 days in jail, a fine of \$390 and 18 or 30-month attendance at a driving-under the influence program and 3-year revocation of license  Without probation: 120 days in jail, a fine of \$390- and 3-year revocation of license.	1-year jail and \$5,000 fine Option B) \$1000 max fine
23103 pursuant to V.C. 23103.5 *  *This conviction will serve as a prior DUI conviction if I commit one or more DUI offenses within 10 years.	If probation granted: 9-month participation in an alcohol and drug treatment program  If probation not granted: 5 days in jail and/or a fine of \$145	90 days jail and/or \$1,000 fine

\_\_\_\_\_  
Defendant's Signature

**SENTENCE RECOMMENDATION FORM – VEHICLE CODE**

CASE NO. \_\_\_\_\_ PEOPLE vs. \_\_\_\_\_

<b>DRIVING WHILE UNDER THE INFLUENCE ENHANCEMENTS</b>	<b>INCREASE IN PUNISHMENT</b>
Willful refusal to submit to or to complete a blood-alcohol chemical test. [ V.C. 23577]	First offense of V.C. 23152 - 48 hours in jail added to any other sentence Second offense of V.C. 23152 - 96 hours in jail added to any other sentence Third offense of V.C. 23152 - 10 days in jail added to any other sentence Fourth or subsequent offense - 18 days in jail added to any other sentence First offense of V.C. 23153 - 48 hours in jail added to any other sentence Second offense of V.C. 23153 - 96 hours in jail added to any other sentence
Driving a vehicle 30 or more miles per hour over the speed limit on a freeway in a reckless manner <b>OR</b> driving a vehicle 20 or more miles per hour over the speed limit on any street or highway in a reckless manner. [ V.C. 23582]	On 1 <sup>st</sup> offense defendant must attend an education and counseling program. 60 days in jail in addition to any other sentence
One or more passengers in the vehicle was/were a minor under the age of 14 years. [ V.C. 23572]	First offense of V. C. 23152 – 48 continuous hours in jail added to any other sentence – no stay of sentence allowed. Second offense of V.C. 23152 – 10 days in jail added to any other sentence – no stay of sentence allowed Third offense of V.C. 23152 – 30 days in jail added to any other sentence – no stay of sentence allowed Fourth or subsequent offense – 90 days in jail added to any other sentence – no stay of sentence allowed
Multiple victims injured or killed [ V.C. 23153]	1-year state prison in addition on any felony conviction.
Blood Alcohol Content [V.C 23578]	3 months of 30 hours program activities, educational counseling, interview sessions, in addition to enhanced penalties and conditions of probation that may be taken into consideration.

<b>VEHICLE CODE VIOLATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OR SUBSEQUENT OFFENSE</b>
14601.3(a)	30 days jail and \$1000 fine	If within 7 yrs. of prior conviction of 14601.3(a) 180 days jail and a fine of \$2,000

<b>VEHICLE CODE VIOLATION</b>	<b>MINIMUM SENTENCE</b>	<b>MAXIMUM SENTENCE</b>
14601(a)	5 days jail and \$300 fine	6 months jail and \$1,000 fine
14601(a) - within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	10 days jail and \$500 fine 10 days jail required if probation granted	1-year jail and \$2,000 fine
14601.1(a)	\$300 fine	6 months jail and/or \$1,000 fine
14601.1(a) within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	5 days jail and \$500 fine	1-year jail and \$2,000 fine
14601.2(a) or (b)	10 days jail, \$300 fine 10 days jail required if probation granted DMV will require ignition interlock device	6 months jail and \$1,000 fine
14601.2(a) or (b) within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	30 days jail, \$500 fine and ignition interlock device 30 days jail required if probation granted DMV will require ignition interlock device  *If I was designated as a habitual traffic offender within three years of this conviction, I will serve an additional 180 days jail and pay a fine of \$2,000.	1-year jail and \$2,000 fine
14601.2(a) or (b) within 7 yrs., but over 5 yrs., from a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	10 days jail and \$300 fine 10 days jail required if probation granted DMV will require ignition interlock device	6 months jail and \$1,000 fine
14601.4(a)	Shall be imprisoned in county jail and shall not be released upon work release, community service, or other release program before the minimum period of time prescribed in 14601.2 is served. If probation is granted, shall serve at least the minimum time of imprisonment specified under 14601.2 as a term of probation. DMV will require ignition interlock device.	
14601.5(a) or (b)	\$300 fine or 6 months jail With prior conviction for certain offense(s), DMV will require IID	6 months jail and \$1,000 fine
14601.5(a) or (b) within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	10 days jail and \$500 fine With prior conviction for certain offense(s), DMV will require IID	1-year jail and \$2,000 fine
20002(a)	None required under the statute	6 months jail and/ or \$1000 fine
12500(a)	None required under the statute	6 months jail and \$1,000 fine

\_\_\_\_\_  
Defendant's Signature