

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA

THE PEOPLE OF THE STATE OF CALIFORNIA  
VS.

CASE NO. \_\_\_\_\_

DECLARATION

(Defendant to initial)

I, the undersigned say:

- 1. I am the defendant in the above entitled action;
- 2. I understand that I have the following constitutional rights:
  - A. Right to a speedy and public jury or court trial.
  - B. Right to confront and cross examine all witnesses against me.
  - C. Right to remain silent and not incriminate myself.
  - D. Right to testify in my own defense.
  - E. Right to subpoena witnesses and produce evidence.
  - F. Right to be sentenced by a judge: I understand that by giving up this right, I stipulate that I may be sentenced by a court commissioner.
  - G. Right to be represented by an attorney at all stages of the proceedings and to have the court appoint one at no charge if I cannot afford my own.
  - H. Right to presumption of innocence until the prosecution shall prove me guilty beyond a reasonable doubt.
- 3. I understand if I plead Guilty or Nolo Contendere (no contest) I am giving up each of the above constitutional rights.
- 4. I understand that, if I am not a citizen, a conviction of any criminal offense with which I have been charged may result in deportation, exclusion from the United States, or denial of naturalization. (Penal Code Section 1016.5)
- 5. I understand that I am charged with a violation of Vehicle Code Section 23152 but, that for reasons specified by the prosecution, said charge is being reduced to a violation of Section 23103 of the Vehicle Code.
- 6. I understand that as a consequence of my plea of guilty or Nolo Contendere (no contest) to a violation of Section 23103, the resulting conviction shall be charged as a prior offense under Section 23152 in the event I am charged with a violation of Section 23152 in the next ten (10) years. In the event I am convicted of an offense of Section 23152 in the next ten (10) years, my punishment will be determined as though the conviction were in fact a second conviction under Section 23152.
- 7. I understand that should I be convicted of an offense under Section 23152 which occurred within ten years of the date of this offense that is being reduced to a violation of Section 23103, the maximum punishment I can receive is a fine of not less than \$375.00 nor more than \$1,000.00 plus state penalty assessment AND imprisonment in the county jail for not less than 90 days nor more than one year AND my car can be impounded for up to thirty days, at my expense.
- 8. I understand that this present conviction shall not be stricken for any purpose whatsoever unless it is found to be constitutionally invalid by a court of law.
- 9. I have been told that if I plead guilty or nolo contendere (no contest), that I will receive the following sentence:

\_\_\_\_\_ and no other promises have been made to me.

- 10. I was in court when oral instructions regarding all of the above were given by the judge.
- 11. I have not been threatened or in any way forced to make a plea in this case and freely and voluntarily wish to enter a plea of (guilty) (no contest) to the charge of reckless driving (23103 V.C.) as specified in section 23103.5 of the Vehicle Code.
- 12. I give up my right to have a court reporter report and transcribe these proceedings.

Signed By Defendant

*John B. Client*

Date

*12/12/08*

I am the attorney for the defendant and have advised him in this matter and consent to the above plea.

Signed By Attorney \_\_\_\_\_

Date \_\_\_\_\_

STATEMENT AND PROOF OF OFFER

- 1. The consumption of an \_\_\_\_\_ alcoholic beverage and/or \_\_\_\_\_ the ingestion or administration of drugs was involved in the offense charged in this case. The facts which show this are as follows: \_\_\_\_\_
- 2. The reasons for the reduction in charges in this case are as follows: \_\_\_\_\_ problems of proof, \_\_\_\_\_ the interests of justice; \_\_\_\_\_ another offense is more properly charged. The facts which lead to this conclusion are: \_\_\_\_\_
- 3. The Prosecution has requested/concurred in or opposed this reduction of charges.

Signed Prosecutor \_\_\_\_\_

Date \_\_\_\_\_

FINDINGS AND ORDER

The Court finds that the defendant has been fully informed of his constitutional rights and understands each of them. The Court finds that the defendant has knowingly, intelligently, freely and voluntarily waived each of his constitutional rights.

The Court finds that the defendant has been fully informed of the consequences of his plea to a violation of Vehicle Code Section 23101, as specified in Section 23103.5. The Court finds that the defendant's plea is with full knowledge and understanding of these consequences. The Court accepts the prosecutor's statement and offer of proof of connection with this offense.

The Court orders that the defendant's plea to a violation of Section 23103 as specified in Section 23103.5 be accepted and entered into the minutes of the Court and that the Department of Motor Vehicles be so notified for purposes of Section 23165 and 23200.

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



Judge of the Superior Court