

Salt Lake City Justice Court

SALT LAKE CITY, UTAH

Printed Name of Defendant

Case Number

STATEMENT OF DEFENDANT ENTERING A GUILTY PLEA (DUI)

WAIVER OF CONSTITUTIONAL RIGHTS (DUI)

I understand that by entering plea of GUILTY to a criminal charge, I am waiving several constitutionally protected rights, including the following:

Initial> _____ **COUNSEL:** I have the right to consult with and be represented by an attorney. If the judge were to determine that I am too poor to be able to hire a lawyer, then the judge could appoint one to represent me. I might later, if the judge determined I was able, to be required to pay for the appointed lawyer's service to me.

Initial> _____ **PRIVILEGE AGAINST SELF-INCRIMINATION:** Although I can choose to testify if I wish, I cannot be forced by anyone to take the witness stand and testify or give evidence against myself. That I choose not to testify cannot be held against me in court.

Initial> _____ **CONFRONTATION AND CROSS EXAMINATION OF ACCUSERS:** I have a right to see and hear in open court the witnesses to give evidence against me. I have the right to ask questions of those witnesses or to have an attorney ask them questions on my behalf. I also have the right to have witnesses who will testify on my behalf subpoenaed or, in other words, called to court at government expense.

Initial> _____ **JURY TRIAL:** I have a right to a speedy public trial before an impartial jury. Therefore, I can choose to have a jury hear the case against me. Any verdict rendered by a jury, whether it be guilty or not guilty, must be by complete agreement of all jurors.

Initial> _____ **PRESUMPTION AND PROOF:** At trial I am presumed innocent until proven guilty. The burden of proving me guilty of the crime(s) charged is upon the prosecutor who must prove each and every element of a crime beyond a reasonable doubt.

Initial> _____ **APPEAL:** If I plead guilty or no contest or am tried and convicted of the crime(s) with which I am charged, I have the right to appeal. I am entitled to a trial *de novo* (a new trial) in the district court only if I file a notice of appeal within 28 days of sentencing if convicted or within 28 days of entering a plea that is held in abeyance.

Initial> _____ I understand each of these constitutional rights. The judge or a lawyer has answered any questions I might have had. I know that I could plead not guilty and exercise all of the rights listed above. I understand that by entering a plea of guilty, I AM GIVING UP THESE CONSTITUTIONAL RIGHTS.

CONSEQUENCES OF ENTERING A GUILTY PLEA

I am admitting that I did commit the crime(s) to which I plead guilty. I convict myself the same as if I were found guilty by judge or jury. Where more than one crime is involved, sentences may be imposed one after another (consecutively), or they may run at the same time (concurrently). **In sentencing me, the judge is not required to follow what any other person, including the prosecutor, recommends.** The judge must impose sentence within the following limits:

MINIMUM JAIL	MAXIMUM JAIL	FINE & SURCHARGE RANGE
1 ST Offense: 48 hrs	180 days	\$1420 (minimum) to \$1940 (maximum)
2 nd Offense: 240 hrs	180 days	\$1610 (minimum) to \$1940 (maximum)

The Judge MAY allow community service instead of jail, but this is up to the Judge.

IMMIGRATION/DEPORTATION

Initial> _____ I understand that if I am not a United States citizen, my plea(s) today may, or even will, subject me to deportation under United States immigration laws and regulations, or otherwise adversely affect my immigration status, which may include permanently barring my re-entry into the United States. I understand that if I have questions about the effect of my plea on my immigration status, I should consult with an immigration attorney.

ENHANCEMENT OF FUTURE OFFENSES

Initial> _____ Penalties for Driving Under the Influence (DUI) may be greater, or enhanced, if there are subsequent convictions for DUI or other alcohol-related driving offenses. For instance, a third DUI can be charged as a third-degree felony if the person charged has two prior convictions for DUI or another alcohol-related driving offense. For this to happen, the two prior convictions must have occurred within ten years of the third DUI. I understand these consequences and have no questions about them.

ENTRY OF GUILTY PLEA

Of my own choice, I enter this plea. No force, promises or threats have been made to get me to do it. I understand the nature of the offense(s) and the elements of the offense(s) as listed below or as described in court. I am not under the influence of alcohol or drugs or anything that would impair my judgment right now. I have read this document or had it read to me. I understand its contents and adopt each statement in it as my own. By signing this document I am saying that I ENTER A PLEA OF GUILTY TO: **Driving Under the Influence of Alcohol and/or Drugs, a class B misdemeanor pursuant to Utah Code Annotated 41-6A-502 (or local code under UCA 41-6a-510).**

Additional crime(s) and class of crime(s)

Statement of specific comprising elements of each offense and special terms if applicable (plea negotiation, no contest plea, etc.): Defendant operated or was in actual physical control of a vehicle within Salt Lake City while 1) having sufficient alcohol in their body that a subsequent chemical test showed that they had a blood or breath alcohol concentration greater than legally allowed at the time of the test, or 2) was under the influence of alcohol, any drug, or the combined influence of alcohol or any drug to a degree that they were incapable of safely operating the vehicle or had a blood or breath alcohol concentration greater than legally allowed at the time of operation or actual physical control of the vehicle.

The prosecutor has reviewed the defendant’s criminal history or driver license record and by signing this document, certifies prosecutor agreement with the defendant’s plea pursuant to UCA 41-6A-513.

Prosecutor

A request to withdraw a plea of guilty or no contest shall be made by motion before sentence is announced or within 28 days after pleading guilty or no contest, whichever occurs first. A plea of guilty or no contest may be withdrawn only upon a showing that it was not knowingly and voluntarily made leave of the court.

Date

Defendant’s Signature

SIGN HERE

Defendant’s Attorney

Justice Court Judge



By my signature above, I hereby find that the defendant has knowingly and voluntarily entered a guilty or no contest plea or pleas.