DU	III Diversion Form 4 – Page 1		For Court File Stamp			
	IN THE COU	IRT, THE STATE OF OREGON	·			
	COUNTY,	CITY OF				
THE	Plaintiff,)	ase No				
		TITION FOR ENTRY OF PLEA, WAIVER F JURY TRIAL, AND ORDER				
1.	My true name is, but I als	so am known as				
2.	I am years old. I have gone to school through My physical and mental health are satisfactory. I am not under the influence of any drugs or intoxicants, except					
3.	I have checked the following that describes me:					
	 I am able to read, write, and understand the English language, and I have read this petition completely; I am able to read, write, and understand the English language, and this petition has been read aloud to me completely; I am unable to read the English language, and this petition has been read aloud to me completely; I am unable to read, write, or understand the English language, and this petition has been read aloud to me in the language by, a person qualified to interpret the English 					
	language into the language.					
4.	I □ (am) □ (am not) represented by a lawyer. I understand to lawyer to represent me, if the court finds that I cannot afford to represent myself. () [Defendant initial if giving up right to	to hire a lawyer. I choose to give up my				
5.	If represented by a lawyer, I have told my lawyer all the facts I know about the charge against me. My lawyer has advised me of the nature of the charge and the defenses, if any, that I have in this case. I am satisfied with the advice and help my lawyer has given me.					
6.	I understand that I have the following rights: a) the right to jur witnesses who testify against me at trial; c) the right to remain witnesses and evidence in my favor; e) the right to have my lar have the jury told, if I decided not to testify at trial, that they can be prosecutor to prove my guilt beyond a reasonable doubt.	n silent about all facts of the case; d) the wyer assist me at trial; f) the right to tes	right to subpoena stify at trial; g) the right to			
7.	I understand that I give up all of the rights listed in paragraph 6 when I plead guilty or no contest. I understand I give up: a) any defenses I may have to the charge; b) objections to evidence; and c) challenges to the accusatory instrument.					
8.	By this petition, I am pleading \square (guilty) \square (no contest) to the crime of driving under the influence of intoxicants (DUII) which a Class A misdemeanor under Oregon law. The maximum penalties are one year in jail and a fine of \$6,250 or \$10,000 if the offense was committed in a motor vehicle and there was a passenger younger than 18 and at least three years younger than me. The minimum penalties are 48 hours of imprisonment or 80 hours of community service; and a fine of \$1,000 if this is my first conviction, \$1,500 if this is my second conviction or \$2,000 if this is my third conviction and I am not sentenced to a term of imprisonment. I will be required to pay a filing fee, unitary assessment fee, program administration fee, and additional fee unless the court finds me indigent and waives all or part of these fees. I will also be required to complete and pay for an alcohor drug abuse assessment and any recommended treatment. There will be a mandatory suspension of my driving privileges for year(s), and the court may order me to attend a victim impact panel and pay a participation fee.					
9.	I am submitting this plea along with a petition to enter the div if the court grants the petition, the court will accept this plea be					
10.	I understand that:					
	a. If I fully comply with the conditions of the diversion agree petition, the court will dismiss the charge with prejudice u automatically dismissing the DUII charge at the end of one period requesting that the charge be dismissed.	under ORS 813.250. If the court does no	ot have a policy of			

DUII Diversion Form 4 - Page 2

Date

- b. If I fail to comply with the diversion agreement within the diversion period, the court will enter a judgment of conviction on the charge and will sentence me.
- 11. I understand that if the court enters judgment on this plea, it is equivalent to conviction and that on this plea alone, without receiving any evidence, this court can find me guilty of the crime of DUII.
- 12. I understand that, if the court denies the diversion petition and I go to trial, nothing in this petition will be used against me.
- 13. I understand that if I am not a citizen and the court enters judgment on this plea, it may result in my removal from this country, exclusion from admission to the United States, or denial of naturalization.

14. This plea is based only on what is written on this petition. No promises have been made to me by my lawyer or any officer or

agent of any branch of government (federal, state, or local) that I will receive a particular sentence or form of treatment from this or any other court, on these or any other charges, other than is set forth in this petition. 15. □ I plead no contest - OR – ☐ I plead guilty because in _____ County, Oregon, I did the following: _____ 16. □ (am) □ (am not) currently on probation, parole, or post prison supervision. I know that if I am and the court enters judgment on the plea in this case, it may cause revocation of my probation, parole, or post prison supervision and I may be required to serve jail or prison time in that case in addition to any sentence imposed on me in this case. 17. I understand the charge against me and the information in this petition. I am signing this petition and entering this plea voluntarily, intelligently, and knowingly. 18. I understand that if I fail to comply with the terms of the diversion and the court enters a judgment of conviction, I have the right to appeal the conviction by complying with the rights to appeal explained or provided to me at the time the court enters the judgment of conviction. Date Defendant's Signature Defendant's Name (printed or typed) For Court File Stamp ORDER The court finds the defendant's plea of \square (no contest) \square (guilty) to be knowingly, intelligently, and voluntarily made. The court accepts this plea for purposes of ORS 813.200 to 813.270.

Judge's Signature

Judge's Name (printed or typed)

CERTIFICATE OF COUNSEL

I am the attorney for the defendant in this proceeding and I certify that:

- 1. I have fully explained to my client the charge and possible defenses that may apply in this case.
- 2. I have personally examined this plea petition, explained all its provisions to my client, and discussed fully with my client all matters described and referred to in the petition.
- 3. I have explained to my client the maximum penalty and other consequences of entering a guilty or no contest plea, including possible immigration consequences.
- 4. To the best of my knowledge and belief, my client's decision to enter this plea is made voluntarily, intelligently, and knowingly.
- 5. I have told my client that if he or she is eligible for court-appointed counsel and wishes to pursue an appeal, I will transmit the information necessary to perfect the appeal to the Office of Public Defense Services.

Signed by me in the	oresence of the above	-named defendant and afte	r full discussion of the co	ntents of the certificate with the
defendant this	day of		, 20	
Defendant's Attorney	y's Signature	Attorney Name (ty	ped or printed)	Bar Number
		CERTIFICATE OF IN	ITERPRETER	
I, the undersigned in language.	terpreter, hereby cert	ify that I have read aloud th	e petition to the above d	efendant in the
Signed by me in the p	oresence of the above	-named defendant this	day of	, 20
Interpreter's Signatu	re		Interpreter Name (type	d or printed)