

**INSTRUCTIONS: Please read this form carefully. Place your initials next to each blank space in paragraphs 1 through 11. If you do not understand a particular item of information leave it blank and the Judge will explain it to you. Then bring this form with you when your name is called by the Bailiff.**

IN THE DISTRICT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

\_\_\_\_\_ DIVISION

STATE OF HAWAII

vs.

) CASE NO(s): \_\_\_\_\_

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WRITTEN PLEA OF GUILTY/NO CONTEST/  
ADMISSION (for minors)

Defendant.

My name is \_\_\_\_\_ and I am \_\_\_\_\_ years of age.

1) \_\_\_ I plead \_\_\_ GUILTY \_\_\_ \_\_\_ NO CONTEST \_\_\_ ADMIT to the following charge(s):

- a. OPERATING A VEHICLE UNDER THE INFLUENCE OF AN  
INTOXICANT AS A 1ST OFFENSE \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_

2) \_\_\_ I have completed \_\_\_ Elementary School, \_\_\_ High School, \_\_\_ GED, \_\_\_ College, \_\_\_ Trade School.

- 3) \_\_\_ I understand, and have/or have been advised of the following: (Please insert your initials if you understand)
- \_\_\_ a. The nature and elements of the charge(s) against me.
  - \_\_\_ b. The difference between a plea of Guilty, No Contest, and Not Guilty.
  - \_\_\_ c. The possible results of entering this plea, including the maximum sentence which may be imposed now or upon a material and inexcusable violation of my probation, if any, and any mandatory sentence which must be imposed.
  - \_\_\_ d.(i) That I have the right to an attorney and to have an attorney appointed to me without cost, if I cannot afford one.
  - (ii) That an attorney can provide me with legal information and advice, can represent me at all stages of these proceedings; can raise any defense that I may have in this case; and can negotiate with the Prosecutor to secure a plea agreement that may dismiss or reduce the charge(s).
  - (iii) I have intelligently and of my own free will decided to represent myself and do now waive and give up my right to an attorney (see attached Waiver of Right to Attorney), **OR**, I am satisfied with my attorney, and am entering this plea with his/her advice.

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4) \_\_\_ I understand that when I plead guilty [admit the charge(s)] or no contest [do not contest charge(s)], there will be no trial and that I give up the following rights:

- \_\_\_ a. My right to remain silent and not to incriminate myself on the above charge(s);
- \_\_\_ b. My right to a trial and a jury trial where one is allowed;  
(see attached Waiver of Jury form)
- \_\_\_ c. My right to face witnesses against me and to confront and question them;
- \_\_\_ d. My right to make witnesses appear on my behalf through court subpoena;
- \_\_\_ e. My presumption of innocence and my right to require the State to prove me guilty beyond a reasonable doubt before the presumption is removed;
- \_\_\_ f. My right to testify in my own behalf and to present any defenses which I might have, but, I understand that I may still offer a brief explanation of the particular circumstances before being sentenced;
- \_\_\_ g. My right to an attorney or court appointed attorney if I have not request one.

5) \_\_\_ I am entering this plea of my own free will after careful consideration. I know that the court is not a party to, so does not have to recognize, any deal or agreement between the prosecutor, my lawyer, and/or myself.

6) \_\_\_ The maximum punishment that the court can impose is:

Offense	DUI - 1 <sup>st</sup>	Jail	48 hrs - 5 days	and/or Fine	\$150- \$1000	or other	14 hrs rehab program; substance assessment; 1 yr Lic. Rev. & Ign Interlock Req.
Offense	_____	Jail	_____	and/or Fine	_____	or other	_____
Offense	_____	Jail	_____	and/or Fine	_____	or other	_____
Offense	_____	Jail	_____	and/or Fine	_____	or other	_____
Offense	_____	Jail	_____	and/or Fine	_____	or other	_____

7) \_\_\_ I understand the acceleration nature of this crime is 2-3 convictions within the next 5 years will result in the penalty of:

Offense	DUI - 2 <sup>ND</sup>	Jail	5 days to 30 days	and/or Fine	\$1500	or other	substance assessment; 18-24 months Lic. Rev. & Ignition Interlock
Offense	DUI - 3 <sup>rd</sup>	Jail	10 days to 30 days	and/or Fine	\$2500	or other	substance assessment; 24 months Lic. Rev. & Ignition Interlock
Offense	DUI - 4 <sup>TH</sup> W/IN 10 YEARS	Jail	5 yrs	and/or Fine	\$10,000	or other	substance assessment; ADLRO-Lic. Rev. for Life
Offense	_____	Jail	_____	and/or Fine	_____	or other	_____
Offense	_____	Jail	_____	and/or Fine	_____	or other	_____

8) \_\_\_ I am not under the influence of any alcohol or drugs at this time. I know what I am doing and understand the court's instructions.

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9) \_\_\_ I understand that if I am not a citizen of the United States, whether or not I have lawful immigration status, I have the right to receive advice from my attorney about the specific impact that this case will have, if any, on my immigration status. The entry of a guilty or nolo contendere plea, admission of guilt or sufficient facts, or conviction, deferred judgment, or deferred sentence may have the consequences of my immediate detention, deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. In some cases, detention and deportation from the United States will be required. I understand that my lawyer must investigate and advise me about these issues prior to the commencement of trial, entry of a guilty or nolo contendere [plea], or admission of guilt or sufficient facts to any offense punishable as a crime under state law, other than those offenses designated as infractions. I understand that I am not required to disclose my immigration or citizenship status to the court. I understand that if I request additional time to consider the appropriateness of my plea in light of this advisement, the court will grant my request.

10) \_\_\_ I am signing this Guilty/No Contest form after I have gone over all with my lawyer, if I have one. I know I am signing this form in the presence of my lawyer, if I have one. I have no complaints about my lawyer, and I am satisfied with work he/she has advised.

11) \_\_\_ I understand that upon the Judge accepting my plea of guilty or no contest that I have the right to appeal the Judgment and Sentence of this court within 30 days with the assistance of appointed counsel, if I cannot afford one, and that my failure to appeal within 30 days will cause me to lose that right.

12) (OPTIONAL) I wish to make the following statement about the offense(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_ at Hilo, Hawaii.

\_\_\_\_\_  
Defendant

**CERTIFICATE OF COUNSEL**

As counsel for defendant and as an officer of the Court, I certify that I have read and explained fully the foregoing, that I believe that the defendant understands the document in its entirety, that the statements contained herein are in conformity with my understanding of the defendant's position, that I believe that the defendant's plea is made voluntarily and with intelligent understanding of the nature of the charge and possible consequences, and that the defendant signed this form in my presence.

Dated: \_\_\_\_\_ at Hilo, Hawaii.

\_\_\_\_\_  
Attorney for Defendant

**ACKNOWLEDGMENT OF DEFENDANT**

I acknowledge that Judge \_\_\_\_\_ questioned me personally in open court to make sure that I knew what I was doing in pleading guilty or no contest and that I understood this form before I signed it.

\_\_\_\_\_  
Defendant (To be signed in open court after plea)

§291E-61 Operating a vehicle under the influence of an intoxicant

(a) A person commits the offense of operating a vehicle under the influence of an intoxicant if the person operates or assumes actual physical control of a vehicle:

(1) While under the influence of **alcohol in an amount sufficient to impair** the person's normal mental faculties or ability to care for the person and guard against casualty;

(2) While under the **influence of any drug** that impairs the person's ability to operate the vehicle in a careful and prudent manner;

(3) With **.08 or more grams of alcohol per two hundred ten liters of breath**; or

(4) With **.08 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood**.

(b) A person committing the offense of operating a vehicle under the influence of an intoxicant shall be **sentenced as follows** (1) For the **first offense**, or any offense not preceded within a five-year period by a conviction for an offense under this section or section 291E-4(a):

(A) A fourteen-hour minimum substance abuse rehabilitation program, including education and counseling, or other comparable program deemed appropriate by the court;

(B) One-year revocation of license and privilege to operate a vehicle during the revocation period and installation during the revocation period of an ignition interlock device on any vehicle operated by the person;

(C) Any one or more of the following:

(i) Seventy-two hours of community service work;

(ii) Not less than forty-eight hours and not more than five days of imprisonment; or

(iii) A fine of not less than \$150 but not more than \$1,000;

(D) A surcharge of \$25 to be deposited into the neurotrauma special fund; and

(E) May be charged a surcharge of up to \$25 to be deposited into the trauma system special fund if the court so orders;

