

State of Minnesota

District Court

County

Judicial District:	_____
Court File Number:	_____
Case Type:	Criminal

State of Minnesota,
Plaintiff

Petition to Enter Plea of

**vs. Guilty to Driving Under
the Influence**

Defendant

TO THE ABOVE-NAMED COURT, I RESPECTFULLY STATE AS FOLLOWS:

1. My full name is_____. My date of birth is_____.
2. That I am charged with the offense of Third Degree Driving While Impaired in violation of M.S. §169A.20, subd. 1(1) and/or (2)(3)(4)(5)(6)(7); and Section 169A.27 Subd. 1.
3. I understand the nature of these charges and wish to plead guilty to the above offense.
4. I did the following acts that I believe are the basis for the charge against me. I was driving, operating, or in physical control of a motor vehicle in the above marked County on _____ while I was either under the influence of alcohol or a controlled substance or I had an alcohol concentration of .10 or more.
5. I understand that I can be fined up to \$1,000 and/or sent to jail for up to 90 days. I also understand that my driving privileges will be revoked of a period of at least 30 days.
6. **I understand that I have the right to be represented by an attorney and that if I cannot afford to pay for an attorney, one will be appointed to represent me.**

I have fully discussed the charge(s), my constitutional rights, and this petition with my attorney

(Name of Attorney)

I waive my right to be represented by an attorney. I understand that representing myself without an attorney may be a disadvantage to me as I must follow the rules of procedure and the rules of evidence, and must speak for myself on all matters, including the sentence to be imposed by the Court.

7. I understand I have the following constitutional rights, which I knowingly and intelligently waive:

a. The right to a trial to the Court or to a jury of six members, at which I am presumed innocent until proven guilty.

b. The right to confront and cross-examine all witnesses who testify against me.

c. The right to remain silent or to testify myself.

- d. The right to subpoena witnesses to appear on my behalf.
8. If I have any future DWI's, I understand that this DWI conviction may be used as the basis for any of the following:
- a. A Second-Degree Driving While Impaired conviction, which is a gross misdemeanor (for which I may be fined \$3000 and/or sent to jail for up to 1 year with a minimum of 30 days in incarceration)
- b. A First-Degree Driving While Impaired conviction, which is a gross misdemeanor and:
- (I) For which, if within 10 years of the 1st of 2 qualified prior impaired driving convictions, I may be fined up to \$3000 and/or sent to jail for up to 1 year, a minimum of 90 days in incarceration;
- (II) For which, if within 10 years of the 1st of 3 qualified prior impaired driving convictions, I may be fined up to \$3000 and/or sent to jail for up to 1 year, a minimum of 180 days in incarceration;
- (III) For which, if within 10 years of the 1st of 4 qualified prior impaired driving convictions, I may be fined up to \$3000 and/or sent to jail for up to 1 year, all of which must be spent in incarceration.
- c. Impoundment of the license plate of the vehicle involved in the offense and all other motor vehicles owned by, registered, or leased by me (whether jointly or not), if one of the following applies:
- (I) I have one or more qualified impaired driving convictions within 10 years of this offense;
or
- (II) My alcohol concentrations was .20 or more as measured at the time, or within 2 hours of the time of the offense; or
- (III) A child under the age of 16 was in the vehicle at the time of the offense and the child was more than 36 months younger than me.
- d. Vehicle Forfeiture. A motor vehicle used in a DWI offense may be taken away from me and sold if one of the following applies:
- (I) My driver's license has been revoked for a DWI conviction within 10 years of the first of 2 or more qualified prior impaired driving convictions; or
- (II) I am involved in another DWI conviction; or
- (III) I am involved in another DWI when my driving privileges have been cancelled as inimical to public safety or while my driver's license is restricted, by prohibiting me from consuming any amount of alcohol or a controlled substance.
9. **I am entering this plea freely and voluntarily without any promises.**
10. There is no plea agreement between the prosecuting attorney and myself.
11. If my plea is accepted, I have the right to be present at the time of sentencing and to exercise my right to speak on my own behalf by making whatever statements or presenting whatever evidence that I wish. If I am submitting this plea by mail, I waive and give up this right.

Dated:

Defendant's Signature

Verification By Defendant's Attorney

state that I am the attorney for the defendant in the above-entitled criminal action; that I personally explained the contents of the above petition to the defendant; and that I personally observed the defendant sign and date the above petition.

Dated:

Signature

Name:

Attorney Lic. #:

Street Address:

City/State/Zip:

Telephone: ()

Petition And Plea Of Guilty Accepted By

Dated:

Judge of District Court

Judge of District Court