

**25TH JUDICIAL DISTRICT COURT FOR THE PARISH OF PLAQUEMINES  
STATE OF LOUISIANA**

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

**DIVISION "B"**

**STATE OF LOUISIANA**

**VERSUS**

\_\_\_\_\_

**FILED:** \_\_\_\_\_

\_\_\_\_\_  
**DEPUTY CLERK**

**PLEA OF GUILTY AND WAIVER OF RIGHTS**  
**OPERATING A VEHICLE WHILE INTOXICATED**

I, \_\_\_\_\_, Date of Birth \_\_\_\_\_, do hereby plead GUILTY to the crime of OPERATING A VEHICLE WHILE INTOXICATED, a violation of Louisiana Revised Statute 14:98, which occurred on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My attorney has informed me and I understand the nature of the crime to which I am pleading guilty. I understand that OPERATING A VEHICLE WHILE INTOXICATED is a violation of Louisiana Revised Statute 14:98 which provides that OPERATING A VEHICLE WHILE INTOXICATED is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while under the influence of alcoholic beverages, while you have a blood alcohol concentration of .08% or more by weight, while under the influence of any controlled dangerous substance, a drug defined as such by Title 40 of the Louisiana Revised Statutes, while under the influence of any medication not considered a controlled dangerous substance or any combination of those.

I understand that the crime to which I am pleading guilty is a graduated offense, meaning that sentencing becomes more severe with each conviction. I understand that this conviction could be used by the State in the future to enhance my sentence, if convicted for OPERATING A VEHICLE WHILE INTOXICATED in the future. I understand the mandatory minimum penalty provided by law, the maximum possible penalty provided by law, and the possible sentence I could receive for this offense includes, but no limited to the following:

On a first conviction, notwithstanding any other provision of law to the contrary, the offender shall be fined not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00), and shall be imprisoned for not less than ten (10) days nor more than six (6) months.

On a conviction of a second offense, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than seven hundred fifty dollars (\$750.00), not more than one thousand dollars (\$1,000.00), and shall be imprisoned for not less than thirty (30) days nor more than six (6) months. At least forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

On a conviction of a third offense, and regardless of whether the offense occurred before or after an earlier conviction, the offender shall be imprisoned with or without hard labor for not less than one (1) year nor more than five (5) years and shall be fined two thousand dollars (\$2,000.00). One (1) year of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.

On a conviction of a fourth or subsequent offense, and regardless of whether the fourth offense occurred before or after an earlier conviction, the offender shall be imprisoned with or without hard labor for not less than ten (10) years nor more than thirty years (30) and shall be fined five thousand dollars (\$5,000.00). Two (2) years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.

The sentences outlined above can be increased based on the blood alcohol concentration (BAC) level of the offender at the time of the offense.

By entering into this plea, I understand the consequences of my guilty plea and I understand that I am waiving and giving up the following rights:

- \_\_\_\_\_ 1. My right to enter a plea of not guilty.
- \_\_\_\_\_ 2. My right to be represented by an attorney at every stage of the proceeding against me and, if financially unable to employ an attorney, my right to be represented by a Court-appointed counsel at no cost to me.
- \_\_\_\_\_ 3. My right to have a trial by judge, at which the State must prove my guilt beyond a reasonable doubt, and that I am afforded the right to be presumed innocent.
- \_\_\_\_\_ 4. My right not to be compelled to incriminate myself in that I cannot be required to testify at any proceeding, including trial. If I chose to exercise this right not to testify, no presumption can be made by my failure to testify. In effect, by pleading guilty, I am incriminating myself.
- \_\_\_\_\_ 5. My right to confront and cross examine witnesses against me and my right to have compulsory process to require witnesses to testify. The Court will subpoena any witness to Court that I desire and require them to testify at my trial. I am also afforded the right to a public and speedy trial.
- \_\_\_\_\_ 6. My right to appeal any conviction without cost to me; if I can not afford an attorney, one will be provided for me without costs, to handle the appeal.

I understand that if the Court accepts my plea of guilty, the sentence in this case will be:

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I realize that by pleading guilty, I stand convicted of the crime charged and I knowingly, intelligently, freely, and voluntarily waive my privilege against self-incrimination, my right to a trial, my rights to confront and cross examine witnesses, and my right to compulsory process. My rights have been thoroughly explained to me by the judge and I understand them, and I have no further questions.

I understand that any post-conviction relief applications must be filed within two (2) years of the date that this conviction and sentence become final.

I acknowledge that my act of pleading guilty is a knowing, intelligent, free and voluntary act on my part. No promises or threats have been made to encourage me to enter a plea of guilty to the above charge(s). The only reason I am pleading guilty is that I am, in fact, guilty as charged. I am satisfied with the representation of my attorney and the manner in which my case was handled.

I certify that I have been explained the contents of this form to the defendant. I am satisfied the defendant understands the nature of the charge(s) against him or her and these constitutional rights, as set forth above, and that the plea of guilty is knowingly, intelligently, freely, and voluntarily made.

This form has been explained to me and I understand all of my constitutional rights and the nature of the charge. I am knowingly, intelligently, freely and voluntarily pleading guilty.

SWORN TO AND SUBSCRIBED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in Pointe-a-la-Hache, Louisiana.

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

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date of Birth

I have advised the defendant in Open Court on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, of all of the above mentioned constitutional rights, and I am satisfied the defendant understands all of these rights. I further find that the defendant's guilty plea is made knowingly, intelligently, freely and voluntarily and has a basis in fact. I hereby accept the guilty plea and adjudicate the defendant guilty of the charge herein.

\_\_\_\_\_  
HONORABLE MICHAEL D. CLEMENT, JUDGE, DIVISION "B"