

DUII Diversion Form 4 – Page 2

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. I (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)

ORDER

For Court File Stamp

The court finds the defendant's plea of (no contest) (guilty) to be knowingly, intelligently, and voluntarily made. The court accepts this plea for purposes of ORS 813.200 to 813.270.

Date

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 presence of the above-named defendant and after full discussion of the contents of the certificate with the defendant this _____ day of _____, 20____.

Defendant’s Attorney’s Signature

Attorney Name (typed or printed)

Bar Number

CERTIFICATE OF INTERPRETER

I, the undersigned interpreter, hereby certify that I have read aloud the petition to the above defendant in the _____ language.

Signed by me in the presence of the above-named defendant this _____ day of _____, 20____.

Interpreter’s Signature

Interpreter Name (typed or printed)