

CASE NO. ICR _____ - _____

IN THE JUSTICE COURT OF INCLINE TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff

v.

D.U.I WAIVER OF RIGHTS

Defendant

Defendant's Initials	ELEMENTS
	I understand that I have been charged with driving or being in actual physical control of a motor vehicle on a highway or on premises to which the public has access in this County (initial the proper element(s))
	<ul style="list-style-type: none">While under the influence of intoxicating liquor; and/orHaving a prohibited level of alcohol or controlled substance in my blood while driving or within two hours of driving; and/orHaving been under the combined influence of intoxicating liquor and/or a controlled substance on the
	____ day of _____, 201____, in violation of WCC 70.3865
	I understand that the State must prove the elements described above beyond a reasonable doubt.
	I understand the following current possible punishments, and that they are subject to increased severity depending on the facts and for future offenses:

1st OFFENSE in 7 years - a minimum of 2 days in jail or 48 hours of community work service in distinctive garb to a maximum of six months in jail; a fine of not less than \$400 and not more than \$1000 plus assessments; successful completion of an appropriate DUI Program; participation in a Victim Impact Panel; and a 90 day revocation of my driver's license by the Department of Motor Vehicles

2nd OFFENSE in 7 years - at least 10 days in jail or residential home confinement but not more than six months; a fine of not less than \$750 and not more than \$1000 plus assessments; at least 100 hours of community work service in distinctive garb; successful completion of an appropriate DUI Program; participation in a Victim Impact Panel; and a revocation of my driver's license by the Department of Motor Vehicles for a period of one year

3rd OFFENSE in 7 years - not less than one year or more than six years in the Nevada State Prison; not less than \$2000 fine and not more than \$5000 fine plus assessments; and revocation of my driver's license for a period of three years by the Department of Motor Vehicles.

Defendant's Initials	WAIVERS
	I understand that I have the right to have an attorney represent me, and if I cannot afford an attorney, the Court will appoint one, and I am represented as noted below, or, with knowledge of the numerous disadvantages of self representation, I elect to represent myself. (see over)
	I understand that I have the right to a speedy and public trial and I give up this right.
	I understand that I have the right to confront and question all witnesses against me and I give up this right.
	I understand that I have the right to subpoena witnesses on my behalf and compel their attendance and I give up this right.
	I understand that I have the right to remain silent and not incriminate myself and I give up this right.
	I understand that probation is not available for any of the above jail/prison terms and that the Judge is not bound by any agreement between the parties, and if I am not a US citizen, this conviction may jeopardize my right to become one or to stay in the US.
	I am voluntarily pleading <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo Contendere to the offense as stated in the first paragraph without any promises of lenience or threats having been made because I am in fact guilty of this offense and/or because I believe the State of Nevada can prove the offense beyond a reasonable doubt. I understand that any State may use this conviction to enhance the penalty for any future offenses.

☐ Waived Counsel (see over)

Defendant's Signature Drivers License Number State Date of Birth Date

I certify that I am the attorney of record for the Defendant; that I have fully discussed the matters herein with him/her and advised him/her thereon; that the representations above are his/her own; that the plea and waivers are intelligently, voluntarily and expressly made; that I join in the plea and waivers; and that I stipulate there is a factual basis for the plea.

Attorney's Signature Attorney Name Bar # Date

I have addressed the Defendant personally, canvassed him/her on the above to include the elements of this offense as supported by the facts, the possible penalties; and his/her Constitutional rights and find that the plea of guilty/nolo contendere is made voluntarily and with the understanding of the nature of the charge and consequences of the plea and I hereby Order that such plea be entered into the minutes of the Court and judgment is entered accordingly. ☐ Plea in Absentia Approved.

Magistrate Date

ADDITIONAL CANVASS AND WAIVER FOR PERSONS CHOOSING TO REPRESENT THEMSELVES

____ (Initial) I UNDERSTAND EACH OF THE FOLLOWING, EXPRESSLY WAIVE MY RIGHT TO COUNSEL AND ELECT TO REPRESENT MYSELF:

- There are dangers and disadvantages involved in representing myself, including that self representation is often unwise and a defendant may conduct a defense to his/her detriment or may not recognize an available defense.
- I am responsible for knowing and complying with the same rules as a lawyer;
- I cannot expect help from the Judge;
- I will not be allowed to complain on appeal or in a future case that might use the result herein against me or for enhancement, about the competency or effectiveness of my self representation;
- The State is represented by a trained lawyer with particularized skill, training, and expertise;
- I may unknowingly allow the prosecutor an advantage;
- I may not utilize rights I have, or I may make poor tactical decisions;
- The effectiveness of any defense presented at a trial may be diminished by acting in a dual role of defendant and attorney.

THE FOLLOWING IS TO BE USED ONLY IN THE EVENT OF A COURT AUTHORIZED PLEA IN ABSENTIA.

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on the _____ day of _____,
201_____, by _____, the Defendant in this Action.

NOTARY PUBLIC