

**IN THE JUSTICE COURT OF CARSON TOWNSHIP
IN AND FOR CARSON CITY, NEVADA**

STATE OF NEVADA,

) Case No.:

Plaintiff,

) **DUI WAIVER OF RIGHTS**

vs.

Defendant.

1. I understand 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 Carson City on the _____ day of _____, 20____, in violation of Nevada Revised Statute 484.3792.

2. Initial the proper element:

- _____ While under the influence of intoxicating liquor; and/or while having 0.08% or more by weight of alcohol in my blood or breath; and/or while having a concentration of alcohol of .08 or more in blood or breath within 2 hours after driving or being in actual physical control of a vehicle.
- _____ While under the influence of a controlled substance and/or with an amount of a prohibited substance in my blood or urine that is equal to or greater than that prohibited by law.
- _____ While under the combined influence of intoxicating liquor and a controlled substance.
- _____ Having inhaled, ingested, applied or otherwise used any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which rendered me incapable of safely driving or exercising actual physical control of a vehicle.

PENALTIES AND RIGHTS:

3. I understand the State must prove the elements in the above paragraph beyond a reasonable doubt.

4. I understand the following possible punishments:

1st OFFENSE in 7 years - A minimum of 2 days, but not more than 6 months in jail or at least 48 hours, but not more than 96 hours of community service in distinctive garb; a fine of not less than \$400, but not more than \$1,000; successful completion of an approved educational course on the abuse of alcohol and controlled substances; attendance at a victim’s impact panel; a mandatory alcohol abuse evaluation if the BAC is .18% or more or if the Defendant is under the age of 21; and a 90 day revocation of the Defendant’s driver's license by the Department of Motor Vehicles.

2nd OFFENSE in 7 years - At least 10 days, but not more than 6 months in jail; a fine of not less than \$750 and not more than \$1,000; or an equivalent number of hours of community service; attendance of a victim’s impact panel; a mandatory alcohol abuse evaluation; and revocation of the Defendant’s driver's license for a period of one year by the Department of Motor Vehicles.

3rd OFFENSE in 7 years - At least 1 year, but not more than 6 years in the Nevada State Prison; a fine of not less than \$2,000, but not more than \$5,000; and revocation of the Defendant’s driver's license for a period of 3 years by the Department of Motor Vehicles. Once a person has been convicted of a felony DUI, any subsequent DUI will be a category B felony, punishable by 2 to 15 years in prison if convicted.

5. I understand the State will use this and any other constitutionally valid prior conviction of driving under the influence of alcohol and/or a controlled substances or similar offense to enhance the penalty for any subsequent driving under the influence of alcohol and/or controlled substance during the next 7 years. The period of time in which this conviction can be used against you to enhance the penalty

for another offense of Driving Under the Influence (and related offenses) will be longer than seven years under NRS 484C.400(6). The seven year period is extended by any time you are imprisoned, serving a term of residential confinement, confined in a treatment facility, or are on parole or probation, for this offense.

- _____ 6. I understand I have the right to have an attorney to represent me.
- _____ 7. I understand there are significant dangers and disadvantages to representing myself and the assistance of an attorney can be very valuable in evaluating the facts, applying the law, and presenting my evidence and challenging the State's evidence.
- _____ 8. I understand if I cannot afford an attorney, the Court will appoint one to represent me.
_____ I give up this right to an attorney; or
_____ I am represented by _____
- _____ 9. I understand I have the right to a speedy and public trial in front of a Judge and I give up this right.
- _____ 10. I understand I have the right to confront and question all witnesses against me and I give up this right.
- _____ 11. I understand I have the right to subpoena witnesses on my behalf and compel their attendance and I give up this right.
- _____ 12. I understand if I plead guilty now, I have the right to a reasonable delay before sentencing.
- _____ 13. I understand I have the right to a reasonable delay before entering a plea to the charge in this case.
- _____ 14. I understand I have the right to remain silent and not to incriminate myself and I give up this right.
- _____ 15. I understand probation and suspended sentences are not available for any of the above minimum mandatory sentences and the Judge is not bound by any agreement between the parties.
- _____ 16. I understand that by pleading guilty or nolo contendere, I am waiving my right to appeal my conviction except on constitutional or jurisdictional grounds.
- _____ 17. I am voluntarily pleading:
_____ Guilty to the offense as stated in the first paragraph without any promise of leniency or threats having been made because I am in fact guilty of this offense.
_____ Nolo Contendere (No Contest) to the offense as stated in the first paragraph without any promise of leniency or threats having been made because it is in my best interest to do so.
- _____ 18. I further acknowledge that I have been advised that if I am not a United States citizen, conviction of this offense can result in deportation, revocation of resident alien status, visa or work permit, denial of re-admission to the United States, and denial of naturalization should I apply.

Defendant's Signature

Date of Birth

Date

I certify I am the Attorney of record for the Defendant; I have fully discussed the matters herein with the Defendant and advised the Defendant thereon; the representations above are the Defendant's own; the plea and waivers were intelligently, voluntarily and expressly made; I join in the plea and waivers; and I stipulate there is a factual basis for the plea.

Attorney at Law

Date

I have addressed the Defendant personally, canvassed the Defendant on the above to include the elements of this offense as supported by the facts, the possible penalties, and the Defendant's constitutional rights and find the plea of: Guilty Nolo Contendere (No Contest) is made voluntarily and with an understanding of the nature of the charge and consequences of the plea and order that such plea be entered into the minutes of the Court.

Judge

Date