

1 IN THE MUNICIPAL COURT OF CARSON TOWNSHIP

2 IN AND FOR CARSON CITY, STATE OF NEVADA

3 THE CITY OF CARSON, ) Case No.:  
4 Plaintiff, )  
5 vs. ) **DOMESTIC BATTERY**  
6 Defendant ) **WAIVER OF RIGHTS**  
7 )

8 \_\_\_\_\_ 1. I understand that I have been charged with an act of domestic battery in violation of CCMC 8.44.020.

9 2. This is an offense which has the following elements:

- 10 • A battery, which is a harmful or offensive application of force or violence upon the person of another; and
- 11 • Committed against or upon a spouse, former spouse, person to whom the Defendant is related by blood or marriage, a person with whom the Defendant resides or has resided, a person with whom the Defendant has had or has a dating relationship, a person with whom the Defendant has a child in common, or a minor child of any person described above; and
- 12 • This occurred on or about (date) \_\_\_\_\_, 20\_\_\_\_\_, in Carson City, Nevada.

13 PENALTIES AND RIGHTS:

14 \_\_\_\_\_ 3. I understand the City must prove the above elements of the crime beyond a reasonable doubt.

15 \_\_\_\_\_ 4. I understand the following possible punishments:

16 **1<sup>st</sup> OFFENSE** in 7 years - A minimum of 2 days, but not more than 6 months in Jail; a minimum of 48 hours, but not more than 120 hours of community service; a fine of not less than \$200, but not more than \$1,000; and successful completion of counseling at the Defendant's own expense with weekly sessions of not less than 1 ½ hours per week for at least 6 months in a State-certified program for the treatment of persons who commit domestic violence.

18 **2<sup>nd</sup> OFFENSE** in 7 years - A minimum of 10 days, but not more than 6 months in Jail; a minimum of 100 hours, but not more than 200 hours of community service; a fine of not less than \$500, but not more than \$1,000; and successful completion of counseling at the Defendant's own expense with weekly sessions of not less than 1 ½ hours per week for at least 12 months in a State-certified program for the treatment of persons who commit domestic violence.

20 **3<sup>rd</sup> OFFENSE** in 7 years - At least 1 year, but not more than 5 years in the Nevada State Prison and a fine of not more than \$10,000.

21 \_\_\_\_\_ 5. I understand the City will use this and any other constitutionally valid prior conviction of domestic battery or similar offense to enhance the penalty for any subsequent domestic battery during the next 7 years.

22 \_\_\_\_\_ 6. I understand I have the right to have an attorney represent me.

23 \_\_\_\_\_ 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, presenting my evidence, and challenging the City'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 that if I am convicted of a misdemeanor or felony that constitutes domestic violence pursuant to NRS 33.018, my possession, shipment, transportation, or receipt of a firearm or ammunition may constitute a felony pursuant to NRS 202.360 or 18 U.S.C. § 922(g)(9)

\_\_\_\_\_ 10. I understand I have the right to a speedy and public trial in front of a Judge and I give up this right.

\_\_\_\_\_ 11. I understand I have the right to confront and question all witnesses against me and I give up this right.

\_\_\_\_\_ 12. I understand I have the right to subpoena witnesses on my behalf and compel their attendance and I give up this right.

\_\_\_\_\_ 13. I understand if I plead guilty now, I have the right to a reasonable delay before sentencing.

\_\_\_\_\_ 14. I understand I have the right to a reasonable delay before entering a plea to the charge in this case.

\_\_\_\_\_ 15. I understand I have the right to remain silent and not to incriminate myself and I give up this right.

\_\_\_\_\_ 16. 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.

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.

Are you a veteran of any military branch? Yes  No

\_\_\_\_\_  
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 Defendant and advised Defendant thereon; the representations above are the Defendant's own; the pleas 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 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. I hereby order that such pleas be entered into the minutes of the Court.

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date