

**IN THE JUSTICE COURT OF SPARKS TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA**

The State of Nevada

Plaintiff

Case No.:

Department

vs.

Defendant.

**DRIVING UNDER THE INFLUENCE
WAIVER OF CONSTITUTIONAL RIGHTS**

**Defendant's
Initials**

State's Counsel

_____ 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 this County (initial the proper element(s))

_____ while under the influence of intoxicating liquor; &/or

_____ having 0.08% or more concentration of alcohol in my blood, &/or

_____ having been under the influence of a controlled substance; &/or

_____ having a 0.08% or more concentration of alcohol in my blood within two hours after driving or being in actual physical control of a motor vehicle,

on the _____ day of _____, 20_____, in violation of NRS 484C.110 and NRS 484C.400 or WCC 70.3865

_____ I understand the State must prove the elements in the above paragraph beyond a reasonable doubt, and I give up this right.

_____ I understand the State will use this and any other constitutionally valid prior conviction of this type of offense to enhance the penalty for any subsequent offense.

_____ I understand the following punishments:

_____ **1st Offense** in 7 years: A minimum of 2 days in jail to a maximum of 6 months in jail, or not less than 48 hours but not more than 96 hours of community service; a fine of not less than \$400 nor more than \$1,000 and assessments; successful completion of an approved educational or treatment course on the abuse of alcohol and controlled substances; must attend the victim impact panel; and revocation of my driver's license for a period of 185 days, by the Department of Motor Vehicles.

_____ **2nd Offense** in 7 years: A minimum of 20 days to a maximum of 6 months in jail or a minimum of 20 days to a maximum of 6 months of house arrest; a minimum fine of \$750 to a maximum fine of \$1,000 and assessments or the equivalent number of hours of community service; completion of a program of treatment for the abuse of alcohol or drugs; must attend the victim impact panel; and revocation of my driver's license for a period of 1 year by the Department of Motor Vehicles.

_____ **3rd Offense** in 7 years: Not less than 1 year nor more than 6 years in Nevada State Prison; not less than \$2,000 fine but not more than \$5,000 and assessments; and revocation of my driver's license for a period of 3 years by the Department of Motor Vehicles.

_____ **4th or Subsequent Offenses ever:** Not less than 2 years nor more than 15 years in Nevada State Prison; not less than \$2,000 fine but not more than \$5,000 and assessments; and revocation of my driver's license for a period of 3 years by the Department of Motor Vehicles.

_____ For 1st and 2nd offenses, I will be required to have an interlock device installed in my vehicle for not less than 185 days if I am convicted of a first violation in 7 years as a condition of the reinstatement of my driver's license; or a period of 1 year if I am convicted of a second violation; or a period of 3 years if convicted of a third violation pursuant to NRS 484C.460.

_____ Early removal of an interlock device may result in mandatory jail time and or fees.
_____ I have the option to apply for treatment under NRS Chapter 484C.

_____ I understand I have the right to have an attorney represent me, and if I cannot afford an attorney, the Court will appoint one.

_____ I understand I have the right to a speedy trial and I give up this right.

_____ I understand I have the right to confront and question all witnesses against me, and I give up this right.

_____ I understand I have the right to subpoena witnesses on my behalf and compel their attendance, and I give up this right.

_____ I understand I have the right to remain silent, not incriminate myself, and I could not be compelled to testify if there were a trial, and I give up this right.

_____ I understand the Judge is not bound by any agreement between parties.

_____ I understand that if I am not a citizen of the United States, this conviction may jeopardize my right to become one or to stay in the United States.

_____ I am voluntarily entering the following plea to the offense as stated in the first paragraph without any promises of lenience or threats having been made. I do not wish to contest the charge and hereby give consent to the Court to enter my plea of:

_____ Guilty **OR** _____ No Contest

_____ Pursuant to NRS 4.374: Have you ever served in any U.S. military branch
Yes _____ No _____

_____ Defendant's Signature _____ Initials _____ Driver's License No./State _____ Date of Birth

_____ Today's Date

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

_____ Defendant's Attorney _____ Date

I have addressed Defendant personally, canvassed 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 I find the Defendant's plea is made voluntarily and with an understanding of the nature of the charge and consequences of the plea. Judgment is entered accordingly.

_____ Justice of the Peace / Magistrate _____ Date