

Justice Court, Pahrump Township

NYE COUNTY, NEVADA

THE STATE OF NEVADA,)
Plaintiff,)
)
- vs. -) CASE NO.: _____
) DEPT. NO.: _____
,)
_____)
Defendant.)
_____)

BATTERY/DOMESTIC VIOLENCE: ADMONISHMENT OF RIGHTS

(For Offenses occurring **on or after** July 1, 2019)

I am the Defendant in this case. At this time, I am charged with battery constituting domestic violence in having willfully and unlawfully committed an act of force or violence upon my spouse, former spouse, a person to whom I am related by blood or marriage (excluding a sibling or cousin with whom I am not in a custodial or guardian relationship), a person with whom I have had or am having a dating relationship, a person with whom I have a child in common, the minor child of any of those persons, my minor child, or any other person who has been appointed the custodian or legal guardian for my minor child (in violation of NRS 33.018/NRS 200.485).

I AM AWARE THAT I HAVE EACH OF THE FOLLOWING RIGHTS AND THAT I WILL BE WAIVING THESE RIGHTS IF I PLEAD GUILTY OR NOLO CONTENDERE:

1. The right to a speedy trial;
2. The right to trial by jury, pursuant to NRS 175.011 and Anderson v. Eighth Judicial District Court, 135 Nev. Adv. Op 42 (2019).
3. The right to require the State to prove the charge(s) against me beyond a reasonable doubt;
4. The right to confront and question all witnesses against me;
5. The right to subpoena witnesses on my behalf and compel their attendance;
6. The right to remain silent and not be compelled to testify if there were a trial; and
7. The right to appeal my conviction except on constitutional or jurisdictional grounds.

DEFENDANT'S INITIALS: _____

DEFENDANT'S ATTORNEY'S INITIALS (if applicable): _____

I AM ALSO AWARE THAT IF I PLEAD GUILTY OR NOLO CONTENDERE I AM ADMITTING THE STATE COULD FACTUALLY PROVE THE CHARGE(S) AGAINST ME. I AM ALSO AWARE THAT IF I PLEAD GUILTY OR NOLO CONTENDERE THE FOLLOWING CONSEQUENCES MAY BE IMPOSED:

- 1. I understand the State will use this conviction, and any other conviction from this or any other State which prohibits the same or similar conduct, to enhance the penalty for any subsequent offense;**
- 2. I understand that, as a consequence of my plea of guilty or nolo contendere, if I am not a citizen of the United States, I may, in addition to other consequences provided by law, be removed, deported, or excluded from entry into the United States or denied naturalization;**
- 3. I understand that if I am convicted of a misdemeanor or felony that constitutes domestic violence pursuant to 18 U.S.C. § 921(a)(33), my possession, shipment, transportation, or receipt of a firearm or ammunition will constitute a felony pursuant to NRS 202.360 or federal law;**
- 4. I understand that sentencing is entirely up to the court and the range of penalties outlined in this admonishment for committing the offense described above will apply (unless a greater penalty is provided pursuant to NRS 200.481, 200.485(2)–(5)).**

I AM ALSO HEREBY INFORMED that, if I am convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) (which requires “the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim”), I will be prohibited from owning, possessing or having under my custody or control any firearm pursuant to NRS 202.360, and I will be ordered to permanently surrender, sell, or transfer any firearm that I own or that is in my possession or under my custody or control in the manner set forth in NRS 202.361. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to NRS 200.485 concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.00.

DEFENDANT'S INITIALS: _____

DEFENDANT'S ATTORNEY'S INITIALS (if applicable): _____

CONSEQUENCES FOR ALL OFFENSES:

In addition to any other penalty, in the Court's discretion, the Court may order me to participate in an alcohol or drug treatment program at my expense; and, in the Court's discretion, if it appears from information presented to the Court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence, the Court may refer the child to an agency which provides protective services, and, if that occurs, the Court will require me to reimburse the agency for the costs of any services provided, to the extent of my ability to pay. There may also be certain fees or assessments required by statute.

FOR ALL FIRST, SECOND, AND THIRD OFFENSES WITHIN 7 YEARS:

An offense constitutes a prior offense so long as it occurs within seven years of the instant offense, regardless of the sequence of offenses and convictions. An offense also constitutes a prior offense if the offense was dismissed in connection with successful completion of a diversionary program or specialty court program, or if the offense was conditionally dismissed pursuant to NRS 176A.290, without regard to the sequence of the offenses.

FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

At least 2 days in jail but not more than 6 months; at least 48 hours but not more than 120 hours, of community service; a fine of not less than \$200, but not more than \$1,000; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at a certified agency, at my expense.

SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

At least 20 days in jail but not more than 6 months; at least 100 hours, but not more than 200 hours, of community service; a fine of not less than \$500, but not more than \$1,000; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at a certified agency, at my expense.

THIRD OFFENSE WITHIN 7 YEARS:

A category B felony punishable by a sentence of imprisonment in the Nevada State Prison for at least 1 year but not more than 6 years; and a fine of at least \$1,000 but not more than \$5,000. A defendant is not eligible for probation for a third offense.

OFFENSES SUBSEQUENT TO FELONY OFFENSES (CATEGORY B FELONY):

Any violation of NRS 200.485, at any time after July 1, 2019, subsequent to any felony conviction constituting domestic violence under NRS 33.018, or the laws of any other State prohibiting similar conduct, is a Category B felony, punishable by a sentence of imprisonment for at least 2 years, but not more than 15 years, and a mandatory fine of at least \$2,000 but not more than \$5,000. The instant offense is subsequent to a qualifying offense when evidenced by a conviction, without regard to the sequence of the offenses and convictions, and regardless of whether the prior offense(s) occurred within 7 years. A defendant is not eligible for probation for offenses under this section.

OFFENSES INVOLVING PREGNANT VICTIMS

Unless a greater penalty is provided pursuant to NRS 200.481, an offense committed against a victim who was pregnant at the time of the battery, and that fact is known or should have been known to the batterer: a first offense is a gross misdemeanor, punishable by up to 364 days in jail, and a fine of up to \$2,000. A subsequent offense is a Category B felony punishable by imprisonment of not less than 1 year, but not more than 6 years, and a fine of not less than \$1,000, and not more than \$5,000.

DEFENDANT'S INITIALS: _____

DEFENDANT'S ATTORNEY'S INITIALS (if applicable): _____

ALL DEFENDANTS MUST INITIAL EITHER #1 OR #2 BELOW--DO NOT INITIAL BOTH

- _____ 1. I am represented by an attorney in this case. My attorney has fully discussed these matters with me and advised me about my legal rights. My attorney is _____.
- _____ 2. I have declined to have an attorney represent me and I have chosen to represent myself. I have made this decision even though there are dangers and disadvantages in self-representation in a criminal case, including but not limited to, the following:
- (a) Self-representation is often unwise, and a defendant may conduct a defense to his or her own detriment;
 - (b) A defendant who represents himself is responsible for knowing and complying with the same procedural rules as lawyers, and cannot expect help from the judge in complying with those procedural rules;
 - (c) A defendant representing himself will not be allowed to complain on appeal about the competency or effectiveness of his or her representation;
 - (d) The state is represented by experienced professional attorneys who have the advantage of skill, training, and ability;
 - (e) A defendant unfamiliar with legal procedures may allow the prosecutor an advantage, may not make effective use of legal rights, and may make tactical decisions that produce unintended consequences; and
 - (f) The effectiveness of the defense may well be diminished by a defendant's dual role as attorney and accused.

_____	_____	_____
DEFENDANT'S SIGNATURE	DATE OF BIRTH	DATE

I HAVE REVIEWED THIS ADMONISHMENT WITH MY CLIENT AND HE/SHE UNDERSTANDS THE RIGHTS HE/SHE IS WAIVING AND THE CONSEQUENCES OF A PLEA OF GUILTY/NOLO CONTENDERE, IF HE/SHE ENTERS A PLEA TO THIS BATTERY/DOMESTIC VIOLENCE CHARGE, INCLUDING, BUT NOT LIMITED TO, GUN POSSESSION AND RIGHTS.

DEFENDANT'S ATTORNEY (if applicable)

BAR NUMBER