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Case No: _____

Dept.: _____

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA

Plaintiff,

vs.

WAIVER ON PLEA - DOMESTIC VIOLENCE

Defendant.

Initial and/or fill in the blanks where indicated

_____ I understand I am charged with battery constituting domestic violence, having willfully and unlawfully committed an act of force or violence upon my spouse, former spouse, any other person to whom I am related by blood marriage, a person with whom I am or was actually residing, a person with whom I have had or am having a dating relationship, a person with whom I have a child in common, my minor child or the minor child of any of these persons, on (date) _____ in violation of NRS 200.481 and NRS 33.018.

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

_____ 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: At least two (2) days in jail but not more than six (6) months, at least forty-eight (48) hours but not more than one-hundred twenty (120) hours of community service, a fine of not less than \$200 nor more than \$1,000 and participation in weekly counseling sessions of not less than 1½ hours per week for not less than six (6) months nor more than twelve (12) months, at my expense.

2nd Offense in seven (7) years: At least ten (10) days in jail but not more than six (6) months, at least one-hundred (100) hours but not more than two-hundred (200) hours of community service, a fine of not less than \$500 nor more than \$1,000 and participation in weekly counseling sessions of not less than 1½ hours per week for twelve (12) months, at my expense.

3rd Offense in seven (7) years: This is a category C felony, punishable by a sentence of imprisonment in the Nevada State Prison for not less than one (1) year nor more than five (5) years and a possible fine of not more than \$10,000.

_____ **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 give up this right **or** I am represented by:

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

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

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_____ **I understand** I have the right to remain silent and not incriminate myself. I give up this right.

_____ **I understand** that unless otherwise noted above, the punishments mentioned above are mandatory and the Judge is not bound by any agreement between the parties.

_____ **I am** voluntarily pleading guilty/nolo contendere to the offense as stated in the first paragraph, without any promises of lenience or threats having been made.

Defendant's Signature Initials Social Security # Today's date

Interpreter's Signature

I am the attorney of record for Defendant. I have fully discussed the matters herein with Defendant and advised Defendant thereon. The representations above are Defendant's own. The plea and waivers were intelligently, voluntarily and expressly made. I join in the plea and waiver.

Attorney's Signature Date

You have the Constitutional right to trial by jury.
The jury will be comprised of twelve (12) jurors unless by stipulation the parties stipulate in writing with the approval of the court that the jury will consist of any number less than twelve (12) but not less than six (6) jurors.

You will have the opportunity to take part in jury selection.
The law requires a jury verdict to be unanimous.
The court alone decides the question of guilt should you waive your right to jury trial, which by pleading and signing above you are doing.

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. I find the plea of guilty or nolo contendere is made voluntarily and with an understanding of the nature of the charge and consequences of the plea and Order the plea be entered into the minutes of the Court.

DATED this _____ day of _____, 20_____.

Justice of the Peace