

**IN THE JUSTICE COURT OF VIRGINIA TOWNSHIP
IN AND FOR THE COUNTY OF STOREY STATE OF NEVADA**

Case No.

STATE OF NEVADA

vs

Plaintiff

Defendant

MISDEMEANOR DUI ADMONISHMENT OF RIGHTS

- ____ 1. I am the Defendant in this case. I have not taken any medication or any other substance that today interferes in any way with my ability to understand what we are doing now. I am taking medication(s) that I am supposed to take.
- ____ 2. I am the Defendant in this case and 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 Storey County, State of Nevada, on the ____ day of _____, 20____, in violation of SCC 10.16.050 and:

____ 3. Initial 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:

- ____ 4. I understand the State must prove the elements in Items 2 and 3 above beyond a reasonable doubt.
- ____ 5. 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 0.18 or more or if the Defendant is under the age of 21; and a 185-day revocation of the Defendant's driver's license by the Department of Motor Vehicles unless a Breath Ignition Interlock Device is installed on my vehicle pursuant to NRS 483.490 and NRS 484C.460, for 185 days if the BAC is less than 0.18, or 12 to 36 months if the BAC is 0.18 or more in your blood or breath.

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, unless a Breath Ignition Interlock Device is installed on my vehicle pursuant to NRS 483.490 and NRS 484C.460, for 185 days if the BAC is less than 0.18, or 12 to 36 months if the BAC is 0.18 or more in your blood or breath.

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.

- ____ 6. I understand the Court is not limited by the minimum penalty and can impose additional jail time and fines up to the maximum allowed by law.

- _____ 7. For first and second offenses, I will be required to have a breath interlock device with a camera to provide my digital image installed in my vehicle for not less than 185 days as a condition of reinstatement of my driver's license; or for not less than 12 months or more than 36 months with a concentration of 0.18 or more pursuant to NRS 484C.460. The Court may grant an exception to the requirement for first time offenders if the person is unable to provide a deep lung breath sample for a device, as certified in writing by a physician, or if the person resides more than 100 miles from a manufacturer of a device or its agent.
- _____ 8. 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 me to enhance the penalty for another offense of Driving Under the Influence (and related offenses) may be longer than seven years under NRS 484C.400(6). The seven-year period is extended by any time I am imprisoned, serving a term of residential confinement, confined in a treatment facility, or am on parole or probation, for this offense.
- _____ 9. I understand I have the right to have an attorney to represent me.
- _____ 10. 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.
- _____ 11. 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: _____
- _____ 12. I understand I have the right to a speedy and public trial in front of a Judge and I give up this right.
- _____ 13. I understand I have the right to confront and question all witnesses against me and I give up this right.
- _____ 14. I understand I have the right to subpoena witnesses on my behalf and compel their attendance and I give up this right.
- _____ 15. I understand if I plead guilty now, I have the right to a reasonable delay before sentencing.
- _____ 16. I understand I have the right to a reasonable delay before entering a plea to the charge in this case.
- _____ 17. I understand I have the right to remain silent and not to incriminate myself and I give up this right.
- _____ 18. 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.
- _____ 19. IN ADDITION TO THE ABOVE-STATED RIGHTS, I understand that by pleading guilty or nolo contendere (no contest), I am waiving my right to appeal my conviction except on constitutional or jurisdictional grounds which means that once you are sentenced, you will not be able to take this case to a higher Court seeking to allege errors, challenge the sentence, change the agreement or raise other issues.
- _____ 20. 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.

I AM VOLUNTARILY PLEADING:

_____ **GUILTY to the offense as stated in Paragraph #2 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 Paragraph 2 without any promise of leniency or threats having been made because it is in my best interest to do so.**

Are you a veteran or a member of the military? Yes No

 Defendant's Signature

 Date of Birth

 Date

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

 Attorney for Defendant

 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 that the plea of:

Guilty Nolo Contendere (No contest) is made voluntarily and with the 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 and judgment is entered accordingly.

Dated this _____ day of _____, 20____.

E.F. Herrington
Justice of the Peace
Virginia Township Justice Court