

CASE NO.

IN THE ELKO MUNICIPAL COURT,
COUNTY OF ELKO, STATE OF NEVADA

THE CITY OF ELKO,

Plaintiff,

vs.

,
Defendant.

**WRITTEN CONSENT TO ENTRY
OF PLEA AND IMPOSITION OF
SENTENCE IN DEFENDANT'S
ABSENCE (DEFENDANT NOT
REPRESENTED BY LAWYER)**

I, Defendant _____ [Print Defendant's True
& Correct Name], hereby enter plea(s) of GUILTY or NO CONTEST [Circle Plea(s) to be Entered] to the
misdemeanor charge(s) of _____

[Print Title and Count Number of Charge(s) to Which Plea(s) Are Being Entered], which charge(s) are more
fully set forth in the charging document on file in this case. A copy of the charging document under which I
am entering a plea or pleas is attached hereto as Exhibit A.

I also hereby consent to the entry of the plea(s) and imposition of sentence on the charge(s) in my
absence in the Elko Municipal Court.

A. Right to Representation by Lawyer

_____ I have the right to be represented by a lawyer at all times. If I cannot afford a lawyer, the
judge will appoint one to represent me upon my request.

_____ I also have the right to represent myself without the assistance of a lawyer.

_____ I waive (give up) my right to be represented by a lawyer. I have chosen to represent myself in this case. I have made this choice even though there are the following dangers and disadvantages to self representation, among others.

- [1] Self representation is often unwise, and I may conduct it to my own detriment.
- [2] I am responsible for knowing and complying with the same procedural rules as lawyers, and cannot expect help from the judge in complying with these procedural rules.
- [3] I will not be allowed to complain on appeal about the competency or effectiveness of my self representation.
- [4] The City of Elko is represented in this case by experienced, professional lawyers who will have the advantage of skill, training and ability.
- [5] I may allow the prosecutor an advantage, may not make effective use of legal rights, and may make tactical decisions that produce unintended consequences.
- [6] The effectiveness of my self representation may well be diminished by my dual role as lawyer and accused.

B. Other Rights

I understand that I have the following other rights in this case. I also understand that I will be waiving (giving up) these rights if, without being present, I plead either guilty or no contest to the charge(s) listed above, and am sentenced by the Court.

_____ I have a right to a speedy, public trial.

_____ I have the right to require the City of Elko to prove the charge(s) against me beyond a reasonable doubt at trial.

_____ I have the right to remain silent and refrain from incriminating myself. If I choose to remain silent, that choice cannot and will not be used against me by the judge.

_____ I have the right to confront and cross examine (see and question) all witnesses called against me in court.

_____ I have the right to present evidence and subpoena witnesses to testify on my behalf in court.

_____ I have the right to appeal any conviction in this case.

_____ I have the right to personally appear in court to be arraigned, enter my plea(s) and receive imposition of sentence. At a sentencing hearing, I have the right to make a statement or testify, and present evidence for the Court to consider before sentencing me.

C. Elements of Charge(s) to Which Plea(s) Entered; Criminal/Civil Penalties

_____ I understand the elements of any charge(s) to which I am entering either guilty or no contest plea(s) in this case.

_____ I understand the maximum criminal and civil penalties which may be imposed by the Court if it accepts my plea(s) in this case.

Count 1

Maximum Fine: \$
Administrative Fee: \$
Court Facility Fee: \$10.00
Special Programs Fee \$ 7.00

Fine Total: \$

Maximum Jail Time:

Count 2

Maximum Fine: \$
Administrative Fee: \$
Court Facility Fee: \$10.00
Special Programs Fee \$ 7.00

Fine Total: \$

Maximum Jail Time:

Count 3

Maximum Fine: \$
Administrative Fee: \$
Court Facility Fee: \$10.00
Special Programs Fee \$ 7.00

Fine Total: \$

Maximum Jail Time:

Count 4

Maximum Fine: \$
Administrative Fee: \$
Court Facility Fee: \$10.00
Special Programs Fee \$ 7.00

Fine Total: \$

Maximum Jail Time:

NOTE: The Maximum penalty will not necessarily be the penalty imposed if the judge accepts the plea(s).

D. Entry of Plea; Waiver of Rights on Plea(s) of Either Guilty or No Contest

By initialing and signing this document below, I acknowledge and declare as follows:

_____ I have read this document, and/or had this document read to me in the language I understand best, and I understand the entire document.

_____ If I am pleading guilty to a charge or charges, I agree with what the City of Elko claims I did wrong in the charge(s) to which I am pleading guilty.

_____ If I am pleading no contest to a charge or charges, I agree that the City of Elko has enough evidence to prove me guilty beyond a reasonable doubt of the charge(s) to which I am pleading no contest.

_____ I was sober and in full control of my mind at the time I: [1] read this document and/or had this document read to me; [2] initialed this document; and [3] signed this document.

_____ I have not been threatened or coerced in any way to enter (make) my plea(s). I am entering (making) my plea(s) without any promises of leniency, other than those which may have been placed on the record.

_____ I understand that the judge is not required to follow the sentencing recommendation of either party. The judge may impose any sentence allowed by law, including the maximum (harshest) sentence. The judge may also order me to pay restitution if that is appropriate.

_____ I choose to waive (give up) my rights as described in this document, and request that the Elko Municipal Court accept my plea(s). I understand that the judge will sentence me on and convict me of the charge(s) to which I am entering the plea(s).

DATED this _____ day of _____, 20_____.

_____ Physical Address: _____
Defendant _____

Mailing Address: _____

Telephone Number _____
Cell Phone Number _____

State of _____

County of _____

This instrument was acknowledged before me on _____ (date)
by _____ (name of defendant)

(Seal, if any)

(Signature of notarial officer)

(Title and rank (optional))

Based upon my review of the foregoing waiver of rights form, I find that the defendant entered his or her plea(s): [1] knowingly, intelligently and voluntarily; and [2] with full knowledge of his/her constitutional rights, the maximum and minimum penalties for the charge(s) to which a plea was entered, and the collateral consequences of conviction of the charge(s). I therefore accept the plea(s).

Municipal Judge

Date