

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  
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 have chosen to be represented by a lawyer in this case. My lawyer is \_\_\_\_\_  
\_\_\_\_\_ [Print Lawyer's Name Here].

I have signed this document after consulting with my lawyer, and I am satisfied with my  
lawyer.

**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 have fully discussed with my attorney the elements of any charge(s) to which I am entering either guilty or no contest plea(s) in this case.

\_\_\_\_\_ I have fully discussed with my attorney the maximum criminal and civil penalties which may be imposed by the Court if it accepts my plea(s) in this case.

**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 explained to me by my lawyer.

\_\_\_\_\_ 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 and appointed attorney reimbursement, if that is appropriate.

\_\_\_\_\_ I choose to waive (give up) my rights as described in this document, except the right to be represented by a lawyer, 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))

**CERTIFICATE OF COUNSEL**

The undersigned, as the lawyer for the defendant named herein, and as an officer of the court, hereby certifies as follows:

1. I have fully explained to the defendant the elements of and the allegations contained in any charge(s) to which either a guilty or no contest plea is/are being entered.
  
2. I have advised the defendant of the penalties for each charge to which either a guilty or no contest plea is being entered, and the restitution that the defendant may be ordered to pay.
  
3. All pleas offered by the defendant are consistent with all of the facts known to me, made with my advice to the defendant, and are in the best interest of the defendant.
  
4. To the best of my knowledge and belief, the defendant:
  - (a) Is competent and understands the charge(s) and the consequences of pleading either guilty or no contest.
  
  - (b) Will enter all pleas voluntarily.
  
  - (c) Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this waiver of rights form.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
[Signature of Lawyer]

\_\_\_\_\_  
[Nevada State Bar Number]

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