

**IN THE JUSTICE COURT OF SPARKS TOWNSHIP  
COUNTY OF WASHOE, STATE OF NEVADA**

The State of Nevada

Plaintiff

Case No.:

Department

vs.

Defendant.

**DRIVING UNDER THE INFLUENCE  
WAIVER OF CONSTITUTIONAL RIGHTS**

**Defendant's  
Initials**

\_\_\_\_\_  
**State's Counsel**

\_\_\_\_\_ I 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 this County (initial the proper element(s))

\_\_\_\_\_ while under the influence of intoxicating liquor; &/or

\_\_\_\_\_ having 0.08% or more concentration of alcohol in my blood, &/or

\_\_\_\_\_ having been under the influence of a controlled substance; &/or

\_\_\_\_\_ having a 0.08% or more concentration of alcohol in my blood within two hours after driving or being in actual physical control of a motor vehicle,

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in violation of NRS 484C.110 and NRS 484C.400 or WCC 70.3865

\_\_\_\_\_ I understand the State must prove the elements in the above paragraph beyond a reasonable doubt, and I give up this right.

\_\_\_\_\_ I understand the State will use this and any other constitutionally valid prior conviction of this type of offense to enhance the penalty or any subsequent offense.

\_\_\_\_\_ I understand the following punishments:

\_\_\_\_\_ **1<sup>st</sup> Offense** in 7 years: A minimum of 2 days in jail to a maximum of 6 months in jail, or not less than 48 hours but not more than 96 hours of community service must be performed in distinctive garb identifying you as a DUI offender; a fine of not less than \$400 nor more than \$1,000 and assessments; successful completion of an approved educational or treatment course on the abuse of alcohol and controlled substances; must attend the victim impact panel; and revocation of my driver's license for a period of 90 days, or 185 days for certain alcohol-based DUI's, by the Department of Motor Vehicles.

\_\_\_\_\_ **2<sup>nd</sup> Offense** in 7 years: A minimum of 10 days to a maximum of 6 months in jail or a minimum of 10 days to a maximum of 6 months of house arrest; a minimum fine of \$750 to a maximum fine of \$1,000 and assessments or the equivalent number of hours of community service must be performed in distinctive garb identifying you as a DUI offender; completion of a program of treatment for the abuse of alcohol or drugs; must attend the victim impact panel; and revocation of my driver's license for a period of 1 year by the Department of Motor Vehicles.

\_\_\_\_\_ **3<sup>rd</sup> Offense** in 7 years: Not less than 1 year nor more than 6 years in Nevada State Prison; not less than \$2,000 fine but not more than \$5,000 and assessments; and revocation of my driver's license for a period of 3 years by the Department of Motor Vehicles.

\_\_\_\_\_ **4<sup>th</sup> or Subsequent Offenses ever:** Not less than 2 years nor more than 15 years in Nevada State Prison; not less than \$2,000 fine but not more than \$5,000 and assessments; and revocation of my driver's license for a period of 3 years by the Department of Motor Vehicles.

\_\_\_\_\_ For 1<sup>st</sup> and 2<sup>nd</sup> offenses, I will be required to have an interlock device installed in my vehicle for not less than 185 days if I had a concentration of alcohol of less than 0.18 in my blood or breath as a condition of the 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 on the basis of economic hardship and other exceptions pursuant to NRS 484C.460(2).

\_\_\_\_\_ Early removal of an interlock device may result in mandatory jail time and or fees.

\_\_\_\_\_ I have the option to apply for treatment under NRS Chapter 484C.

\_\_\_\_\_ 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 understand I have the right to a speedy trial and I give up this right.

\_\_\_\_\_ I understand I have the right to confront and question all witnesses against me, and I give up this right.

\_\_\_\_\_ I understand I have the right to subpoena witnesses on my behalf and compel their attendance, and I give up this right.

\_\_\_\_\_ I understand I have the right to remain silent, not incriminate myself, and I could not be compelled to testify if there were a trial, and I give up this right.

\_\_\_\_\_ I understand the Judge is not bound by any agreement between parties.

\_\_\_\_\_ I understand that if I am not a citizen of the United States, this conviction may jeopardize my right to become one or to stay in the United States.

\_\_\_\_\_ I am voluntarily entering the following plea to the offense as stated in the first paragraph without any promises of lenience or threats having been made. I do not wish to contest the charge and hereby give consent to the Court to enter my plea of:

\_\_\_\_\_ Guilty      **OR**      \_\_\_\_\_ No Contest

\_\_\_\_\_ Pursuant to NRS 4.374: Have you ever served in any U.S. military branch

Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Initials

\_\_\_\_\_  
Driver's License No./State

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Today's Date

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

\_\_\_\_\_  
Defendant's Attorney

\_\_\_\_\_  
Date

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; and I find the Defendant's plea is made voluntarily and with an understanding of the nature of the charge and consequences of the plea. Judgment is entered accordingly.

\_\_\_\_\_  
Justice of the Peace / Magistrate

\_\_\_\_\_  
Date