

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

Case No.
Department

Plaintiff

vs.

Defendant.

**DOMESTIC VIOLENCE WAIVER OF
CONSTITUTIONAL RIGHTS**

**Defendant's
Initials**

State's Counsel

_____ I understand I have been charged with battery constituting domestic violence in 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 or 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, as set forth in the complaint filed on _____, in violation of WCC 53.110 or NRS 33.018 or NRS 200.481 or NRS 200.485.

_____ 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 for any subsequent offense.

_____ I understand the following possible punishments:

1st Offense in 7 years: At least 2 days in jail to a maximum of 6 months in jail; not less than 48 hours but not more than 120 hours of community service; a fine of not less than \$200 and not more than \$1000 plus assessments; successful completion of weekly Domestic Violence counseling sessions of not less than 1 ½ hours per week for not less than 6 months nor more than 12 months at my own expense.

2nd Offense in 7 years: At least 20 days in jail but not more than 6 months; at least 100 hours but not more than 200 hours of community service; a fine of not less than \$500 and not more than \$1,000 plus assessments; successful completion of weekly Domestic Violence counseling sessions of not less than 1 ½ hours per week for 12 months at my own expense.

3rd Offense in seven years: A category B felony punishable by a sentence of imprisonment in the Nevada State Prison for not less than 1 year and no more than 6 years and a possible fine of not more than \$10,000.00 plus assessments.

_____ 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 that 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 was a trial, and I give up this right.

_____ I understand that the judge is not bound by any agreement between parties.

_____ I understand that if I am not a citizen of the United States, any criminal conviction may result in serious negative immigration consequences including but not limited to:

- The removal from the United States through deportation;
- An inability to reenter the United States;
- The inability to gain United States citizenship or legal residency;
- An inability to renew and/or retain any legal residency status and/or
- An indeterminate term of confinement with the United States Federal Government based on my conviction and immigration status.

Regardless of what I have been told by any attorney, no one can promise me that this conviction will not result in negative immigration consequences and/or impact my ability to become a United States citizen and/or legal resident.

_____ 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

I AM ALSO HEREBY INFORMED that, if I am convicted of this offense and the criminal complaint filed has an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim, pursuant to 18 U.S.C. § 921(a)(33) and NRS 202.360, you are permanently prohibited from owning, possessing, or having under your custody or control any and all firearms. Violation of this prohibition is a Category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and may further be punished by a fine of not more than \$5,000.

Defendant's Signature

Initials

Driver's License No/State

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 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.

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

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**ORDER TO SURRENDER FIREARMS
PURSUANT TO NRS 200.481, NRS 200.485,
NRS 202.360, and 18 U.S.C. § 921(a)(33)**

_____ /

Pursuant to the requirements of NRS 200.485, NRS 202.360, and 18 U.S.C. § 921(a)(33), you are hereby notified that you are prohibited from owning, possessing or having under your custody or control any firearm. You are further notified that violation of this order is a **Category B felony** and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and may further be punished by a fine of not more than \$5000; THEREFORE:

IT IS HEREBY ORDERED that you must permanently surrender, sell, or transfer any and all firearms that you own, in your possession, or under your control not later than **24 hours** from the date of this order in the following manner as indicated by the corresponding checkmark:

- 1. Surrender any firearm(s) in your possession, custody, or control to the controlling jurisdiction's law enforcement agency. The law enforcement agency shall provide you with a receipt which includes a description and serial number of each firearm surrendered; **or**
- 2. Surrender any firearm(s) in your possession, custody, or control to the following person:
_____. In this circumstance, you shall provide to this Court and to either the Reno Police Department, Sparks Police Department, Washoe County Sheriff's Office, or another law enforcement agency the name and address of the person to whom each firearm was surrendered, along with a description and serial number of each firearm surrendered; **or**
- 3. Sell or transfer any firearm(s) in your possession, custody, or control to a licensed firearm dealer as defined in 18 U.S.C. § 923(a). The licensed firearm dealer shall provide you with a receipt which includes a description and serial number of each firearm surrendered.

IT IS FURTHER ORDERED that not later than **72 hours or one business day**, which-ever is later, after the surrender, sale, or transfer of any such firearm, you shall provide the receipt and/or documents described in the checked paragraph above to this Court from the person or entity to whom any such firearm was surrendered, sold, or transferred.

IT IS FURTHER ORDERED that in the event you currently do not own or have any firearm(s) in your possession, custody, or control, you shall execute the subsequent Declaration Under Penalty of Perjury.

Dated

JUSTICE OF THE PEACE

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO SB 124 (2017) AND NRS 53.045**

I, _____, the Defendant herein, hereby declare under penalty of perjury to this Court that I do not own, possess, or have under my custody or control, any firearm(s).

I, _____, the Defendant herein acknowledge that I have selected option 1, 2 or 3 above and that my failure to surrender, sell, or transfer any firearm(s) I own, possess, or have under my custody or control is a violation of this order and state law.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: _____

Defendant's Signature