

NO. _____

**In The Elko Township Justice Court,
County of Elko, State of Nevada**

THE STATE OF NEVADA,

Plaintiff,

vs.

Defendant.
_____ /

**WAIVER OF
PRELIMINARY HEARING
AGAINST THE ADVICE
OF COUNSEL**

- NO PLEA AGREEMENT
- PLEA AGREEMENT FILED
- PLEA AGREEMENT TO BE FILED IN DISTRICT COURT

I, Defendant _____ [Print Defendant's
True & Correct Name], hereby waive (give up) my right to a preliminary hearing in the above-captioned case.

Defendant's Rights

I acknowledge that I have the following rights with respect to the holding of a preliminary hearing in the Elko Justice Court in this case.

INITIALS

_____ I have a right to a preliminary hearing within fifteen days of my first appearance in court, either in person or by my lawyer, following the filing of the criminal complaint in this case, unless that time is extended for good cause.

_____ At a preliminary hearing, I have the right to require the State of Nevada to present at least "slight or marginal" evidence that there is probable cause to believe I committed a felony or gross misdemeanor crime or crimes before I can be held for further proceedings in the Fourth Judicial District Court of the State of Nevada in this case.

_____ At a preliminary hearing, I have the right to: [1] be represented by a lawyer; [2] confront and cross-examine (see and question) the witnesses called by the State; [3] introduce evidence and call witnesses to testify on my behalf; and [4] testify in my defense if I choose to do so, but with the understanding that I am not required to do so.

Waiver of Defendant's Rights

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

INITIALS

_____ I have read this document, and/or had this document read to me by my lawyer or interpreter in the language I understand best, and I understand this document.

_____ 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 by my lawyer or interpreter; [2] initialed this document; and [3] signed this document.

_____ I have talked with my lawyer about this document; and my lawyer has fully answered any and all questions that I have about this document and my rights as described in this document.

_____ I voluntarily 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 Justice Court order me to be held for further proceedings in the Fourth Judicial District Court of the State of Nevada with respect to the charges presently pending against me in this case.

Executed on this ____ day of _____, 20 ____.

[Signature of Defendant]

[Printed Name of Defendant]

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 allegations contained in the criminal complaint on file in this case, together with any amendments thereto.
2. I have fully advised the defendant of the penalties for each and every charge he/she is currently facing in this case.
3. I have fully explained to the defendant his/her rights with respect to the holding of a preliminary hearing in the Elko Justice Court in this case, and the effect of waiving his/her right to a preliminary hearing.
4. The defendant is waiving his/her right to a preliminary hearing in the Elko Justice Court against my advice.
5. If this waiver is not unconditional, I have explained to the defendant the provisions of NRS 171.208, which reads:

If a preliminary examination has not been had and the defendant has not unconditionally waived the examination, the district court may for good cause shown at any time before a plea has been entered or an indictment found remand the defendant for preliminary examination to the appropriate justice of the peace or other magistrate, and the justice or other magistrate shall then proceed with the preliminary examination as provided in this chapter.

6. To the best of my knowledge and belief, the defendant:
 - [a] is competent and understands his/her rights with respect to the holding of a preliminary hearing in the Elko Justice Court, the criminal complaint on file in this case, together with any amendments thereto, and the consequences of waiving the preliminary hearing as provided in this Waiver.
 - [b] executed this Waiver, and intends thereby to waive his/her preliminary hearing knowingly, intelligently and voluntarily, although against my advice.
 - [c] was sober and in full control of his/her mind at the time he/she executed this Waiver.

DATED this ____ day of _____, 20 ____.

[Signature of Attorney]

[Nevada State Bar Number]