

1 Case No.:

2
3 IN THE JUSTICE COURT OF CARSON CITY TOWNSHIP
4 IN AND FOR CARSON CITY, STATE OF NEVADA
5

6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 FIRST AND LAST NAME,

10 Defendant.

**WAIVER OF RIGHT TO REMAIN
SILENT AND ACKNOWLEDGMENT
OF CONSEQUENCES**

11
12 I, _____, understand that under the constitution of the
13 United States and under the constitution of the state of Nevada, I cannot be compelled to
14 testify in this case. I understand that I have a right to remain silent.

15 I _____, further understand that I may waive or give up my
16 right to remain silent and take the witness stand and testify.

17 I, _____, further understand that if I waive my right to
18 remain silent and testify, I will be subject to cross-examination by the Deputy District
19 Attorney and anything that I may say, whether on direct or cross-examination, will be the
20 subject of fair comment when the Deputy District Attorney speaks to the jury in his/her final
21 argument. I understand that my testimony may be used against me.

22 I, _____, further understand that if I choose to remain silent
23 and not testify, the court will not permit the Deputy District Attorney to make any comments
24 to the jury about my silence and my failure to testify.

25 I, _____, further understand that if I elect to remain silent
26 and not testify, if my attorney specifically requests, the court will instruct the jury as follows:
27 The law does not compel a defendant in a criminal case to take the stand and
28 testify, and no presumption may be raised and no inference of any kind may be
drawn, from the failure of a defendant to testify.

1 I, _____, further understand that if I have a felony
2 conviction and more than 10 years has not elapsed from the date I was convicted or
3 discharged from prison, parole or probation, whichever is later, and the defense has not
4 sought to preclude that coming before the jury, and I elect to take the stand and testify, the
5 Deputy District Attorney, in the presence of the jury, will be permitted to ask me the
6 following:

- 7 1. have you been convicted of a felony?
- 8 2. what was the felony? And
- 9 3. when did it happen?
- 10 4. however, no details may be gone into.

11 I, _____, have discussed the above rights with my attorney
12 and he/she has answered any questions that I had about those rights and I voluntarily and
13 knowingly choose to waive my right to remain silent and I choose to testify.

14 Dated this ____ day of _____, 20_____.

15 _____
16 Defendant
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Attorney Certification

I, _____, Esq., as the attorney for the defendant,
_____, and as an officer of the court hereby certify that:

I have fully explained to the defendant his/her right to remain silent and not testify in his/her trial.

I have advised the defendant of the consequences of his testifying and waiving his/her right to remain silent as set out above.

To the best of my knowledge and belief, the defendant:

1. Is competent and understands his/her right to remain silent and the consequences if he/she testifies and knowingly waives his right to remain silent.
2. Executed this agreement and waives his/her right to remain silent voluntarily.
3. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this waiver.

Dated this ____ day of _____, 20____.

Attorney for Defendant