

Proposed by Luke Prengaman

## Rule 4. Initial appearance and arraignment.

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#### (a) Defendant charged by information.

- (1) If a defendant has been charged by information, at the initial appearance of the defendant before the district court, the court shall:
  - (i) Supply the defendant a copy of the information unless the charging document has previously been made available to the defendant through e-filing;
  - (ii) If necessary, determine whether the defendant qualifies for appointed counsel and, if so, appoint counsel to represent the defendant. In such event, newly appointed counsel shall be given an extension of time of at least 5 days before entry of plea;
  - (iii) Arraign the defendant upon all charges in the information;
  - (iv) If the defendant enters a plea of not guilty, set the dates for trial, pretrial motions, evidentiary hearings or status conferences.

#### (b) Defendant charged by indictment.

- (1) If the defendant has been charged by indictment, and:
  - (i) The indictment addresses the same charges or subject matter as a criminal complaint pending in a parallel proceeding in the justice courts, and the warrant issued upon the indictment sets bail or conditions of pretrial release that exceed the prevailing bail or conditions of release set by the magistrate in the parallel proceeding; or
  - (ii) There is no criminal complaint pending in a parallel proceeding in the justice courts addressing the same charges or subject matter as the indictment;

the court shall conduct a prompt adversarial hearing to determine whether detention is warranted and fix appropriate conditions for the defendant's release from custody or fix appropriate bail.

- (2) At the initial appearance of the defendant charged by indictment before the district court, the court shall:
  - (i) Supply the defendant a copy of the indictment unless the charging document has previously been made available to the defendant through e-filing;
  - (ii) If necessary, determine whether the defendant qualifies for appointed counsel and, if so, appoint counsel to represent the defendant. In such event, newly appointed counsel shall be given an extension of time of at least 5 days before entry of plea;
  - (iii) Arraign the defendant upon all charges in the indictment;
  - (iv) If the defendant enters a plea of not guilty, set the dates for trial, pretrial motions, evidentiary hearings or status conferences.

- (c) If the defendant enters a plea of guilty or nolo contendere, the court may transfer the action to the Second Judicial District Court (Washoe County) Specialty Courts, if appropriate, or order a presentence report and set a sentencing date.
- (c) Subject to the provisions of NRS 176.135, a presentence report may be waived and sentence imposed at the entry of a plea of guilty or nolo contendere.