

Proposed by: Washoe County Public Defender

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, **upon request**, 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;
 - (v) Ascertain the content, timing, manner and sequence of any additional discovery as required by Rule 7, if applicable.

(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.~~

- (i) The defendant has been charged by indictment and the indictment addresses the same charges or subject matter as a criminal complaint pending in a parallel proceeding in the justice courts, any bail or**

conditions of release shall presumptively remain as set in the justice courts;

- (ii) The defendant has been charged by indictment and 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 and fix appropriate conditions for the defendant's release from custody, fix bail, or detain the defendant;
- (iii) The defendant has been charged by indictment and the indictment addresses additional or new charges or subject matter as a criminal complaint pending in a parallel proceeding in the justice courts and the State is seeking to increase the prevailing bail or alter the conditions of release set in the parallel proceeding in the justice courts, the court must conduct a prompt adversarial hearing to determine whether the State's request is warrant and to, if necessary, fix appropriate conditions for the defendant's release from custody, fix bail, or detain the defendant.

(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, **upon request**, 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;
- (v) Ascertain the content, timing, manner and sequence of any additional discovery as required by Rule 7, if applicable.

~~(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.~~

(c) Sentencing or Transfer.

- (1) If a defendant enters a plea of guilty or nolo contendere, the court may transfer the action to a court or a department of the court for the purpose of assigning the defendant into an appropriate program or treatment plan, or order a presentence report and set a sentencing date.
- (2) Subject to the provisions of NRS 176.135, a presentence report may be waived and sentence imposed at the entry of a guilty or nolo contendere plea.