

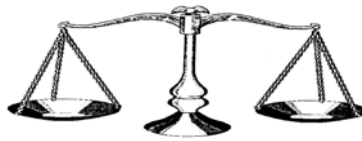
Pershing County Public Defender/
Humboldt County Conflict Counsel

400 Main St./ PO Box 941

Lovelock, NV 89419

Phone: (775) 273-4300

Fax: (775) 273-4305



NEW CLIENT PACKET

Pershing County Public Defender/ Humboldt County Conflict Counsel
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The public defender/ conflict counsel provides representation only after judicial appointment. **You, and you alone, must be the one who communicates with this office.** (Not your mom, dad, wife, husband, brother, sister or friend etc...) **Make sure our office has your phone number and mailing address.**

You may :

1. enter a plea of guilty or not guilty
 2. testify at trial or not testify at trial
 3. speak at sentencing or not speak at sentencing
 4. represent yourself
 5. appeal
 6. seek release on bail or without bail
- Nearly all other decisions belong to your attorney.

It is paramount you understand what the state is alleging, your rights, your defense, and the penalty you will suffer if convicted. Do not admit to a crime you did not commit. If you have questions, ask. We make available to you police reports, charging documents and motion work.

Court dates are firm. Arrest warrants issue when a person fails to appear for a hearing.

If you have witnesses beneficial to your defense, advise us of their name and phone number and mailing address. Make sure they come to trial.

We appeal matters on prompt request.

A conviction may impact property, gun, civil, immigration, driving, and hunting privileges. Such collateral matters are beyond our responsibility. If you are convicted of a sexual offense, lifetime registration is required.

The public defender/ conflict counsel provides services to the underemployed or destitute in criminal matters only. We cannot advise you on other matters.

If you want us to explore a plea bargain or reduction in charges in exchange for a plea of guilty to a reduced charge or some other concession, please advise.

We cannot represent two clients with competing or conflicting interests. If your interests conflict with an existing client, we must withdraw.

The court rarely grants bail reductions. In order for us to seek a bail reduction you must provide our office with:

1. your address if released
2. the name and phone number of anyone who will vouch for your character
3. your criminal and mental history
4. whether you will be a flight risk or threat to offend if released on bail

Do not talk to anyone about your case except your attorney. This office makes itself available by phone from 8 to 5. If an attorney is not available, leave message you called.

If you have medical needs, including a psychological condition, or learning deficit, so advise.

At the time of sentencing on a felony or gross misdemeanor you have to pay a \$25.00 administrative assessment fee, a \$60.00 forensic fee and a \$150.00 DNA fee, as a condition of probation or release.

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How to Behave When You Are Attending Court

The courtroom is one place where the dress code is still formal office.

Dress in a formal- office fashion, simple and not flashy. The whole idea is to dress neat, clean and presentable as a statement of respect to the Court.

Avoid blue jeans, track pants and shirts, sneakers, flip-flop shoes or street clothing if possible. However, if that pair of blue jeans is your best pair of pants, then wear them and try to present yourself as neatly as possible.

Men should wear suits with ties and jackets or just dress pants, a dress shirt and a tie, if possible. Women should dress formal office but again, nothing flashy or attention drawing.

Avoid beach clothes or comfy clothes such as shorts, short skirts, low-cut tops, bathing suits, halter-tops or belly shirts. These clothes may be the norm for your lifestyle but it does not show respect to the court.

Both men and women should avoid flashy, dangling jewelry. You are not in court to advertise or flaunt your riches, and it does not impress the judge if you do. However, it could be a distraction to others.

Avoid strong fragrances.

Avoid drinking alcohol or using illegal drugs before you come to court. Drug users and habitual drinkers are easy to spot, even days after consumption of use has abated.

If courthouse personnel have suspicions a party has been imbibing, judges can and will order drug or alcohol testing on the spot. A positive test could result in contempt sanctions, criminal prosecution or delay.

Stand when addressing the judge. Do not interrupt the judge or the attorneys. When asked a question, wait until the entire question has been asked, before attempting to answer. Thereafter answer the question asked, rather than the question you want to answer.

Whispering or carrying on a private conversation while the judge is speaking or when others are speaking is always a bad idea.

Smirking at witnesses, getting angry or showing animosity to others is not a good idea. Sometimes the appearance or demeanor of an accused is the tipping point when jurors must determine guilt or innocence. Or when a judge must rule between prison and probation.

All people who enter the courthouse are subject to search. Contraband or weapons will be confiscated and offenders prosecuted.

Do not bring beverages, gum, or food.

Cell phones must be turned off.

Although you are obligated to appear at your scheduled court time, don't necessarily expect to begin on time. Breaks in court proceedings are not always predictable. Once you enter a courtroom don't rule out the possibility you may be without liquid, sustenance or lavatory breaks for up to 3 hours.

Please Note

Although continuations are rarely, if ever, granted at the request of a defendant, continuations to accommodate the court's calendar or the prosecutor's calendar or the public defender's calendar are commonplace.

Call this office at (775) 273-4300, the day before your trial to ascertain whether your trial is in fact going or has been continued.

This office is reluctant to release people from a court date. Decisions to continue a court case are the sole province of the court.

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Good Time Credit NRS 209.4465

An offender who is sentenced to prison, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

1. for the period the offender is actually incarcerated pursuant to his or her sentence
2. for the period the offender is in residential confinement
3. for the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888, a deduction of 20 days from his or her sentence for each month the offender serves.

In addition to the credits above described, the Director may permit not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

1. for earning a general educational development certificate, 60 days
2. for earning a high school diploma, 90 days
3. for earning his or her first associate degree, 120 days

The director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious services.

Except as otherwise provided below, credits earned pursuant to this section:

1. must be deducted from the maximum term imposed by the sentence
2. apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole

Credits earned by an offender who has not been convicted of

1. any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim
2. a sexual offense that is punishable as a felony
3. a violation of NRS 484C.110, 484C.120, 484C.130, or 484C.430 that is punishable as a felony
4. a category A or B felony, apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

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DIVERSION PROGRAMS

In limited situations Nevada law provides for the withholding of a judgment of conviction pending completion of a court supervised diversion program.

Generally, a client seeking diversion enters a plea of guilty and applies to the court for diversion. If accepted into a diversion program, a participant is ordered to complete a term of court-supervised probation in lieu of incarceration. Upon successful completion of diversion, a charge is dismissed and a plea withdrawn. If a participant fails the program, a judgment of conviction enters and a participant is sentenced to prison or jail.

1. Boot Camp- young nonviolent offenders facing prison can sometimes avoid a felony and prison by engaging a boot camp program. Upon successful completion of boot camp, an offender is sentenced to probation rather than prison. In some circumstances the conviction is set aside.
2. Drug Court- felony offenders diagnosable or admitting as addicts or drug abusers may apply for drug court at the time of entry of plea to engage a court supervised drug program. Counseling, employment, random drug testing, and a local residence is required. Upon successful completion of drug court, an offender's entry of plea is withdrawn. A successful participant suffers no felony conviction.
3. Felony DUI diversion- historically a third time DUI offender faced mandatory prison if convicted. In July 2007 the law was amended to permit a third time offender to apply to dui diversion. If accepted, an offender is ordered to engage a court-supervised program. Counseling, employment, local residence, an interlock ignition device, and 6 months home confinement is required. If after a term of 3 years of supervision, a participant completes the program, the participant is sentenced to a misdemeanor rather than a felony and mandatory prison.
4. Mental health court- Pershing/ Humboldt County does not have a mental health court. However, the public defender has succeeded in assigning clients to a similar program in Reno. A successful applicant must, after entry of plea of guilty in Pershing/ Humboldt County to a

felony or gross misdemeanor, apply to the Reno mental health court. If accepted, a participant must engage counseling, reside in Reno, and comply with all requirements of the Reno mental health court. If after a term of 1 year of supervision a participant completes the program, the participants' entry of plea and arrest are withdrawn.

If you have failed a term of probation in the past or are in custody on a violent or weapons offense, it is less likely you will be accepted into a diversion program.

If you do not live in Lovelock/ Winnemucca it still may be possible to engage a diversion program if a similar program is available in your place of abode.

If you would like to explore a diversion program, contact the Pershing County Public Defender/ Humboldt County Conflict Counsel.

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Attention: In-Custody Clients

What is bail?

Bail is some form of property deposited or pledged to a court to persuade it to release a suspect from jail on the understanding that a suspect will return for trial or forfeit the bail (and possibly be brought up on charges of the crime of failure to appear).

The Nevada Constitution and court interpretations therefrom provide a suspect with a right to reasonable bail. Many exceptions exist and in some instances bail will not be permitted either.

Your bail amount is set at the Pershing County/ Humboldt County Jail and based on a bail schedule created by the Justice Court. Bail amounts in either county can be quite dramatic.

How do I get released on bail?

You may pay cash to the jail in an amount equal to the total sum of your bail. Cash bail will be returned at the end of your case if you appear at all proceedings.

As an alternative you may contract with a bail bondsman. The bail bondsman will need a nonrefundable fee in an amount of approximately 15% of your total bail amount. And, the bail bondsman will need someone to pledge collateral guaranteeing payment to the bondsman of the full amount of your bail in the event you are released and fail to appear.

How do I get released if I cannot afford bail?

If you cannot make bail, you may be able to have your bail amount reduced by a court. On rare occasions the court will agree to release you without bail (a release on your own recognizance).

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When you contact the public defender for purposes of initiating an attempt to reduce your bail, have ready:

1. The name and phone numbers of community members who can vouch for your character
2. A list of your prior felony convictions
3. A list of prior convictions for violence
4. A list of prior mental institution commitments and mental health diagnosis
5. An address of a current employer
6. The length of time you have been residing in the community
7. The address and phone number of a residence you will reside in if released
8. A list of current income sources and a list of successive years in which a U.S. tax return was filed by yourself

General Information

DUI School

Jr DUI School
Laura Hummel
211 S Bridge St.
Winnemucca, NV 89445
775-623-5775 or 775-623-0440

Northern Nevada Associates
Correspondence DUI School
561 14th St
Elko, NV 89801
775-738-3207 or 800-575-7304

Victim Impact Panel

Civic Center
625 S Broad St
Battle Mountain, NV 89820
Fee- \$45 CASH ONLY

Alcohol Evaluation

Brown, Pamela MS
Certified Drug & Alcohol Counselor Intern
530 Melarkey St #214/ PO Box 789
Winnemucca, NV 89446
775-625-4387

New Frontier
Deller, Richard
Drug and Diversion Court
Counselor & Panel Member
775-623-6382

Marcuerquiaga, Jerry
PO Box 182
Winnemucca, NV 89446
775-532-8548

Rodrique, Charlotte
McDermitt, NV 89421
775-532-8548

Silver Sage Counseling Services
530 Melarkey St
Winnemucca, NV 89445
775-623-3626

Victory, Pamela M.L., LADC
Substance Abuse Counseling
775-385-5102

AA Meetings
4380 Grass Valley Rd
Winnemucca, NV 89445
775-625-4756

AA Meetings- Spanish
1178 E Winnemucca Blvd
Winnemucca, NV 89445
775-625-3771

Serenity Seekers
1178 E Winnemucca Blvd
Winnemucca, NV 89445
775-625-3771

Community Service- Court will assign where you are to go.

Domestic Battery Counseling

Pamela Brown, MS, MFT

530 Melarkey St #214

Winnemucca, NV 89445

775-625-4387

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WITNESS STATEMENT

Witness Name _____

Address _____

Phone _____

Witness will testify to the following facts:

Signature: _____ Date: _____