



**RENO JUSTICE COURT
WASHOE COUNTY
NEVADA**

POLICY AND PROCEDURE

Policy Area:	Criminal
Policy No.	4.11
Effective Date:	June 3, 2019
Revised Date:	January 4, 2023
Review Date:	January 4, 2024

1. **Title:** Counter Plea
2. **Purpose:** To allow attorneys to adjudicate non-enhance-able cases with simple sentences without going into the courtroom.
3. **Policy:**
 - A) Parties may request a Counter Plea from clerks for any charge with the exception of enhance-able offenses, TPO Violations, or cases in which the sentence will include any of the following: Please note, no new charges may be added on the counter plea.
 - 1) Suspended sentence
 - 2) Restitution
 - 3) Programs
 - 4) No contact requests
 - 5) Request for placement in a Specialty Court
 - 6) Community Service
 - 7) Spanish or any language that requires an interpreter for a Pro Per defendant
 - 8) Child Restraints, as they are enhance-able
 - 9) If the Defendant has already pled guilty or Nolo on the record
 - B) Counter Pleas may be filed in person at the court with a clerk or via File and Serve.
 - C) A Defendant who is represented by counsel and requests a counter plea for a Spanish speaking individual may obtain one as long as the PD/Defense has brought an interpreter with them. That interpreter will need to sign the interpreter declaration. The counter plea will then follow the same criteria and guidelines below.
 - D) If a Defendant is pro per and requests a Spanish counter plea, they must go on the record as we have no way of confirming the counter plea was interpreted/ explained and understood in full.
 - E) A Defendant who speaks any other language other than English or Spanish does not meet criteria for a counter plea as we have no way of confirming the information was interpreted and understood. These individuals must go on the record.
 - F) If the charge is amended it must list the amended charge and the original charge for example: Battery, a violation of NRS 200.XXX, a misdemeanor Amended from Battery with substantial bodily harm, a violation of NRS 200.XXX, a felony. Please note, no new charges may be added on/to the counter plea. For



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example, if the complaint only has one count and parties wish to add a count II, they must file an Amended Criminal Complaint adding any additional counts prior to filing a counter plea. Existing charges already listed on the Criminal Complaint may be amended.

- G) If there is credit for time served the parties must list the number of days the defendant is to receive as credit for time served. For example, 180 days Washoe County Jail with 33 days credit time served. We will not accept counter pleas that say, “credit for any time served” or “give any available credit”. The jail needs the exact days for credit. The jail nor the clerk will calculate this for you.
- H) Counter Pleas should be taken for cases in which the sentence will be a fine only, jail time imposed, or jail time served. An imposed fine with a request for partial payments will be acceptable on a Counter Plea. The District Attorney must fill out the victim questions at the bottom of the form pursuant to Marsy’s Law if applicable. This includes any charge where there is/was a victim i.e.; battery, disturbing the peace, resisting a public officer etc. Counter Pleas will be taken to the assigned department judge for review and signature. If the assigned judge is not available, you will take the counter plea to the on-call judge. The judge may or may not approve a Counter Plea. Once approved and signed by the judge, the clerk will process the Counter Plea in the court’s case management system and the Counter Plea will be the official record of the case. If denied, the case must go into a courtroom where a plea will be taken on the record.

4. Legal Authority/References: Reno Justice Court Bench

5. Definitions: A Counter Plea is an official court document and record of proceedings allowed to be adjudicated at the clerk counter and presented to a judge for review and signature. Once signed by a judge and entered into the court’s case management system it becomes the official court record of proceedings for that case.

6. Scope and Applicability: Counter Pleas are subject to the processes and procedures as listed. Counter Pleas may or may not be granted and are at the discretion of the assigned judge.

7. Responsibility:
It is the responsibility of the Court to ensure that this policy is followed. The supervisor is responsible for providing guidance, direction, and supervision for the policy.

8. Procedures: If Approved:



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- A) Parties will request a Counter Plea form from the clerk. It is the responsibility of the parties to fill out the Counter Plea and either provide this to a clerk in person or file the document via file and serve. The clerk will verify the charges and sentence meet the criteria before taking and/or sending to the assigned judge. The District Attorney must fill out the victim questions at the bottom of the form pursuant to Marsy’s Law if applicable. This includes any charge where there is/was a victim i.e.; battery, disturbing the peace, resisting a public officer etc.
- B) Counter Pleas will be taken or sent to the assigned department judge for review and signature. If the assigned judge is not available, you will take or send the counter plea to the on-call judge. Once approved and signed by the judge the clerk will process the Counter Plea in the court’s case management system and the Counter Plea will now be the official record of the outcome of the case.
- C) Attorneys requesting copies of the Counter Plea may be given the original to make a copy at the copy machine provided at the end of the clerk counter if done in person and will return the original to the clerk for further processing. If filed through file and serve a signed and filed stamped copy will be filed back to parties.
- D) Counter Pleas are to be processed same day with any in-custody Counter Pleas filed immediately to the Washoe County Jail via file and serve.
- E) Sentences on Counter Pleas will be entered into the disposition tab in Odyssey accompanied by the event of CP (Counter Plea). Clerks will fill out the question mark in this event and save. Clerks will attach the signed Counter Plea in the Defendant’s case in the event of CP along with filing confirmations if applicable. Clerks will throw the appropriate statistical closure along with concluding the case (if applicable), throw all the appropriate events, check the bonds tab and if any bond/bail is posted process accordingly and print the case summary for the repository and/or accounting if applicable.

If Denied:

- A) Parties will be sent into a courtroom for a plea in front of a judge on the record.
- B) Parties may be required to prepare an Amended Criminal Complaint.