

STATE OF WISCONSIN,

Plaintiff,

v.

Defendant.

WAIVER OF RIGHT TO PRELIMINARY HEARING

Case No. _____

A. PERSONAL INFORMATION – I state that:

- 1. I am _____ years old.
- 2. I have completed the _____ grade in school.
- 3. I can read, write, and understand English YES NO
- 4. I am not currently under the influence of medicine, drugs, or alcohol YES NO
- 5. I have never been committed to a mental institution or found to be incompetent YES NO
- 6. I currently have no physical or mental condition that negatively affects my ability to understand the proceedings or make decisions in this legal matter YES NO

B. PRELIMINARY HEARING – I understand that:

- 1. The prosecution has the burden of proof to show only probable cause (evidence which is plausible) that a felony was committed by me YES NO
- 2. If the prosecution could not show even probable cause, the charge may be reduced to a misdemeanor or dismissed. But, the felony charge(s) may be reissued YES NO
- 3. The rules are different than at a trial YES NO

For example:

- a. Hearsay is allowed; so a witness may testify as to what others have said.
 - b. Cross examination and evidence production are limited.
 - c. Questions about discovery, constitutional issues, and defenses are not allowed
 - d. Credibility of witnesses is not an issue; so the court does not compare the statement of a witness against the contrary statement of another person or the same person.
- 4. The law requires the court to view the evidence and all inferences in the light most favorable to the prosecution YES NO

CONTINUED ON NEXT/REVERSE SIDE

C. WAIVER DECISION – I understand and state that:

- 1. I have the right to a preliminary hearing or to waive (not have) a preliminary hearing..... YES NO
- 2. No one has threatened me, forced me, or promised me anything to get me to waive the preliminary hearing..... YES NO
- 3. As a result of waiving the preliminary hearing, my case will be set for further proceedings before **Branch** ____, where I have the right to a trial YES NO
- 4. I choose to waive the preliminary hearing YES NO

D. WAIVER OF IN-PERSON HEARING (Only for defendants with attorneys) – I understand and state that:

- 1. I do not want to appear for an in-person waiver hearing..... YES NO
- 2. I understand that when the Court receives this waiver form, it will find there is probable cause to believe I committed a felony and order that case continue for further proceedings YES NO

E. ACKNOWLEDGEMENTS AND SIGNATURES

Defendant Acknowledgement: I have reviewed this form and marked my responses truthfully.

Defendant’s Signature/E-Signature

Date

Attorney Acknowledgement:

I, _____, attorney for the above-named defendant, state that:

- In person**
- Over the phone**

I reviewed this form with the defendant; explained the rights and procedures associated with a preliminary hearing; discussed the offense(s) and penalties charged; discussed whether to forego an in-person waiver hearing (if applicable); and believe the defendant is knowingly, voluntarily, and intelligently waiving the right to a preliminary hearing.

Attorney’s Signature/E-Signature

Date