

### WAIVER OF INDICTMENT

1. WHAT IS YOUR NAME?
2. DO YOU AUTHORIZE YOUR LAWYER, ATTORNEY \_\_\_\_\_ TO SPEAK FOR YOU?
3. (A) IF AT ANY TIME YOU DON'T UNDERSTAND ANY QUESTION I ASK YOU, DON'T TRY TO ANSWER IT. TELL ME YOU DON'T UNDERSTAND AND I WILL REPHRASE IT.  
(B) IF AT ANY TIME YOU WANT TO TALK TO YOUR LAWYER, DON'T TRY TO ANSWER MY QUESTION -- TELL ME YOU WANT TO TALK TO YOUR LAWYER AND I'LL PERMIT YOU TO DO SO.  
(C) EXPLAIN PURPOSE OF HEARING AND MY QUESTIONS.
4. HOW OLD ARE YOU?
5. WHAT IS THE EXTENT OF YOUR FORMAL EDUCATION?
6. ARE YOU NOW, OR HAVE YOU RECENTLY BEEN, UNDER THE CARE OF ANY PHYSICIAN OR PSYCHIATRIST?
7. ARE YOU CURRENTLY TAKING ANY MEDICATION?
8. HAVE YOU USED ANY DRUG OR ALCOHOL IN THE LAST 24 HOURS?
9. DO YOU FEEL YOU UNDERSTAND WHAT IS HAPPENING IN THESE PROCEEDINGS?
10. HAS YOUR LAWYER EXPLAINED TO YOU THE CONSEQUENCES THAT MAY FLOW FROM THESE PROCEEDINGS?
11. **[To Lawyer]** HAS ANYTHING COME TO YOUR ATTENTION THAT CASTS ANY DOUBT ON THE DEFENDANT'S COMPETENCE TO WAIVE INDICTMENT?  
**FINDING:** I FIND THAT THIS DEFENDANT IS COMPETENT TO WAIVE INDICTMENT IN THIS MATTER.
12. HAVE YOU BEEN PROVIDED WITH A COPY OF THE PROPOSED INFORMATION?
13. DO YOU UNDERSTAND THE CHARGES MADE AGAINST YOU?

14. HAVE YOU CONSULTED YOUR LAWYER ABOUT THESE CHARGES AND HAS HE/SHE EXPLAINED THEM TO YOU?
15. **[To Lawyer]** ARE YOU SATISFIED THAT THIS DEFENDANT UNDERSTANDS THE NATURE AND SIGNIFICANCE OF THE CHARGES MADE AGAINST HIM IN THE PROPOSED INFORMATION?
16. **[To Lawyer]** DO YOU APPROVE OF THIS DEFENDANT'S WAIVER OF INDICTMENT IN THIS MATTER?
17. YOU ARE CHARGED IN A \_\_\_\_\_-COUNT INFORMATION. THE CHARGE[S] MADE IS [ARE] AS FOLLOWS:  
**[Detail Charges]**
18. DO YOU UNDERSTAND THAT THE CHARGE[S] MADE AGAINST YOU IS A FELONY OFFENSE [ARE FELONY OFFENSES]?
19. YOU HAVE A CONSTITUTIONAL RIGHT TO REQUIRE THAT THIS MATTER PROCEED ONLY UPON AN INDICTMENT OF A GRAND JURY OF THIS DISTRICT. YOU CAN WAIVE, OR GIVE UP, THAT RIGHT. IF YOU DO GIVE UP THAT RIGHT, THIS MATTER WILL PROCEED AGAINST YOU WITHOUT ANY CONSIDERATION OF THE MATTER BY A GRAND JURY. IT WILL PROCEED SOLELY ON THE GOVERNMENT'S INFORMATION. DO YOU UNDERSTAND?
20. IF YOU DO NOT GIVE UP THAT RIGHT, THE MATTER WILL NOT PROCEED AGAINST YOU UNLESS A GRAND JURY OF THIS DISTRICT FINDS, BY RETURNING AN INDICTMENT, THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE OFFENSE[S] CHARGED WERE COMMITTED BY YOU. A GRAND JURY IS COMPOSED OF AT LEAST 16, BUT NOT MORE THAN 23, PEOPLE SELECTED AT RANDOM FROM THE VOTERS OF THIS DISTRICT. AT LEAST 12 GRAND JURORS MUST FIND PROBABLE CAUSE TO BELIEVE THAT THE OFFENSE[S] CHARGED IN THE PROPOSED INFORMATION WAS [WERE] COMMITTED BY YOU BEFORE YOU CAN BE INDICTED AND A GRAND JURY MIGHT NOT INDICT YOU FOR THAT OFFENSE [ANY OF THOSE OFFENSES]. DO YOU UNDERSTAND?

21. HAVE YOU DISCUSSED YOUR WAIVER OF INDICTMENT WITH YOUR LAWYER AND RECEIVED HIS/HER ADVICE?
22. HAS ANYONE MADE ANY THREATS OR PROMISES TO YOU TO GET YOU TO WAIVE YOUR RIGHT TO INDICTMENT BY A GRAND JURY?
23. **[To Lawyer]** ARE YOU AWARE OF ANY REASON WHY I SHOULD NOT PERMIT THIS DEFENDANT TO WAIVE INDICTMENT?
24. **THE DEFENDANT WILL SIGN THE PRESCRIBED WAIVER OF INDICTMENT BY THE GRAND JURY.**

**[FINDING]** I FIND THAT THIS DEFENDANT HAS KNOWINGLY AND VOLUNTARILY WAIVED HIS/HER RIGHT TO INDICTMENT BY A GRAND JURY OF THIS DISTRICT. THE DEFENDANT'S WAIVER OF INDICTMENT IS HEREBY ACCEPTED.  
THE INFORMATION AGAINST THIS DEFENDANT WILL BE FILED AT THIS TIME.

(11/4/99)