



STATE OF NORTH DAKOTA
COURTS

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FORM 18. (RULE 43, N.D.R.Crim.P.)

Effective Date: 1/1/2001

STATE OF NORTH DAKOTA

IN _____

(Name of court)

COUNTY OF _____

_____ JUDICIAL DISTRICT

The State of North Dakota,
Plaintiff,

vs.

Criminal No. _____

Defendant.

PETITION TO WAIVE PRELIMINARY HEARING AND ARRAIGNMENT IN A FELONY CASE

TO THE ABOVE-NAMED COURT:

I wish to waive the preliminary hearing and arraignment in this case and I state to the Court the following:

1. I am the Defendant in this case, my full name is _____ and my year of birth is _____.
2. I am charged with ____ (name of offense) ____ in violation of ____ (statute or ordinance) ____.
3. I understand the maximum possible sentence for the offense with which I am charged is imprisonment of _____ and a fine of _____. I understand the mandatory minimum sentence for the offense with which I am charged is imprisonment of _____ and a fine of _____.
4. I am represented by _____.
5. I have been advised by my attorney that:
 - a. I have a right to remain silent and that any statement I make may later be used against me;
 - b. I have a right to the assistance of counsel before making any statement or answering any questions;
 - c. I have a right to be represented by counsel at each and every stage of the proceedings;
 - d. I have a right to have legal services provided at public expense to the extent that I am unable to pay for my defense without undue hardship; and
 - e. I have the right to be admitted to reasonable bail under Rule 46.
6. I understand that a defendant who is not a United States citizen may request that an attorney for the state or a law enforcement officer notify a consular officer from the defendant's country of nationality that the defendant has been arrested. I understand that a person convicted of a crime who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.
7. I have been advised by my attorney that:

a. I have the right to plead not guilty and to persist in that plea;

b. I have the right to a jury trial;

c. I have the right at trial to confront and cross-examine adverse witnesses, to be protected from compelled self-incrimination, to testify and present evidence, and to compel the attendance of witnesses.

8. I understand that I am presumed to be not guilty. At trial, the burden of proof will be on the State to prove beyond a reasonable doubt that I committed the offense. I understand that I will waive my right to a trial if I later choose to plead guilty

9. I understand I have the right to a preliminary hearing under Rule 5.1. The purpose of the preliminary hearing would not be to determine guilt or innocence, but for the Court to determine whether there is probable cause to believe that an offense has been committed and I committed the offense.

10. I understand that under Rule 10 I have a right to an arraignment in open court and to have the indictment, information, or complaint read before entering a plea.

11. I have fully discussed the charge(s), all my rights, and this petition with my attorney, ___(name of attorney)__. I knowingly and voluntarily give up my right to be present at the preliminary hearing and arraignment. I request that the preliminary hearing and arraignment in open court be waived and the Court enter a plea of NOT GUILTY to the charge(s) in the indictment, information or complaint on my behalf.

Dated this ___ day of _____, ____.

Signature of Defendant

Printed Name of Defendant

Subscribed and sworn to before me this

___ day of _____, ____.

NOTARY PUBLIC

I, ___(name of attorney)___ state that I am the attorney for the defendant in this criminal action and that I personally explained the contents of the above petition to the defendant.

Dated this ___ day of _____, ____.

Attorney for Defendant

PETITION TO WAIVE PRELIMINARY HEARING AND ARRAIGNMENT ACCEPTED BY

Judge of District Court



Explanatory Note ▼

Version History ▲

| Effective Date | Obsolete Date | |
|----------------|---------------|----------------------|
| 01/01/2001 | | View |