

SUPERIOR COURT OF THE SAN BENITO COUNTY JUDICIAL DISTRICT

People v. _____ Case No. _____

ADVISEMENT OF RIGHTS AND WAIVER OF PRELIMINARY EXAMINATION

A. ADVISEMENT OF RIGHTS; I am advised and understand that:

- 1. A Preliminary Examination is a hearing at which the District Attorney presents evidence to the Judge for the purpose of establishing Probable Cause (reasonable certainty) to believe that the defendant committed the felony offense(s) charged in the criminal complaint....
2. The Preliminary Exam hearing must be conducted no earlier than two (2) days nor later than ten (10) days, excluding weekends and holidays, from the date of arraignment or plea (whichever is later), or within sixty (60) days of such date, unless said time periods are waived or excused.....
3. At the hearing, the defendant has the right to confront and cross-examine all witnesses who testify. He/she also has the right to present evidence for the purpose of (1) establishing an affirmative defense, (2) negating an element of the crime charged, (3) impeaching testimony of witnesses or declarants, and/or (4) challenging the validity of any prior convictions, including special allegations.....
4. If the Judge finds Probable Cause, the defendant will be ordered to answer to the Complaint in the Superior Court, where all of his/her legal rights may be asserted, including the right to have an attorney, the right to a trial by Judge or Jury, the right against self-incrimination, the right to confront and cross-examine witnesses, and the right to present evidence in his/her own defense.....

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B. Waiver Of Rights; Understanding all of this, for all charges filed against me herein, including alleged criminal offenses, prior convictions and special allegations:

- 5. I Waive (give up) my right to have a Preliminary Examination hearing.....

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- 6. I Waive (give up) my right at said hearing to:
 - (a) Confront and cross-examine witnesses.....
 - (b) Present evidence.....
- 7. I agree to appear in the Superior Court and to be held to answer to the Complaint, including any misdemeanor charges, at a time to be set by the Judge. For purposes of this proceeding only, I concede that there is Probable Cause to believe that I committed the offenses alleged in the Complaint.....
- 8. No promises, representations or threats have been made, or relied upon by me, in order to cause me to waive my Preliminary Examination except as specified herein: _____

Dated: _____ Signed _____
Defendant

DEFENSE ATTORNEY'S STATEMENT

I am the attorney of record for the defendant and have reviewed this form with my client. I have explained each of the defendant's rights, including those contained herein, and answered his/her questions. I concur with the defendant's decision.

Dated: _____ Signed _____
Attorney For Defendant

PROSECUTING ATTORNEY'S STATEMENT

The People of the State of California consent to and join in the Waiver of Preliminary Examination.

Dated: _____ Signed _____
(Deputy) District Attorney

INTERPRETER'S STATEMENT

I, _____, having been duly sworn, truly translated this form to the defendant in the _____ language. The defendant indicated that (s)he understood the content of the form, and (s)he then initialed and signed the form.

Dated: _____ Signed _____
Court Interpreter

COURT'S FINDINGS AND ORDER

The Court finds that the defendant has, personally and through his/her attorney, expressly, knowingly, understandingly and intelligently waived his/her rights as provided herein, and that the District Attorney has joined in said waiver. **IT IS ORDERED** that this defendant be held to answer to the Complaint filed herein.

Dated: _____ Signed _____
Judge