

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

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