

STATE OF WISCONSIN,

Plaintiff,

PRELIMINARY HEARING  
QUESTIONNAIRE & WAIVER

vs.

\_\_\_\_\_

Case No. \_\_\_\_\_

Defendant.

I, \_\_\_\_\_, the above-named defendant in this criminal action, wish to give up my right to a preliminary hearing. I am \_\_\_\_\_ years old and have been educated thru the \_\_\_\_\_ grade. I am not presently under mental health care. I am not under the influence of drugs or alcohol.

1. I understand that the Waukesha County District Attorney’s Office must produce witnesses and other evidence to show that a felony was probably committed and that I probably committed a felony.
2. I understand that if the District Attorney’s Office meets its burden of proof during that preliminary hearing that I will be bound over for trial, and if they do not meet their burden of proof that I could be released from custody and/or bail.
3. I understand that during a preliminary hearing I have the right to cross-examine the State’s witnesses and also that I have the right to produce evidence on my own behalf.
4. I understand that there are additional benefits in proceeding with a preliminary hearing which are as follows:
  - A. I may discover that I have a defense to the charge that I am not aware of at this time;
  - B. The Court may find that charge too severe and that it could be reduced to a lesser charge which would subject me to lesser penalties.
5. I understand that by giving up my right to a preliminary hearing, I am giving up that right forever, but I do understand that I am not giving up my right to a trial.
6. I wish to give up my right to a preliminary hearing after thoroughly discussing this with my attorney. I have had sufficient time to discuss this with my attorney, and I do not have any questions of my attorney or the Court at this time.
7. No one has promised me anything or threatened me with anything so that I would give up my right to a preliminary hearing. I do so freely and voluntarily. I understand that there may have been plea negotiations in this case but that the Court does not have to accept them.
8. I have read or have had read to me this entire questionnaire, and I understand its contents.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Attorney’s Signature

\_\_\_\_\_  
Signature of Defendant