

In the
CIRCUIT COURT
of St. Louis County, Missouri



For File Stamp Only

STATE OF MISSOURI

Date

vs.

Case Number

Defendant

Division

DEFENDANT'S REQUEST TO WAIVE PRELIMINARY HEARING

Comes now Defendant, by and through his/her attorney, _____, and moves to waive his/her preliminary hearing. The State of Missouri appears by Assistant Prosecuting Attorney, _____. In support thereof, Defendant states as follows:

1. That he/she is charged with the felony offense(s) of _____
(and _____.)
2. That he/she understands that the sole purpose of a preliminary hearing is to determine whether or not there is probable cause to believe that a felony has been committed and whether or not there is probable cause to believe that he/she has committed the felony.
3. That he/she understands that, at the preliminary hearing, he/she would have the right, through his/her attorney, to confront (i.e., cross-examine) the State's witnesses. He/she also has the right to call witnesses to testify on his/her behalf – and if they refuse to cooperate, he/she can subpoena them, to force them to appear in court against their will.
4. That he/she understands that, at the preliminary hearing, he/she can testify on his/her own behalf. Further, he/she can exercise his/her right against self-incrimination and choose not to testify. Such silence cannot be considered as evidence of his/her guilt.
5. That he/she understands that, at the preliminary hearing, if the State does not establish probable cause that either a felony was committed or that he/she committed the felony, the court will dismiss the case.
6. That he/she understands that even if a judge dismisses a case after the evidence has been presented at the preliminary hearing, the State may re-issue the same charge(s) against Defendant and have the matter heard before a different judge or the grand jury.
7. That he/she desires to waive all of the rights mentioned previously that pertain to the preliminary hearing. He/she acknowledges that this waiver is knowing and voluntary and not the result of any promises (other than a possible plea bargain reached between the parties) or threats.
8. That he/she is aware that, if the court accepts his/her waiver of the preliminary hearing, the case will be certified to the Circuit Court of St. Louis County for further action.

Defendant

Defense Attorney

This Court finds that Defendant's waiver is knowing and voluntary. Therefore, this Court accepts Defendant's waiver. Accordingly, this Court binds Defendant over for further proceedings in the Circuit Court of St. Louis County.

SO ORDERED:

Judge