

TO THE DEFENDANT:

PLEASE READ AND REVIEW THE FOLLOWING INFORMATION. IT EXPLAINS YOUR RIGHT TO A JURY TRIAL. IF YOU UNDERSTAND THIS INFORMATION, INITIAL EACH PARAGRAPH AND SIGN PAGE 2. IF YOU DO NOT UNDERSTAND ANYTHING CONTAINED IN THIS DOCUMENT, ASK YOUR LAYWER OR THE JUDGE TO EXPLAIN IT TO YOU. DO NOT SIGN THIS DOCUMENT UNTIL YOU FULLY UNDERSTAND IT.

**IN THE COURT OF COMMON PLEAS OF
NORTHAMPTON COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA : Case Number:
 :
 :
 vs. :
 :
 :
 :

WAIVER OF JURY TRIAL

I. ABILITY TO UNDERSTAND

1. I am the defendant in this case, and I am ____ years old. I have gone to school for ____ years. I can read, write, speak, and understand the English language. _____
2. I do not have any physical, emotional or mental problems which affect my ability to understand what I am doing today, the rights which I have and the rights which I am giving up by waiving a jury trial. _____
3. I am not now under the influence of any narcotics, drugs, alcohol or any other substance that affects my ability to understand this waiver. _____

II. RIGHT TO TRIAL BY JURY OR JUDGE

4. I understand that if I plead not guilty, I have a right to have a trial before a jury or I may ask that my trial be before a Judge alone who will decide my case. _____
5. Should I wish to proceed to trial before a Judge alone, I understand that the Commonwealth must agree to have my case heard by a Judge alone. _____
6. Should I wish to proceed to a trial before a Judge alone, I understand that the Judge presiding over my case must approve that decision. _____

III. TRIAL BY JURY

I understand that if I plead not guilty and choose to have a trial before a jury:

7. I have the right to challenge the manner in which people are selected for jury service in Northampton County or any other County from which jurors will be selected in my case. _____
8. The jury would consist of twelve (12) people who live in Northampton County or upon cause shown by me, some other County in Pennsylvania. _____

9. I have the right to take part in selecting the jury who would hear my case, and I have the right to have questions asked of the people who may be jurors in my case to test the qualifications of those people to be jurors and to insure that the jurors selected would be fair and impartial. _____
10. I can prevent an unlimited number of people from being jurors in my case if I can show that he/she is not qualified to be a juror or would not be fair and impartial.

11. I can prevent a limited number of people from being jurors in my case without giving any reason at all, so long as I am not excluding jurors on account of their race, gender or for any other illegal reason. _____
12. The Judge would rule on issues of law and instruct the jury on the applicable law, but the jury would decide what the true facts are and whether the Commonwealth has proven that I am guilty of the crimes charged beyond a reasonable doubt. _____
13. In order for me to be found guilty of the crimes with which I am charged, the verdict of the jury would have to be unanimous; that is, all twelve (12) jurors must agree that the Commonwealth has proven that I am guilty of the crimes charged beyond a reasonable doubt. _____

IV. TRIAL BY JUDGE

14. I understand that if I plead not guilty and I am tried before a Judge alone without a jury, the Judge alone would rule on issues of law and decide what law applies to my case and what the true facts are in this case and whether the Commonwealth has proven that I am guilty of the crimes charged beyond a reasonable doubt. _____

V. WILLINGNESS TO WAIVE JURY TRIAL

15. I have not been pressured, forced or threatened in any way by anyone to give up my right to a jury trial and I have not been promised anything in return for giving up my right to a jury trial. _____
16. I have had enough time to fully discuss my case, everything contained in this Waiver of Jury Trial form, and my decision with my lawyer. _____
17. My lawyer has fully and thoroughly answered any questions I may have about waiving my right to a jury trial. _____
18. By placing my initials on all of the lines provided, I am saying that I understand, agree with, and have answered truthfully everything contained in this Waiver of Jury Trial form. _____

After full consideration of the foregoing information, I voluntarily and knowingly give up my right to a jury trial and choose to be tried before a Judge alone without a jury.

Defendant

Counsel for Defendant

Date

STATEMENT OF DEFENDANT’S ATTORNEY

I affirm that to my knowledge, Defendant is not now suffering from any physical, emotional or mental problems which affect his/her ability to understand everything which has been said, read and done concerning this waiver nor is the defendant now under the influence of any narcotics, drugs, alcohol or any other substance that affects his ability to understand. I have fully advised Defendant of the content and meaning of this Waiver of Jury Trial form and Defendant knows what he/she is doing in waiving a jury trial. We have fully discussed Defendant’s decision, and I am satisfied that Defendant’s waiver is knowing, voluntary and intelligent.

Counsel for Defendant

Date

WAIVER OF JURY TRIAL—COMMONWEALTH OF PENNSYLVANIA

The Commonwealth of Pennsylvania waives its right to a jury trial in the above-captioned case.

Counsel for the Commonwealth

Date

WAIVER OF JURY TRIAL—APPROVAL OF TRIAL JUDGE

After consultation with the parties in the above-captioned case, and in light of the waivers completed by Defendant and the Commonwealth, I hereby approve the waiver of the right to a jury trial in this matter and approve this matter being heard by a Judge alone.

Judge

Date