

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CRIMINAL**

WAIVER OF JURY TRIAL: DEFENDANT

COMMONWEALTH OF PENNSYLVANIA : NO. _____
 :
 :
 vs. :
 :
 :
 :
 _____ :

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. I am not now under the influence of any narcotics, drugs, alcohol or any other substance.

II. CONTACT WITH ATTORNEY

- ___ 3. I have fully discussed this Waiver with my lawyer, who has advised me of the penalties for the crimes charged.

III. RIGHT TO TRIAL BY JURY

- ___ 4. I understand and my lawyer has explained to me that if I plead not guilty, I have a right to have a trial before a Judge and Jury, or I may ask that my trial be before a Judge alone who will decide my case.

IV. TRIAL BY JURY

I understand and my lawyer has explained to me that if I plead not guilty and choose to have a trial before a Judge and Jury:

- ___ 5. I have the right to challenge the manner in which people are selected for jury service in Delaware County or any other County from which jurors will be selected in my case.
- ___ 6. The Jury would consist of twelve (12) people who live in Delaware County or upon cause shown by me, some other County in Pennsylvania.
- ___ 7. 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, just and impartial.
- ___ 8. 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, just and impartial.
- ___ 9. 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.
- ___ 10. 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.

___ 11. 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.

V. TRIAL BY JUDGE

I understand and my lawyer has explained to me that if I plead not guilty and I am tried before a Judge alone without a Jury:

___ 12. The Judge 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.

___ 13. 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.

___ 14. 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, and I give up my right to a jury trial and choose to be tried before a Judge alone without a Jury. 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.

DEFENDANT

ATTORNEY FOR DEFENDANT

DATE

STATEMENT OF DEFENDANT'S ATTORNEY

I affirm that to my knowledge, the 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. I have fully advised the defendant of the content and meaning of this Waiver of Jury Trial form and the defendant knows what he/she is doing in waiving a jury trial. We have fully discussed the defendant's decision, and I am satisfied that the defendant's waiver is knowing, voluntary and intelligent.

ATTORNEY FOR DEFENDANT

WAIVER OF JURY TRIAL: COMMONWEALTH OF PENNSYLVANIA

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

ATTORNEY FOR COMMONWEALTH

DATE

APPROVED:

JUDGE

DATE