

STATE OF INDIANA)
)
COUNTY OF BROWN)

IN THE BROWN CIRCUIT COURT
CAUSE NO.

STATE OF INDIANA

v.

Defendant.

ACKNOWLEDGMENT OF RIGHTS AND WAIVER OF INITIAL HEARING

Comes now the defendant, _____, in person and by counsel, _____, and waives the initial hearing in this matter. The defendant and counsel represent to the court that the defendant has been informed:

1. Of the charges against the defendant, any administrative suspension of the defendant's driving privileges if applicable, and the possible penalties for the charges.
2. The defendant has the right to be represented by a lawyer. If the defendant intends to hire a lawyer the defendant must do so within ten (10) days after the scheduled initial hearing (or within twenty (20) days if charged with any felony), because there are deadlines for filing motions and raising defenses. If these deadlines are missed, then the legal issues and defenses that could have been raised will be waived or given up. If the defendant wants a lawyer and is unable to afford one, the court will appoint a lawyer to represent the defendant at no cost, if, after a hearing, the defendant is determined to be financially unable to hire a lawyer. The right to be represented by an attorney stays with the defendant throughout the entire proceeding, including trial and any appeal.
3. The defendant has the right to a speedy and public trial by jury. However, if charged only with misdemeanors, the defendant must file a written demand for a jury trial if the defendant wishes to exercise his/her right to a jury trial. The defendant must file this written demand for a jury trial no later than ten (10) days before the first scheduled trial date. If the defendant fails to file such a written demand, or if the defendant files a written demand but files it late, the defendant gives up his/her right to a jury trial and a judge may hear the evidence and decide whether the State of Indiana has proven the defendant's guilt beyond a reasonable doubt.
4. The defendant has the right to require the State to prove the elements of the charge against the defendant beyond a reasonable doubt. The defendant is presumed to be innocent unless and until the State of Indiana proves the defendant guilty beyond a reasonable doubt.
5. The defendant has the right to see, hear, question and cross-examine all witnesses appearing against the defendant and to confront such witnesses face to face.

6. The defendant has the right to require witnesses to be present at any hearing or trial and testify in the defendant's behalf and the court will assist the defendant in this right by issuing subpoenas at no cost.

7. The defendant has the right to remain silent and cannot be compelled to make any statements or give any testimony against himself/herself to anyone or at any hearing or trial. If the defendant wants to testify the defendant has the right to be heard at trial or at any hearing throughout these proceedings. Anything the defendant says, however, can be used against the defendant.

8. The defendant has the right to be tried in the county in which the offense allegedly occurred.

9. The defendant has the right to appeal to a higher court if convicted.

10. The defendant has the right to demand the nature and cause of the accusation made against the defendant and to have a copy of the information filed against the defendant.

Respectfully submitted,

Attorney for defendant

I affirm under the penalties for perjury that I have read and that I understand all of the above.

Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Acknowledgment of Rights and Waiver of Initial Hearing was served upon the Brown County Indiana Prosecuting attorney in person or by United States Mail, postage prepaid on the _____ day of _____, 201____.

Attorney for defendant

(Include attorney's address and telephone number below)