

STATE OF NORTH CAROLINA

File No.

Additional File No.(s)

In The General Court Of Justice
Superior Court Division

_____ County

STATE VERSUS

WAIVER OF JURY TRIAL

Name Of Defendant

G.S. 15A-1201

ACKNOWLEDGMENT OF RIGHTS AND WAIVER

1. I, the above-named defendant, hereby declare that
 - a. I have provided notice of my intent to waive a jury trial in accordance with G.S. 15A-1201(c) by (choose one) stipulation, written notice, notice on the record in open court,
 - b. I have been fully informed in open court of the charges against me, the nature of and statutory punishment for each charge, and the nature of the proceedings against me,
 - c. I have been advised by the court that I have the right to be tried by a jury of twelve (12) of my peers, that I may participate in the selection of the members of the jury, and that jury verdicts must be unanimous,
 - d. I have been advised by the court that if I waive a jury trial, the judge alone will decide my guilt or innocence, and the judge alone will determine any aggravating sentencing factors in my case, and
 - e. I fully understand and appreciate the consequences of my decision to waive the right to be tried by a jury.
2. Other: _____
3. In light of the foregoing, I, the above-named defendant, freely, voluntarily, and knowingly waive the right to trial by jury.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature Of Person Authorized To Administer Oaths

Signature Of Defendant

- Deputy CSC Assistant CSC Clerk Of Superior Court

CERTIFICATION BY LAWYER FOR DEFENDANT

I hereby certify that I have fully explained to the defendant the charges against him or her, the nature of and statutory punishment for each charge, and the nature of the proceedings against him or her; the defendant's right to be tried by a jury of twelve (12) of his or her peers, and to participate in the selection of the jury; that jury verdicts must be unanimous; and that if the defendant waives a jury trial, the judge alone will decide the defendant's guilt or innocence, and the judge alone will determine any aggravating sentencing factors in the case.

Date

Name Of Lawyer For Defendant (type or print)

Signature Of Lawyer For Defendant

(Over)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Following a hearing on this matter, I, the undersigned judge, who will preside over the defendant's trial, after determining whether the State objects to the waiver, and, if so, why, and after considering the arguments presented by both the State and the defendant regarding the defendant's waiver of a jury trial, find the following: *(check all that apply)*

- 1. The above-named defendant is charged with a criminal offense for which the State is not seeking a sentence of death.
- 2. The defendant has provided notice of his or her intent to waive a jury trial in accordance with G.S. 15A-1201(c) by *(choose one)*
 stipulation. written notice. notice on the record in open court.
- 3. The defendant has been fully informed in open court of the charges against him or her, the nature of and statutory punishment for each charge, and the nature of the proceedings against him or her.
- 4. The defendant has been advised of his or her right to be tried by a jury of twelve (12) of his or her peers, that he or she may participate in the selection of the members of the jury, and that jury verdicts must be unanimous.
- 5. The defendant has been advised that if he or she waives a jury trial, the judge alone will decide his or her guilt or innocence, and the judge alone will determine any aggravating sentencing factors in the case.
- 6. The defendant fully understands and appreciates the consequences of his or her decision to waive the right to trial by jury, and has requested such a waiver, as indicated in the ACKNOWLEDGMENT OF RIGHTS AND WAIVER, above.

7. Other: _____

In light of the foregoing findings of fact, the undersigned judge concludes that the defendant's requested waiver of the right to trial by jury is is not appropriate.

ORDER

In light of the foregoing findings of fact and conclusions of law, the undersigned judge hereby orders as follows: *(check one)*

- 1. The court consents to the defendant's waiver of the right to trial by jury, and the charge(s) against the defendant shall proceed in accordance with that waiver, and as otherwise required by law.
- 2. The court does not consent to the defendant's waiver of the right to trial by jury, and the charge(s) against the defendant shall proceed as required by law.

Date	Name Of Judge (type or print)	Signature Of Judge
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NOTE: "Once waiver of a jury trial has been made and consented to by the trial judge pursuant to subsection (d) of [G.S. 15A-1201], the defendant may revoke the waiver one time as of right within 10 business days of the defendant's initial notice pursuant to subsection (c) of [G.S. 15A-1201] if the defendant does so in open court with the State present or in writing to both the State and the judge. In all other circumstances, the defendant may only revoke the waiver of trial by jury upon the trial judge finding the revocation would not cause unreasonable hardship or delay to the State. Once a revocation has been granted pursuant to this subsection, the decision is final and binding." G.S. 15A-1201(e).