

STATE OF MICHIGAN
IN THE 52-3 DISTRICT COURT

PEOPLE

-VS-

CASE NO. _____

WAIVER OF PRELIMINARY EXAMINATION - DEFENDANT

I hereby waive my right to a preliminary examination freely, voluntarily and unconditionally in the above-entitled cause. I have conferred with my attorney about the preliminary examination and I understand the following:

- 1) I have the right to have a preliminary examination on the charges against me within fourteen (14) days of my arraignment.
- 2) At the preliminary examination, the judge shall examine the complainant and witnesses in support of the prosecution under oath in my presence.
- 3) At that hearing, the prosecution must establish probable cause that a crime within the jurisdiction of the District Court has occurred and probable cause that I committed that crime.
- 4) I have a right to subpoena witnesses, to testify, to offer evidence, and to have my attorney examine and cross-examine witnesses at this hearing.
- 5) If the prosecution does not establish probable cause that a crime was committed and that I committed that crime, the charges against me would be dismissed or reduced in severity.
- 6) By waiving my right to a preliminary examination, I will be bound over to Circuit Court for trial on the charges set forth in the complaint.
- 7) I understand that the bond and all bond conditions ordered at arraignment are continued unless otherwise modified by the Court.

After due deliberation, and after considering the advice of my attorney, **it is my informed decision to unconditionally waive the preliminary examination in this matter and to proceed to Circuit Court for trial. I understand and agree that this decision to waive preliminary examination is not subject to reversal at a later date.**

DEFENDANT

DATE

CERTIFICATION OF ATTORNEY

- 1) I hereby acknowledge that I am the attorney for the defendant in the above-entitled case.
- 2) I have fully explained to the defendant the requirements for a preliminary examination pursuant to MCL 766.4, 766.13, 767.42 and MCR 6.110 and the standard of proof necessary for bindover to Circuit Court.
- 3) I have also discussed with the defendant the right to waive preliminary examination and proceed directly to trial in Circuit Court on the charges set forth in the complaint, pursuant to MCL 767.42 and MCR 6.110.
- 4) The defendant elects to waive preliminary examination as evidenced by his/her signature on this document. This decision is, in my opinion, an informed decision made with the benefit of my counsel.

ATTORNEY FOR THE DEFENDANT

DATE

WAIVER OF PRELIMINARY EXAMINATION - PEOPLE

The undersigned Assistant Prosecuting Attorney for the County of Oakland, waives preliminary examination on behalf of the People in the above-entitled cause.

ASSISTANT PROSECUTING ATTORNEY

DATE

ORDER

IT IS HEREBY ORDERED that this matter is bound over to the Circuit Court for trial upon the voluntary and unconditional waiver of preliminary examination by the Defendant, the Defendant's Attorney, and Assistant Prosecuting Attorney. Bond is to continue.

DISTRICT COURT JUDGE

DATE