

IN THE COURT OF COMMON PLEAS OF INDIANA COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA : NO. _____ CRIM _____
: _____
VS : CHARGE(S): _____
: _____
_____ : _____
DEFENDANT : _____
:

WAIVER OF JURY TRIAL

AND NOW, this _____ day of _____, 20____, comes the defendant and pleads not guilty, and with the consent of his/her attorney, the District Attorney, and approval of the Judge, waives a jury trial and elects to be tried by a judge without a jury.

Defendant

Attorney for Defendant

Consented to:

District Attorney

Judge

COMMONWEALTH OF PENNSYLVANIA

VS

DEFENDANT

: IN THE COURT OF COMMON PLEAS
: INDIANA COUNTY, PENNSYLVANIA
:
: CRIMINAL DIVISION
:
: NO.
:

EXPLANATION OF DEFENDANT’S RIGHTS
NON-JURY TRIAL

1. Do you understand that you are entitled, under the Constitution of the United States and the Constitution of Pennsylvania, to a trial by jury on these charges? _____.
2. Do you understand that you would participate, along with your attorney and the District Attorney assigned to prosecute your case in the selection of that jury to be chosen from members of this community, that being Indiana County? _____.
3. You would have the right to challenge members of the jury panel. This means that you would keep the right to keep certain persons on the jury panel from being a member of the jury in your case. You would have as many challenges for cause as the Court would approve. A challenge for cause is some good reason why a member of that jury panel would not sit as a fair and impartial juror in your case. You would also have (5 if misdemeanor, 7 if felony) peremptory challenges. A peremptory challenge is one in which you do not have to give any reason at all to prevent a member of the jury panel from being a member of the jury in your case. Do you understand this? _____.
4. Do you understand that all twelve members of the jury so selected would have to find and vote for your guilt before you could be adjudicated guilty, that is, their verdict for your conviction would have to be unanimous? _____.

Initials _____

5. Do you understand that in a non-jury or bench trial before a judge, the judge would sit as a trier of fact, much like a jury does, bound by the same rules of evidence, and therefore, it would be the judge rather than a jury who would decide your guilt or innocence from the evidence presented in Court? _____.
6. Do you understand that in a jury trial as in a non-jury trial before a judge, you would enter the courtroom clothed with the presumption of innocence and that presumption would remain with you until such time, if ever, that the jury should find you guilty? _____.
7. Have you discussed with your attorney your intention to waive your constitutional right to a trial by jury and proceed in what we call a non-jury before a judge only, who will decide your guilty or innocence from the evidence presented? _____.
8. Knowing all of this and having discussed your rights with your attorney, it is the Court's understanding that you voluntarily wish to waive your constitutional right to a jury trial and proceed to trial before a judge without a jury, is that correct? _____.
9. Do you understand that you are charged with _____ and the maximum sentence you could receive on each of these offenses if convicted is _____? _____.
10. Do you completely understand these proceedings today? _____.
11. Have you ever had any physical or mental illness that would disturb your thinking in any way whatsoever here today or affect the voluntariness of your waiver of rights to a jury trial? _____.
12. Are you completely satisfied with the representation and legal advice of your attorney? _____.

Initials _____

13. Has anybody forced you, or attempted to force you, in your decision to waive your constitutional right to a trial by jury? _____.

14. Has anybody promised you anything for waiving your constitutional rights to a trial by jury? _____.

15. Are there any further questions concerning your right to a jury trial, your waiver of that right, or the charge(s) against you, which you would like to ask of this Court? _____
_____.

Signature _____
Defendant

As attorney for the Defendant, I hereby certify that I have advised my client of his/her rights and of the meaning of the questions contained in this form and it is my belief that the Defendant understands these rights and that it is his/her voluntary decision to proceed non-jury.

Attorney for Defendant