

UNITED STATES DISTRICT COURT

DISTRICT OF

UNITED STATES OF AMERICA

WAIVER OF RULE 40 HEARINGS (All Criminal Cases)

V.

JUDGE:

Defendant

CASE NUMBER:

I understand that charges are pending in the District of alleging violation of and that I have been arrested in this district and taken before a United States magistrate judge, who has informed me of the charge(s) and my rights to:

(Title and Section / Probation / Supervised Release)

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;

- Check one only -

[] ALL CASES EXCEPT PROBATION OR SUPERVISED RELEASE:

- (3) a preliminary examination (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

[] PROBATION OR SUPERVISED RELEASE VIOLATION CASES:

- (3) a preliminary hearing (but only if I will be kept in custody, and only to be held in this district if the violation occurred here) to determine whether there is probable cause to believe a violation occurred; and
- (4) a hearing under Rule 32.1 (a)(6), Fed. R. Crim. P., in which I have the burden of establishing my eligibility for release from custody.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- () identity hearing
- () preliminary hearing
- () identity hearing and have been informed I have no right to a preliminary hearing
- () identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Defendant

Date

Defense Counsel