

**FORM 32b - WAIVER OF RIGHTS AND AGREEMENT REGARDING RULE 26.01,
SUBD. 3**

State of Minnesota

County

District Court

Judicial District: _____

Court File Number: _____

Case Type: Criminal

State of Minnesota,
Plaintiff

vs.

**Waiver of Rights and Agreement
Regarding Rule 26.01, subd. 3,
Trial on Stipulated Facts,
Stipulated Evidence, or Both**

_____,
Defendant

TO THE ABOVE-NAMED COURT:

PROSECUTOR'S AGREEMENT

1) The prosecutor agrees to a trial based entirely on stipulated facts, stipulated evidence, or both as set forth in paragraphs 2 and 6 of this document.

Dated: _____
Signature of Prosecutor

**DEFENDANT'S AGREEMENT, NOT GUILTY PLEA, WAIVER OF TRIAL BY JURY
AND ASSOCIATED RIGHTS, STIPULATION, AND ACKNOWLEDGMENT OF
APPELLATE REVIEW**

2) I, _____, Defendant in the above-entitled action, agree that (mark one or both lines)

_____ a determination of my guilt

_____ the existence of facts to support an aggravated sentence

may be submitted to and tried by the court based entirely on stipulated facts, stipulated evidence, or both.

3) I maintain my plea of not guilty.

4) I have been advised by the court of my right to a trial by jury on the issue of guilt and the issue of an aggravated sentence. I understand that:

- a. a jury is composed of the number of jurors required by law, selected from the community,
- b. I may participate in the selection of the jurors,
- c. the jury's general verdict and answer(s) to any special interrogatory(ies) must be unanimous, and
- d. if I waive a jury, the judge alone will determine my guilt or innocence, whether facts exist to support an aggravated sentence, or both.

Mark one or both lines:

_____ I have had an opportunity to consult with counsel, and I waive my right to a trial by jury on the issue of guilt.

_____ I have had an opportunity to consult with counsel, and I waive my right to a trial by jury on the existence of facts to support an aggravated sentence.

5) I have had an opportunity to consult with counsel regarding the following trial rights:

- a. to testify at trial,
- b. to have the prosecution witnesses testify in open court in my presence,
- c. to question those prosecution witnesses, and
- d. to require any favorable witnesses to testify for me in court.

Mark one or both lines:

_____ I acknowledge these trial rights and I hereby waive them for the purpose of the determination of guilt.

_____ I acknowledge these trial rights and I hereby waive them for the purpose of the determination of the existence of facts to support an aggravated sentence.

6) I stipulate to the existence of the following facts, the court's consideration of the following evidence, or both, for the purpose(s) described in paragraph 2 of this document **(describe stipulations here or refer to on-the-record recitation of stipulations).**

7) I understand that if the court finds me guilty based on the stipulated facts, stipulated evidence, or both, I may appeal from the judgment of conviction and raise issues on appeal as from any trial to the court.

Dated: _____

Signature of Defendant

Name: _____

Street Address: _____

City/State/Zip: _____

E-mail address: _____