

FORM 32b - WAIVER OF RIGHTS AND AGREEMENT REGARDING RULE 26.01, SUBD.**3****State of Minnesota****District Court**

County

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 jurors,

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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: _____

(Added effective October 1, 2017.)