

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
_____ DIVISION

UNITED STATES OF AMERICA)
)
v.)
)
_____)
)
)
)
)

CR. NO. _____

PETITION TO
WAIVE PROSECUTION
BY INDICTMENT

The defendant states to the Court that the defendant wants to enter a plea of GUILTY to the following counts of the Information: _____

In connection with this waiver of indictment, I, _____, the defendant in this case, inform the Court, under penalty of perjury, that I have discussed these matters with my attorney and the answers to the following questions are true and correct to the best of my knowledge and belief.

PRELIMINARY WAIVER OF INDICTMENT QUESTIONS:

- 1) What is your full name? _____
- 2) How old are you? _____
- 3) How far did you go in school? _____

- 4) What is your employment experience? _____

- 5) Are you able to speak and understand English? Yes _____ No _____
- 6) Do you have an attorney? If so, what is his/her name?

- 7) Have you been given a copy of the charge(s) against you? Yes _____ No _____
- 8) Do you understand the charge(s) against you? Yes _____ No _____
- 9) Do you understand that you have a constitutional right to be charged by an indictment of a grand jury, but that you can waive that right and consent to being charged by information of the U.S. attorney? Yes _____ No _____

- 10) Instead of an indictment, these felony charges against you have been brought by the U.S. attorney by the filing of an information. Do you understand that unless you waive indictment, you may not be charged with a felony unless a grand jury finds by return of an indictment that there is probable cause to believe that a crime has been committed and that you committed it? Yes _____ No _____
- 11) Do you understand that if you do not waive indictment, the government may present the case to the grand jury and ask it to indict you? Yes _____ No _____
- 12) Do you understand that a grand jury is composed of at least sixteen and not more than twenty-three persons, and that at least twelve grand jurors must find that there is probable cause to believe you committed the crime with which you are charged before you may be indicted? Yes _____ No _____
- 13) Do you understand that the grand jury might or might not indict you? Yes _____ No _____
- 14) Do you understand that if you waive indictment by the grand jury, the case will proceed against you on the U.S. attorney's information just as though you had been indicted? Yes _____ No _____

I understand that if I have knowingly and intentionally made any false answers in this Petition to Waive Prosecution by Indictment, my answers may be used against me in another prosecution for perjury or making a false statement.

Signed by me and affirmed to be true under penalty of perjury in the presence of my attorney on this _____ day of _____, 20____.

Defendant