

In the  
**CIRCUIT COURT**  
of St. Louis County, Missouri



For File Stamp Only

STATE OF MISSOURI

vs.

\_\_\_\_\_

Date

\_\_\_\_\_

Case Number

\_\_\_\_\_

Defendant

\_\_\_\_\_

Division

Day

**DEFENDANT'S REQUEST TO WAIVE PRELIMINARY HEARING**

This case is currently set for:  Call  Preliminary Hearing  \_\_\_\_\_

on the following date:  M  T  W  TH \_\_\_\_\_.

- If this Waiver is completed (all blanks filled in) with correct information AND e-filed **three (3) business** days prior to the above setting date, no appearance is necessary. Otherwise, an appearance is **REQUIRED**.
- If Defendant waives arraignment, the Prosecuting Attorney's Office must file the Information within seven (7) days of the filing of this Waiver or this matter will be placed on a dismissal docket. If the Information is not filed by the dismissal docket date, the matter will be dismissed for failure to prosecute.

Comes now Defendant, by and through his/her attorney, \_\_\_\_\_,  
and moves to waive his/her preliminary hearing. In support thereof, Defendant states as follows:

1. That he/she is charged with the felony offense(s) of \_\_\_\_\_  
(and \_\_\_\_\_.)
2. That he/she understands that the sole purpose of a preliminary hearing is to determine whether or not there is probable cause to believe that a felony has been committed and whether or not there is probable cause to believe that he/she has committed the felony.
3. That he/she understands that, at the preliminary hearing, he/she would have the right, through his/her attorney, to confront (i.e., cross-examine) the State's witnesses. He/she also has the right to call witnesses to testify on his/her behalf – and if they refuse to cooperate, he/she can subpoena them, to force them to appear in court against their will.
4. That he/she understands that, at the preliminary hearing, he/she can testify on his/her own behalf. Further, he/she can exercise his/her right against self-incrimination and choose not to testify. Such silence cannot be considered as evidence of his/her guilt.
5. That he/she understands that, at the preliminary hearing, if the State does not establish probable cause that either a felony was committed or that he/she committed the felony, the court will dismiss the case.
6. That he/she understands that even if a judge dismisses a case after the evidence has been presented at the preliminary hearing, the State may re-issue the same charge(s) against Defendant and have the matter heard before a different judge or the grand jury.
7. That he/she desires to waive all of the rights mentioned previously that pertain to the preliminary hearing. He/she acknowledges that this waiver is knowing and voluntary and not the result of any promises (other than a possible plea bargain reached between the parties) or threats.

8. That he/she is aware that, if the court accepts his/her waiver of the preliminary hearing, the case will be certified to the Circuit Court of St. Louis County for further action.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Attorney

This Court finds that Defendant's waiver is knowing and voluntary. Therefore, this Court accepts Defendant's waiver. Accordingly, this Court binds Defendant over for further proceedings in the Circuit Court of St. Louis County.

**SO ORDERED:**

\_\_\_\_\_  
Judge

**ARRAIGNMENT MEMORANDUM**

Comes now \_\_\_\_\_, and enters his/her appearance as attorney for Defendant.

**WAIVER OF ARRAIGNMENT:** Defendant hereby waives his/her personal appearance at arraignment, formal arraignment and the reading of the Information. Defendant is fully aware of the substance of the charge(s) against him/her and acknowledges receipt of a copy of the Information or waives receiving a copy of the Information prior to executing this Arraignment Waiver. Defendant enters a plea of **not guilty** to the offense(s) charged.

**OR**

Defendant hereby requests formal arraignment. Arraignment date to be set.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Attorney

\_\_\_\_\_  
Bar No.

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone No.

\_\_\_\_\_  
Fax No.

\_\_\_\_\_  
Email

Defendant, not having posted bond, is remanded to the Department of Justice Services.

Defendant's bond previously posted, shall remain in full force and effect.

\_\_\_\_\_.

**SO ORDERED:**

\_\_\_\_\_  
Judge

"Discovery Package" delivered to attorney for defendant by Deputy Clerk \_\_\_\_\_  
Rule 25.02 and Local Rule 67.6 require pre-trial discovery motions to be filed within 20 days after Arraignment.