



Waiver of Jury Trial

Commonwealth of Pennsylvania
v.

Philadelphia County Judge's Chambers
Justice Juanita Kidd Stout Center for Criminal Justice
1301 Filbert Street
Philadelphia, PA 19107

Docket No: CP-51-CR-_____ - _____

I, _____, the defendant, hereby waive my right to a jury trial and elect to have a judge try the case without a jury.

Signature of Defendant

Date

Signature of Attorney for the Defendant

Date

I, Philadelphia County District Attorney's Office, the attorney for the Commonwealth, hereby waive the Commonwealth's right to a jury trial and elect to have a judge try the case without a jury.

Signature of Attorney for the Commonwealth

Date

The Court, having ascertained on the record that the defendant, _____, knowingly and intelligently waives his/her right to a jury trial, hereby APPROVE / DISAPPROVE this waiver.

Judge

Date



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EXPLANATION OF DEFENDANT'S RIGHTS
NON-JURY TRIAL

Do you understand that you are entitled, under the Constitution of the United States and the Constitution of Pennsylvania, to a trial by jury on these charges?

Do you understand that you would participate, along with your attorney and the Attorney for the Commonwealth assigned to prosecute your case in the selection of that jury to be chosen from members of this community, that being Philadelphia County?

You would have the right to challenge members of the jury panel. This means that you would have the right to keep certain persons on the jury panel from being members of the jury in your case. You would have as many challenges for cause as the Court would approve. A challenge for cause is some good reason why a member of the jury panel could not sit as a fair and impartial juror in your case. You would also have (5 if misdemeanor, 7 if felony) peremptory challenges. A peremptory challenge is one which you do not have to give any reason at all to prevent a member of the jury panel from being a member of the jury in your case. Do you understand this?

Do you understand that all twelve members of the jury so selected would have to find and vote for your guilt before you could be adjudicated guilty, that is, their verdict for your conviction would have to be unanimous?

Do you understand that a non-jury trial or bench trial before a judge, the judge would sit as a trier of fact, much like a jury does, bound by the same rules of evidence and therefore it would be the judge rather than a jury who would decide your guilt or innocence from the evidence presented in court?

Do you understand that in a jury trial as in a non-jury trial before a judge, you would enter the courtroom clothed with the presumption of innocence and that presumption would remain with you until such time, if ever, that the jury should find you guilty?

Have you discussed with your attorney your intention to waive your constitutional right to a trial by jury and proceed in what we call a non-jury trial before a judge only, who will decide your guilt or innocence from the evidence presented?

Knowing all of this and having discussed your rights with your attorney, it is the Court's understanding that you voluntarily wish to waive your constitutional right to a jury trial and proceed to trial before a judge without a jury, is that correct?

Do you completely understand these proceedings today?

Have you ever had any physical or mental illness that would disturb your thinking in any way whatsoever here today or affect the voluntariness of your waiver of rights to a jury trial?



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11. Are you completely satisfied with the representation and legal advice of your attorney? _____

12. Has anybody forced you, or attempted to force you, in your decision to waive constitutional right to a by jury? _____

13. Has anybody promised you anything for waiving your constitutional right to a trial by jury? _____

Are there any further questions concerning your right to a jury trial, your waiver of that right, or the charges against you, which you would like to ask the court? _____

Signature of Defendant

Date

As attorney for the defendant, I, _____, hereby certify that I have advised my client of the rights and the meaning of the questions contained in this form and it is my belief that the defendant, _____, understands these rights and that it is the defendant's voluntary decision to proceed non-jury.

Signature of Attorney for the Defendant

Date

