
STATE OF NEBRASKA
_____,
Plaintiff,
vs.

Case No. _____

**WAIVER OF FORMAL
ARRAIGNMENT, ENTRY OF
WRITTEN NOT GUILTY
PLEA, AND REQUEST FOR
A TRIAL DATE**

_____,
Defendant.

I, _____, acknowledge that, on
_____, I was issued a citation for the following
traffic offense(s): _____
which I wish to contest.

The submission of this form is a waiver of formal arraignment and a request for the Court to:

- accept the written waiver; and
- schedule a trial date.

This waiver is conditional to the Court accepting the waiver in lieu of requiring the defendant to appear for formal arraignment.

In support of that request, I acknowledge the following:

RIGHTS OF A DEFENDANT

I have a right to a trial to the court on the charge stated in the citation. I am presumed to be innocent of the charge(s).

I have a right to require the State to prove me guilty beyond a reasonable doubt.

I have a right to confront and cross examine any witnesses the State would call to prove the case.

I have a right to present witnesses in my defense and to use the subpoena power of the court to secure the attendance of any witness who would not come to court voluntarily.

I have a right to testify in my own defense or to remain silent as I choose. If I choose to testify I understand that I will be subject to cross examination by the State; if I choose to remain silent, that silence cannot be used against me for any reason.

I am entitled to a speedy trial being one within six months of the date the citation was filed.

I have a right to be represented by an attorney of my choice, at my own expense; I understand that since the charge(s) have no possibility of a jail sentence, I am not entitled to a court appointed attorney. If I disagree with the final judgment of the court, I have a right to appeal that judgment and to have a complete record of the proceedings to enable that appeal.

WHAT I NEED ON THE DAY OF TRIAL

I must appear in person. If I have retained an attorney, that attorney must be present and ready for trial. Any witnesses I wish to present must be present, in person, on the day of trial.

I further recognize that, **if I fail to appear for any subsequent hearing dates regarding this matter**, the court may authorize a bench warrant for my arrest for failure to appear.

THE SUBPOENA POWER

If you wish to present testimony of a person who may not appear voluntarily, you may request a subpoena for that person to be served as required by law. You must file a request with the court, known as a praecipe for subpoena. After that request is processed by the court, the subpoena must be served upon that person at least six (6) days before the date of the trial. Timely requesting the subpoena is your responsibility. You should also understand that should you be found guilty of the charge(s), you may be required to pay, as a part of the court costs, any witness fees and the costs of service of any subpoena, and that would be in addition to any fine assessed by the court. If you are found not guilty, the State will be responsible for those costs.

I have read and understand the foregoing advisement. Once I sign and submit this request to the court, I recognize that the court will contact me for future hearing dates regarding this case (using the information legibly printed and provided below).

Signature: _____ Date: _____

Printed Name: _____

Street Address/P.O. Box: _____

City/State/ZIP Code: _____

Telephone Number: _____

*Email address: _____

*[Nebraska Supreme Court Rule § 2-208](#) requires individuals who are not attorneys and representing themselves to provide their email address. The court will use the email address to send notices from the court about this case **except** for items that require another type of service as directed by statute or Nebraska Supreme Court Rule.

If you no longer have email capability or if your email or other contact information changes, you must complete a [Change of Contact Information Form](#).

By checking this box, I am letting the court know that I do not have the ability to receive emails. The reason I cannot receive email is: _____

If completed by an attorney:
Bar Number: _____

Cc: Prosecuting Attorney

Defendant

Defendant's Attorney (if Defendant has retained an attorney)