

# United States District Court

## *District of New Mexico*

UNITED STATES OF AMERICA

v.

WAIVER OF RULE 40 HEARINGS  
(Excluding Probation Cases)

CASE NUMBER:

I, \_\_\_\_\_, understand that in the  
\_\_\_\_\_ District of \_\_\_\_\_, charges are pending  
alleging violation of \_\_\_\_\_ and that I have been

arrested in this District and taken before a United States Magistrate Judge who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel, (2) request transfer of the proceedings to this district pursuant to Rule 20, Fed. R. Crim. P., in order to plead guilty, (3) an identity hearing to determine if I am the person named in the charge, and (4) a preliminary examination (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held either in this district or the district of prosecution

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- identity hearing
- preliminary examination
- identity hearing and have been informed I have no right to a preliminary examination
- identity hearing but request a preliminary examination be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

\_\_\_\_\_  
*Defendant*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Defense Counsel*