

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
 vs.) No.
)
)
 Defendant.)

WAIVER OF DETENTION HEARING

NOW COMES, _____, the above-named defendant, by and through his/her attorney, and having been fully advised of the right to a detention hearing for purposes of determining whether pretrial detention is warranted pursuant to 18 U.S.C. § 3142, hereby waives said right to a detention hearing and submits to pretrial detention with a full understanding of his/her rights under Federal Rule of Criminal Procedure 46 and the Bail Reform Act of 1984 (18 U.S.C. §3141 et seq.), which include, but are not limited to the following:

1. The Government seeks pretrial detention of the defendant pursuant to 18 U.S.C. § 3142(e).
2. Section 3142(f) requires that the Court hold a hearing to determine if any condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person or the community. At a detention hearing:
 - (A) a defendant has the right to be represented by counsel, and if financially unable to obtain adequate representation, to have counsel appointed;
 - (B) a defendant shall be afforded an opportunity to testify, to present witnesses, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise;
 - (C) the rules concerning the admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing; and
 - (D) clear and convincing evidence shall be required to support detention.
3. Upon motion, the issue of detention may be reopened at any time prior to trial if the Court finds information exists that was not known to the movant at the time of this waiver and that has material bearing on the issue of detention.
4. Waiver of a detention hearing shall not be construed as modifying or limiting the presumption of innocence.

Dated: _____

Defendant

Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the office of the United States Attorney for the Southern District of Illinois, 402 West Main, Benton, Illinois 62812.

Dated: _____

ATTORNEY FOR THE DEFENDANT