

OCT 24 2022

FORM 32b - WAIVER OF RIGHTS AND AGREEMENT REGARDING RULE 26.01,
SUBD. 3

State of Minnesota

District Court

County <i>HENNEPIN</i>

Judicial District:	<i>471</i>
Court File Number:	<i>27-CR-20-12949</i>
Case Type:	Criminal

State of Minnesota,
Plaintiff

vs.

Waiver of Rights and Agreement
Regarding Rule 26.01, subd. 3,
Trial on Stipulated Facts,
Stipulated Evidence, or Both

TOU DIAO
Defendant

TO THE ABOVE-NAMED COURT:

PROSECUTOR'S AGREEMENT

1) The prosecutor agrees to a trial based entirely on stipulated facts, stipulated evidence, or both as set forth in paragraphs 2 and 6 of this document.

Dated: *10/24/22* *[Signature]*
Signature of Prosecutor

DEFENDANT'S AGREEMENT, NOT GUILTY PLEA, WAIVER OF TRIAL BY JURY
AND ASSOCIATED RIGHTS, STIPULATION, AND ACKNOWLEDGMENT OF
APPELLATE REVIEW

2) I, *TOU DIAO*, Defendant in the above-entitled action, agree that (mark one or both lines)

- a determination of my guilt
- the existence of facts to support an aggravated sentence

may be submitted to and tried by the court based entirely on stipulated facts, stipulated evidence, or both.

3) I maintain my plea of not guilty.

4) I have been advised by the court of my right to a trial by jury on the issue of guilt and the issue of an aggravated sentence. I understand that:

- a. a jury is composed of the number of jurors required by law, selected from the community,
- b. I may participate in the selection of the jurors,
- c. the jury's general verdict and answer(s) to any special interrogatory(ies) must be unanimous, and
- d. if I waive a jury, the judge alone will determine my guilt or innocence, whether facts exist to support an aggravated sentence, or both.

Mark one or both lines:

I have had an opportunity to consult with counsel, and I waive my right to a trial by jury on the issue of guilt.

I have had an opportunity to consult with counsel, and I waive my right to a trial by jury on the existence of facts to support an aggravated sentence.

5) I have had an opportunity to consult with counsel regarding the following trial rights:

- a. to testify at trial,
- b. to have the prosecution witnesses testify in open court in my presence,
- c. to question those prosecution witnesses, and
- d. to require any favorable witnesses to testify for me in court.

Mark one or both lines:

I acknowledge these trial rights and I hereby waive them for the purpose of the determination of guilt.


I acknowledge these trial rights and I hereby waive them for the purpose of the determination of the existence of facts to support an aggravated sentence.

6) I stipulate to the existence of the following facts, the court's consideration of the following evidence, or both, for the purpose(s) described in paragraph 2 of this document (describe stipulations here or refer to on-the-record recitation of stipulations)

COUNSEL FOR THE STATE AND COUNSEL FOR ME, MR. [unclear] WILL AGREE TO THE EVIDENCE SUBMITTED TO THE COURT BY THE END OF THE WEEK (BY 10/25/22).

7) I understand that if the court finds me guilty based on the stipulated facts, stipulated evidence, or both, I may appeal from the judgment of conviction and raise issues on appeal as from any trial to the court.

Dated: 10/24/22



Signature of Defendant
Name: Tou Thao
Street Address: _____
City/State/Zip: _____
E-mail address: _____