

STATE OF NORTH CAROLINA

► *File No.*

_____ County

In The General Court of Justice
Superior Court Division

STATE OF NORTH CAROLINA
vs.

**WAIVER OF PROCEDURAL
SAFEGUARDS AND PRIVILEGES
AND
CONSENT TO FORMAL INQUIRY**

Name of Defendant

DOB Age Highest Level of Education Completed

Convicted Offense(s)

N.C. G.S. 15A-1467(b)

Alleged Date of Offense

Date of Conviction

Pursuant to N.C. G.S. 15A-1467(b), the convicted person and his/her counsel must review the complete waiver before signing. Convicted person's counsel must be present at the signing. This form must be notarized.

The convicted person and his/her attorney must both place their initials to the right of each statement if they agree with the statement and agree to comply with any terms therein.

The North Carolina Innocence Inquiry Commission shall be referred to as "the Commission" throughout this document.

	Initials of Convicted Person	Initials of Counsel
1. I acknowledge that I have been convicted of the offense(s) noted above by the State of North Carolina.	(1) _____	(1) _____
2. I believe that evidence of my complete and factual innocence of the crime(s) for which I was convicted exists.	(2) _____	(2) _____
3. I am requesting that the Commission review my claim of complete factual innocence.	(3) _____	(3) _____
4. I have been appointed or retained counsel and my counsel has fully explained the implication that signing this waiver could have for me or I have waived my right to counsel.	(4) _____	(4) _____
5. (a) My counsel is present with me pursuant to N.C. G.S. 15A-1467(b) or	(5a) _____	(5a) _____
(b) I have waived my right to counsel and understand the implications that signing this waiver could have for me.	(5b) _____	(5b) _____
6. I consent to a formal inquiry of my case by the Commission.	(6) _____	(6) _____
7. I agree to cooperate fully with the Commission pursuant to N.C. G.S. 15A-1467(b).	(7) _____	(7) _____
8. I agree to provide full disclosure regarding all inquiry requirements of the Commission pursuant to N.C. G.S. 15A-1467(b).	(8) _____	(8) _____
9. I understand that if I refuse to cooperate in any way or become uncooperative with Commission staff in any way, the inquiry will be discontinued pursuant to N.C. G.S. 15A-1467(g).	(9) _____	(9) _____
10. I understand that the Commission staff may determine that my	(10) _____	(10) _____

case does not meet the criteria set forth in N.C. G.S. 1460-1475 at any point and reject my claim.

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|--|-------------|-------------|
| 11. I understand that I have no right to appeal a rejection of my claim during the review or investigation. | (11) _____ | (11) _____ |
| 12. I understand that I have no right to appeal a rejection of my claim after a hearing by the Commission. | (12) _____ | (12) _____ |
| 13. I understand that I have no right to appeal a denial of relief after a hearing by a panel of three Superior Court Judges. | (13) _____ | (13) _____ |
| 14. (a) I understand that I am waiving all my procedural safeguards and privileges, with regard to my claim of innocence, pursuant to N.C. G.S. 15A-1467(b). | (14a) _____ | (14a) _____ |
| (b) I understand that this includes a waiver of my right against self incrimination pursuant to the 5 th Amendment of the United States Constitution and Article I Section 23 of the North Carolina State Constitution. | (14b) _____ | (14b) _____ |
| (c) I understand that this includes a waiver of any privileges to prevent testimony of others, including but not limited to: spousal, clergy, and medical privilege. | (14c) _____ | (14c) _____ |
| (d) I understand that this includes a waiver of attorney-client privilege for any attorney who has represented or is representing me in connection with the crime(s) for which I was convicted. | (14d) _____ | (14d) _____ |
| 15. I understand that the Commission is under a duty to provide disclosure to the appropriate authorities of the following. | | |
| (a) Evidence uncovered by the Commission staff that supports my guilt. | (15a) _____ | (15a) _____ |
| (b) Evidence uncovered by the Commission staff that tends to show I may have committed unrelated felonies. | (15b) _____ | (15b) _____ |
| (c) Evidence uncovered by the Commission staff that tends to show I may be guilty of a higher level crime than the one for which I was charged or convicted. | (15c) _____ | (15c) _____ |
| (d) Evidence uncovered by the Commission staff that tends to show that other people may have been involved in the commission of the crime for which I was convicted. | (15d) _____ | (15d) _____ |
| (e) Evidence of criminal acts, professional misconduct, and other wrongdoings of others will be referred to the appropriate authorities pursuant to N.C. G.S. 15A-1468(d). | (15e) _____ | (15e) _____ |
| 16. I also understand that evidence uncovered by the Commission staff that is favorable to me shall be disclosed to me and/or my counsel regardless of the outcome of the hearings pursuant to N.C. G.S. 14-1468(d). | (16) _____ | (16) _____ |

ACKNOWLEDGEMENT BY CONVICTED PERSON

I have read and understand all of the above statements. By initialing the statements and I signing below, I understand and agree to comply with any terms therein. No one has told me to agree to anything that I oppose or do not understand. My agreements are of my own free will and are given voluntarily.

Date

Signature of Convicted Person

Name of Convicted Person (Type or Print)

CERTIFICATION BY ATTORNEY FOR CONVICTED PERSON

I hereby certify that I have fully explained to the convicted person each statement and that his/her signature is a result of an independent and informed decision made by him/her. I further certify that I was with the convicted person as he/she provided initials and signature to this document and that the signature above is indeed that of the convicted person.

Date

Signature of Lawyer for Convicted Person

Name of Lawyer for Convicted Person (Type or Print)

SWORN AND SUBSCRIBED BEFORE ME

Date

Signature of Notary

Name of Notary

Notary Commission Expires

The original copy of this form must be delivered to the Commission staff. Please retain a copy for attorney records and a copy for the convicted person.