

Formal Arraignment Waiver

The following steps must be taken by defense counsel to waive appearance at Formal Arraignment during the judicial emergency:

Defense counsel must enter their Appearance on behalf of the Defendant.

After the Praecipe for Appearance has been filed with the Department of Court Records, defense counsel may download and complete the attached *Waiver of Arraignment* form. This document can be found on the Fifth Judicial District Website, <https://www.alleghecourts.us/Criminal/Default.aspx>

Once completed, the *Waiver of Arraignment* form must be forwarded to ccformalarraignment@alleghecourts.us.

The email must include counsel's phone number, email address, and mailing address.

The Formal Arraignment Office will review the waiver request and determine if the Criminal Information has been filed by the District Attorney's Office.

If the Criminal Information has been filed, the Formal Arraignment Office will email the attorney of record the information and all paperwork along with the judge assignment and a subpoena for the Defendant to appear on the scheduled Pretrial Conference date or Phoenix Court date. When required, a CRN appointment confirmation will be included in the paperwork; defendant shall attend CRN appointment and attend full assessment prior to court date.

If the case is eligible for ARD, information will be provided to defense counsel to contact the District Attorney's ARD unit and complete the ARD interview. Upon subsequent receipt of the ARD paperwork from defense counsel showing that the defendant has been accepted into the ARD program, the Formal Arraignment Office will provide an ARD date and subpoena to defense counsel via email.

If the Criminal Information has not been filed, the Formal Arraignment Office will reschedule the Formal Arraignment date and notify defense counsel of the new date.

Defense Counsel will sign the subpoena on the defendant's behalf with the defendant's permission or will make arrangements for the defendant to sign the subpoena and return it to the Formal Arraignment Office by email.

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA

vs.

Name

Case No. _____

Address

PLEASE CHECK IF NEW ADDRESS

City

State

Zip

Telephone

Waiver of Appearance at Formal Arraignment

I, _____, Defendant in the above case:

1. Understand the nature of the charges against me,
2. Understand the right to be represented by counsel,
3. Understand the right to file motions, including a Request for a Bill of Particulars, a Motion for Pretrial Discovery and Inspection, a Motion Requesting Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322, and an Omnibus Pretrial Motion, and the time limits within which the motions must be filed; and
4. Understand that if I fail to appear without cause at any proceeding for which my presence is required, including trial, that my absence may be deemed a waiver of the right to be present, and the proceeding may be conducted in my absence.

I hereby waive my appearance at Arraignment and consent to my counsel receiving the Criminal Information in this case and counsel will inform me of the Pretrial Conference date or Phoenix Court date.

As attorney for the defendant, I understand that I am accepting the subpoena for the next court date on the defendant's behalf and if the defendant fails to comply with the subpoena a warrant will be issued.

The Department of Court Records having entered the appearance of the following attorney as Attorney of Record for the above-named Defendant:

Attorney for Defendant Please Print

Attorney for the Defendant - SIGNATURE

Date Signed

Defendant's Signature

Date Signed