

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY

COMMONWEALTH OF PENNSYLVANIA

CRIMINAL DIVISION

V.

\_\_\_\_\_  
Petitioner

NO. \_\_\_\_\_

**WAIVER OF RIGHTS AND CONSENT TO HEARING BY VIDEO CONFERENCE**

1. Do you understand that you have a right to appear in person before a judge as to the upcoming hearing under Article 1, Section 9 of the Pennsylvania Constitution, as well as Pa.R.Crim.P. 602 (Presence of the Defendant)? \_\_\_\_\_
2. Do you agree to waive your right to be physically present in a courtroom when the upcoming Hearing occurs? \_\_\_\_\_
3. Do you understand that your court appearance will occur by video or telephonic conference? \_\_\_\_\_
4. Do you understand that you will not be able to appeal based upon your not being physically present in court? \_\_\_\_\_
5. Do you consent to the judge accepting your case at this stage via video or telephonic conferencing? \_\_\_\_\_
6. Do you understand that you have the right to confront your accusers, question witnesses, and secure the presence of various witnesses? \_\_\_\_\_
7. Do you understand that your present proceeding will occur without requiring the police officers, witnesses and/or victims in your case to appear in court? \_\_\_\_\_
8. Do you understand that the witnesses, victims, and/or police officers in your case will not be present in court but all witnesses will participate in the video or telephonic conference?  
\_\_\_\_\_
9. Your decision to waive your right to be physically present in the courtroom must be knowingly, intelligently, and voluntarily waived. If anyone has promised you anything to waive your physical presence, your upcoming hearing will stop. If anyone has forced you or attempted to force you to waive your physical appearance, your upcoming hearing will be a nullity. Do you fully understand this? \_\_\_\_\_

10. Has anyone forced you to waive your physical appearance in the courtroom ?  
\_\_\_\_\_
11. Are you waiving your physical appearance in the courtroom of your own free will?  
\_\_\_\_\_
12. Have any threats been made to you to waive your physical appearance in the courtroom?  
\_\_\_\_\_
13. Has anyone (including your attorney) promised you anything in exchange for waiving your physical presence in the courtroom? \_\_\_\_\_
14. Have you discussed with your attorney your right to appear in person? \_\_\_\_\_
15. Are you satisfied with the legal advice and legal representation of your attorney?  
\_\_\_\_\_
16. Do you have any physical or mental illness that affects your ability to understand the rights you are waiving? \_\_\_\_\_
17. Are you presently taking any medication which affects your thinking or your free will?  
\_\_\_\_\_
18. Do you understand the rights you are waiving today? \_\_\_\_\_

I AFFIRM THAT I HAVE READ THIS DOCUMENT IN ITS ENTIRETY, ANSWERED ALL OF THE QUESTIONS TRUTHFULLY, AND FULLY UNDERSTAND EACH STATEMENT

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
DATE

**Attorney Certification**

I certify that I am an attorney admitted to practice law by the Supreme Court of Pennsylvania and represent the defendant herein. I have reviewed the above document with the defendant and the answers recorded belong to the defendant. I made no threats or promises to the defendant to execute this document. I know of no reason that the defendant cannot and is not knowingly, intelligently, and voluntarily waiving his or her physical presence and waiving the presence of the witnesses/victims in this case.

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

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

\_\_\_\_\_  
Date

Attorney No.: \_\_\_\_\_

## **Court Approval**

The Court, having ascertained on the record that the Defendant knowingly and intelligently waives his/her right to be physically present and require the presence of the witnesses/victims in this case, hereby does APPROVE / DISAPPROVE this waiver.

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Judge

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Date