

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

COMMONWEALTH OF PENNSYLVANIA

vs.

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

\_\_\_\_\_

Charge(s): \_\_\_\_\_

WAIVER OF RIGHTS AND CONSENT TO NON-JURY TRIAL AND  
POTENTIAL SENTENCING BY VIDEO CONFERENCE

1. Do you understand that you have a right to appear in person before a judge for the purpose of a non-jury trial or when being sentenced 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 during the non-jury trial or if you plead guilty and/or are sentenced? \_\_\_\_\_
3. Do understand that your court appearance will occur by video or telephonic conference? \_\_\_\_\_
4. Do understand that you will not be able to appeal the outcome of your non-jury trial or guilty plea and/or sentencing based upon you not being physically present in court? \_\_\_\_\_
5. Do you consent to the judge presiding over your non-jury trial and imposing your sentencing via video or telephonic conferencing? \_\_\_\_\_
6. Do understand that you have a right to confront your accusers, question witnesses, and secure the presence of various witnesses? \_\_\_\_\_
7. Do you understand that your constitutionally guaranteed ability to confront your accusers, cross-examine all witnesses called by the Commonwealth; call witnesses to testify and present evidence in your defense, and to testify, if you should choose to do so, would be via video conference? \_\_\_\_\_

8. Do you understand that by waiving the requirement of physical presence in a courtroom by the parties and witnesses you will not be able to raise this issue on appeal? \_\_\_\_\_
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 plea will be rejected. If anyone has forced you or attempted to force you to waive your physical appearance, your plea will be rejected. Do you fully understand this? \_\_\_\_\_
10. Has anyone forced you to waive your physical appearance in the courtroom? \_\_\_\_\_
11. Are you waiving the requirement of physical presence in the courtroom by the parties and witnesses of your own free will? \_\_\_\_\_
12. Have any threats been made to you to waive the requirement of physical presence in the courtroom? \_\_\_\_\_
13. Has anyone (including your attorney) promised you anything in exchange for waiving the requirement of physical presence in the courtroom? \_\_\_\_\_
14. Have you discussed with your attorney your right to appear in person and require all witnesses and parties to appear in person for your non-jury trial? \_\_\_\_\_
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 / DISAPPROVES this waiver.

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date