

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

CRIMINAL DIVISION

v.

Case Number(s):

_____,
Defendant

**WAIVER OF RIGHTS AND CONSENT TO PLEA/SENTENCING BY VIDEO
CONFERENCE**

1. Do you understand that you have a right to appear in person before a judge when pleading guilty 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 when you to 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 your guilty plea and/or sentencing based upon you not being physically present in court? _____
5. Do you consent to the judge accepting your guilty plea 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 plea and sentencing 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, will not be subpoenaed, will not be called testify, and will not participate in the video or telephonic conference? _____
9. Do you understand that if you elected to exercise your right to a trial, whether by jury or judge, the in-person testimony of these witnesses could be necessary to prove your guilt beyond a reasonable doubt? _____
10. Do you understand that if necessary witnesses did not appear at your trial listing, there is a possibility your case would be dismissed? _____

11. Do you understand that by accepting this guilty plea you will not be able to raise on appeal or withdraw your guilty plea based on the fact witnesses were not present? _____
12. 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?

13. Has anyone forced you to waive your physical appearance in the courtroom? _____
14. Are you waiving your physical appearance in the courtroom of your own free will?

15. Have any threats been made to you to waive your physical appearance in the courtroom?

16. Has anyone (including your attorney) promised you anything in exchange for waiving your physical presence in the courtroom? _____
17. Have you discussed with your attorney your right to appear in person for your guilty plea?

18. Are you satisfied with the legal advice and legal representation of your attorney? _____
19. Do you have any physical or mental illness that affects your ability to understand the rights you are waiving? _____
20. Are you presently taking any medication which affects your thinking or your free will?

21. 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.: _____

**Please email this completed form to the assigned Assistant District Attorney AND the staff of the assigned Judge.
(For the email address of judicial staff, go to www.AlleghenyCourts.us/Criminal
and select "Chambers E-mail Directory.")**

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