

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice

 District Superior Court Division

NOTE: Use this form for a criminal or infraction proceeding being conducted by audio and video transmission where the defendant's right to presence or right to confront witnesses is implicated. See G.S. 7A-49.6(e) ("Except as otherwise permitted by law, when the right to confront witnesses or be present is implicated in criminal . . . proceedings, the court may not proceed by audio and video transmission unless the court has obtained a knowing, intelligent, and voluntary waiver of the defendant's . . . rights."); see also G.S. 7A-49.6(i) ("This section is not intended to limit the court's authority to receive remote testimony pursuant to statutes that otherwise permit it, including G.S. 15A-1225.1, 15A-1225.2, 15A-1225.3, 20-139.1, 8C-1, Rule 616, 50A-111, and 52C-3-315(f).").

STATE VERSUS**WAIVER OF RIGHTS AND CONSENT TO AUDIO-VIDEO PROCEEDING**

G.S. 7A-49.6

Defendant Name

Additional File No.(s) And/Or Offense(s)

Date Of Proceeding

Location Of Defendant (at time of hearing)

Nature Of Proceeding (e.g., motion hearing, probable cause hearing, plea, sentencing hearing)

Attorney For State

Location Of State's Attorney (at time of hearing)

Attorney For Defendant (if represented)

Location Of Attorney For Defendant (at time of hearing)

NOTE TO CUSTODIAN/COUNSEL: Complete all fields above for the case(s) for which this remote audio-video proceeding is being conducted **before** the defendant's execution of the waiver below. After the court has addressed the defendant and obtained the defendant's waiver verbally, and the defendant has executed the waiver, sign the waiver as a witness below. Upon completion of the proceeding, deliver this waiver along with any other documents resulting from the audio-video proceeding to the clerk's office for execution by the presiding official and placement in the case record.

ACKNOWLEDGMENT OF RIGHTS AND WAIVER

As the undersigned defendant in this action, I freely and voluntarily declare that: (check all that apply)

- 1. Right to presence** (select if the court advised you of your right to be present)
- I have been advised of my right to be present physically for the proceeding described above.
 - I have been advised that I am not required to waive my right to be present, and if I do not waive that right, this proceeding will be conducted in person and will not be unreasonably delayed as a result.
 - If represented by an attorney, I have had the opportunity to discuss with my attorney my right to appear in person and understand that I will be able to speak with my attorney privately during this proceeding.
 - I fully understand my right to appear in person and appreciate the consequences of my decision to waive this right.
 - I therefore freely, voluntarily, and knowingly waive my right to be present physically for this proceeding, and I consent to conducting this proceeding by audio and video transmission.
- 2. Right to confront witnesses** (select if the court advised you of your right to confront witnesses)
- I have been advised that I have the right to confront in person and cross-examine any witnesses who testify in this proceeding.
 - I have been advised that I am not required to waive my right to in-person confrontation, and if I do not waive that right, this proceeding will be conducted in person and will not be unreasonably delayed as a result.
 - If represented by an attorney, I have had the opportunity to discuss my confrontation rights with my attorney and understand that I will be able to speak with my attorney privately during this proceeding.
 - I fully understand my right to in-person confrontation and appreciate the consequences of my decision to waive this right.
 - I therefore freely, voluntarily, and knowingly waive my right to in-person confrontation, and I consent to conducting this proceeding by audio and video transmission.

Date

Signature Of Defendant

Name Of Witness

Signature Of Witness

 Counsel For Defendant Other (specify) _____**CERTIFICATE OF JUDICIAL OFFICIAL**

I certify that the above named defendant was advised on the Date Of Proceeding above of the right to be present physically for the proceeding and/or the right to confront and cross-examine in person any witnesses who testify, as indicated above; that he/she was advised that his/her case would not be unreasonably delayed if these rights were not waived; that he/she understands and appreciates the consequences of his/her decision to waive these rights; and that the defendant knowingly, intelligently, and voluntarily waived the right to personal appearance and/or confrontation, as indicated above, and consented to conducting the proceeding described above by audio and video transmission.

Location Of Judicial Official During Proceeding Described Above

Date

Name Of Judicial Official (type or print)

Signature Of Judicial Official

 District Court Judge Superior Court Judge

NOTE TO PRESIDING OFFICIAL: Upon verification of the information above that identifies the case(s) and proceeding that was conducted by audio and video transmission, complete this signature section and file with the clerk of superior court for the county in which the case(s) is pending.