

# 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 pursuant to Emergency Directive 3 in the Order of May 1, 2020, by the Chief Justice. This form need not be used for a proceeding in a noncapital case for which the General Statutes expressly authorize audio and video transmission: initial appearances, G.S. 15A-511; bail hearings, G.S. 15A-532 (unless defendant objects); first appearances, G.S. 15A-601; and arraignments, G.S. 15A-941 (for "not guilty" pleas).

**STATE VERSUS**

Defendant Name

**WAIVER OF PERSONAL APPEARANCE AND  
CONSENT TO AUDIO-VIDEO PROCEEDING**Order of the Chief Justice of the Supreme Court of North Carolina  
1 May 2020

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

Date Of Proceeding

Location Of Defendant

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

Attorney For State

Location Of State's Attorney

Attorney For Defendant (if represented)

Location Of Attorney (if represented)

**NOTE TO CUSTODIAN/COUNSEL:** Complete all fields above for the case(s) for which this remote audio-video proceeding is conducted **before** the defendant's execution of the waiver below. Sign the waiver as witness below after defendant has executed the waiver. 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.

**ACKNOWLEDGMENT OF RIGHTS AND WAIVER**

As the undersigned defendant in this action, I freely and voluntarily declare that:

- I have been advised of my right to appear in a courtroom and be personally present 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, my case will not be unreasonably delayed;
- I have been advised that I have the right to appear in court for the purpose of confronting and cross-examining any witnesses who may testify in this proceeding;
- if represented by an attorney, I have been afforded the ability to consult privately with my attorney and understand that I will be able to consult with my attorney privately during this proceeding;
- if represented by an attorney, I have had the opportunity to discuss this right to personal appearance with my attorney; and
- I fully understand and appreciate the consequences of my decision to waive the right to appear personally in court for the proceeding described above.

I therefore freely, voluntarily, and knowingly waive my right to be present in the courtroom for this proceeding, including for the purpose of confronting and cross-examining any witnesses who may testify, and I consent to participate in 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 appear in a courtroom and be personally present for the proceeding described above; that he/she was advised that his/her case would not be unreasonably delayed if that right was not waived; that he/she was advised of the right to appear in court for the purpose of confronting and cross-examining any witnesses who may testify; that he/she understands and appreciates the consequences of his/her decision to waive the right to personal appearance; and that the defendant voluntarily, knowingly and intelligently waived the right to personal appearance and consented to conduct 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 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.