



WAIVER OF APPEARANCE FORM

April 13, 2020

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From: Osborne, Matt E.

Sent: Monday, April 13, 2020 9:34 AM

To: Judicial.Clerks of Superior Court

Cc: Judicial.Assistant Clerks of Superior Court; Judicial.Deputy Clerks of Superior Court; Lassiter, Jamie L.; Vernon, Shellie L.; Baker, David J.; Sheppard, Brent; Wynter-Mitchell El, Dorinda G.; Havenook, Scott; Blue, Deidra T.; Tarleton, Kristy S.; Tart, Krystal G.; Whitfield, Kimberly Y.; Melton, Nichole L.; Tyson, Takeeta R.; Rackley, Sherry; McLamb, Tamela L.; Hicks, Meredith S.; Brendle, Rebecca T.; Hilliard, Amber E.; Wooten, McKinley; Carman, Danielle M.; Robertson, Laurin; Graves, Barbara; Smith, Lisa; Lachance, Paul K.; Taylor, Faith; Hair, Kathryn W.; Jackson, Melissa S.; Hudson, Bill; Brinkley, Nicole N.; Croom, Elizabeth B.; Holloway, Antares S.; Krasner, Tina A.; Kraus, Matthew R.; Lusic, Corrine L.; Page, Troy D.; Powell, LaToya B.; Denning, Shea R.

Subject: FW: Waiver of appearance forms

Dear Clerks:

FYI regarding the notice that Professor Shea Denning at the School of Government sent out to the judges late on Thursday afternoon regarding waiver of personal appearance templates for remote audio-video criminal proceedings. We also have shared this with the IDS Office and the Conference of District Attorneys so that they can pass this along to defense counsel and DAs' Offices, respectively, as they deem appropriate.

These templates are intended for use with remote criminal proceedings that local districts decide to hold pursuant to the 2 April 2020 order of the Chief Justice. They are not intended for criminal matters for which the General Assembly already has expressly authorized the use of remote audio-video transmission.





There are districts that went ahead and developed their own local colloquies and forms before Shea sent out these templates, so the judges may choose to use something different in your particular county.

I hope you are doing well.

Matt Osborne
North Carolina Judicial Branch

From: Denning, Shea R.
Sent: Thursday, April 09, 2020 5:55 PM
To: district court judges; superior court judges; chief district court judges; senior resident superior court judges
Subject: Waiver of appearance forms

Hello, everyone. I hope you have already embarked on a healthy and safe three-day weekend. I wanted to let you know about a new resource that will be available to you as you seek to implement additional remote hearings in criminal cases in your districts.

We have worked with the Office of General Counsel for the Administrative Office of the Courts to develop a waiver of personal appearance colloquy and a form waiver of personal appearance, which are attached. The colloquy and waiver also are available [here](#) under the entry for **Remote Proceedings in Criminal Cases**. Both documents are written to apply generically to all types of remote criminal proceedings in which a defendant has the right to be present. While the colloquy addresses all of the necessary items that we identified, variations from this language may be appropriate for certain types of proceedings and circumstances.

If you visit the page on our website where these forms are linked, you will also see a listing for **Local Forms**. I would like to compile here the sample colloquies and forms that you have developed locally and that might be helpful to others. If you have documents of this nature that you are willing to share, please email them to me.

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