

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> <input type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT	SUPERIOR COURT CASE NUMBER
<b>WAIVER OF DEFENDANT'S PHYSICAL AND/OR REMOTE PRESENCE</b>	DA/CA CASE NUMBER

The defendant has been advised of the right to be physically or remotely present at all stages of the proceedings and hearings, including but not limited to presentation of and arguments on questions of fact and law, and to confront and cross-examine all witnesses, and hereby knowingly, intelligently, and voluntarily waives the rights below.

**CHECK ONLY ONE BOX BELOW.**

**Appearance by Counsel Only: Waiver of Right to Be Physically AND Remotely Present (Pen. Code, § 977(a)-(b))** The defendant waives the right to be physically or remotely present at any proceeding in this cause, except: (a) arraignment and sentencing when charged with misdemeanor domestic violence (as defined in Fam. Code, § 6211), or a misdemeanor violation of Pen. Code, § 273.6, or (b) when testimonial evidence is presented at a felony trial or felony sentencing. The defendant requests the court proceed during every absence of the defendant that the court may permit pursuant to this waiver, and hereby agrees that the defendant's interest be represented at all times by the defendant's attorney as if the defendant were physically or remotely present in court. The defendant further agrees that notice to the defendant's attorney that the defendant's physical or remote presence in court on a particular day and time is required is equivalent to personal notice to the defendant of that requirement. The defendant has the responsibility to maintain regular communication with counsel. The defendant may withdraw this waiver at any time.

**Remote Appearance by Defendant: Waiver of the Right to Be Physically Present (Pen. Code, § 977(c))** The defendant waives the right to be physically present at any proceeding in this cause, except for when testimonial evidence is presented at trial or at felony sentencing. The defendant agrees to appear by remote technology and agrees that the remote appearance will be treated the same by the court as if the defendant were physically present in the courtroom. The defendant understands that technological or audibility issues may arise, and the hearing may be continued if the court is unable to proceed due to such issues. The defendant must inform the court if there are technological or audibility issues that interfere with their ability to see or hear the proceedings or communicate with counsel and agrees that the court may order the defendant to be physically present at any time due to such issues. The defendant may withdraw this waiver at any time.

By signing below, counsel acknowledges that the defendant has been fully advised of the defendant's rights regarding physical and remote appearances, including all the rights described above and the defendant acknowledged they understood these rights and waived them. Counsel believes the defendant has not been coerced, induced, or threatened to waive these rights, and that the defendant's agreements and waivers are knowing, intelligent, and voluntary. Counsel agrees that if counsel and/or defendant is appearing remotely, counsel must have a way to privately communicate with the defendant prior to and during the proceedings, unless otherwise requested and authorized by the court.

**When the form is signed only by counsel, counsel affirms that they have the authority to enter the waiver on behalf of the defendant.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Signature of Defendant's Counsel

I understand I have the rights and obligations outlined above. I have not been coerced, induced, or threatened to waive these rights. I knowingly, intelligently, and voluntarily waive my rights.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Signature of Defendant

The court finds that the waiver entered is knowingly, voluntarily, and intelligently made by the defendant.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge/Commissioner of the Superior Court