

Rule 118. USE OF TWO-WAY SIMULTANEOUS AUDIO-VISUAL COMMUNICATION IN CRIMINAL PROCEEDING.

A defendant may consent to a proceeding being conducted using two-way simultaneous audio-visual communication by signing a Waiver of Courtroom Appearance, in a form substantially consistent with Form 118 of these rules, prior to or at the time of a two-way simultaneous audio-visual communication.

Additionally, a defendant may consent to a Gagnon II revocation hearing by two-way simultaneous audio-visual communication if, prior to that hearing, the defendant has indicated that intention on a Waiver Of Formal Revocation Hearing form, or an adult probation/parole officer has certified that the defendant has so consented when filing a Motion To Schedule Gagnon II Hearing, provided in either event the required document has been filed of record.

Whenever a defendant consents to a proceeding being conducted using two-way simultaneous audio-visual communication, the Court or Issuing Authority shall conduct a colloquy regarding the defendant's consent when the defendant's constitutional right to be physically present is implicated.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

:
:
:
:
:

No.:
OTN No.:

WAIVER OF COURTROOM APPEARANCE

I am aware that I may have a right to appear in a courtroom for a hearing on the _____ day of _____, 20____ that is scheduled for the following purpose(s):

I am willing to waive my appearance in the courtroom for said hearing on that date and consent to said hearing being conducted by two-way simultaneous audio-visual conference between the courtroom in the Crawford County Courthouse and the Crawford County Correctional Facility.

If I have counsel I understand that my counsel will be sitting beside me and that I will have the opportunity to talk to counsel privately with no one else hearing the conversation.

I understand that counsel and I will be sitting in front of a live video camera and that the participants who are assembled in the courtroom can see and hear counsel and me. I further understand participants who appear in the courtroom will be sitting in front of a video camera and that I will see them and be able to hear them.

The Judge will be able to see me and speak to me and I will be able to see and speak to the Judge by monitor.

The courtroom is open to the public and members of the public who are interested in my hearing will be able to see and hear the proceedings in the courtroom and also see and hear my attorney and me through the courtroom monitor.

I understand that by signing this waiver I will not be transferred to the courtroom for this hearing and that the hearing will be done by two-way simultaneous audio-visual conference through the use of a video camera and monitor at both the jail and courtroom.

Defendant

Date: _____ , 20____