

Court Name, Address, Telephone Number:	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v.	
NOTICE AND WAIVER OF RIGHTS AND REQUEST FOR TELEPHONIC APPEARANCE (VC 40901)	CITATION NUMBER/CASE NUMBER:

Notice of Rights

- You have the right to appear in court, in person before a judicial officer without deposit of bail for an arraignment where you will be informed of the charges against you, be advised of your rights, enter a plea, and request that a trial be scheduled without deposit of bail.
- You have the right to a speedy trial within 45 days of receipt of your request for trial
- You have the right to be physically present in court for trial and sentencing and all other stages of the proceedings including, but not limited to, presentation of testimony, evidence and oral arguments.
- You have the right to have witness(es) testify under oath in court and to cross-examine them in court.

Waiver of Rights and Request for Telephonic Appearance Arraignment or Modification

I, (print name) _____, am the defendant in this traffic infraction case and understand that my rights include those listed above and also the right to hire an attorney and subpoena witness(es). I understand that a telephonic proceeding is communication between the court and myself at a remote location instead of having me physically appear in the courtroom. By requesting a telephonic appearance, the court allows me to proceed without being physically present in the court. I voluntarily elect to waive (give up) the following rights for the hearing at which I will appear telephonically:

- My right to appear for arraignment in person in court before a judicial officer and have a trial on the same day.
- My trial right to a speedy trial within 45 days.
- My trial rights after arraignment to be physically present in the court for trial and sentencing and all other stages of the proceedings, including, but not limited to, presentation of testimony and evidence and arguments on questions of law, and confrontation and cross-examination of witness(es) in court.

INITIALS

I hereby authorize the Court to conduct a Trial in Absentia should I fail to appear at the proper date and time set for my court trial. In other words, my trial may be heard without my personal appearance should I fail to appear. Furthermore:

1. I specifically waive any obligation the Court may have to make a finding as to whether my absence was voluntary; and
2. If I am found guilty, I specifically agree that the Court may pronounce immediate sentence, waiving any right to a delay of sentencing from 6 hours to 5 days.

I understand that the court may permit the officer who issued the citation and any other witness(es) to appear in court to testify and be cross-examined while I appear at the remote location or may deny my request to appear telephonically at any time and order me to be present in the courtroom for any proceedings conducted in this case.

- a. If bail is required for trial \$ _____ is enclosed. Reason for bail: _____
- b. I need an interpreter: Yes No (language) _____
- c. I have an attorney to represent me: Yes No (name of attorney) _____

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct. I promise to appear for all proceedings ordered by the court in this case. I understand that if I do not appear as promised the court may forfeit any bail that I posted; hold the trial in my absence; impose a civil assessment to up to \$100 under Penal Code 1214.1 or add a new charge for failure to appear; and a referral to collections.

DATE: _____ Defendant's Signature

Phone Number to contact for telephonic appearance: _____

PLEASE RETURN THIS FORM TO THE COURT CLERK AT THE ABOVE LISTED COURT

To be completed by clerk

Hearing set for (type of hearing) _____

on (date) _____ at (time) _____ in (department) _____ at above listed courthouse.

Mailed at last known address on (date) _____ by Deputy Clerk: _____