

Defendant's Waiver of Physical Presence¹

DOCKET NUMBER

**Trial Court of Massachusetts
The Superior Court**



CASE NAME:

Commonwealth vs.

Clerk of Courts

County

COURT NAME & ADDRESS

I, the defendant in this action, state as follows:

1. I have had the opportunity to consult with my attorney about participating in this hearing by telephone or video conference rather than in person.
2. My attorney has explained to me my right to be physically present at this hearing and has answered all of my questions to my satisfaction.
3. I understand that I have the option to refuse to have this hearing conducted by telephone or video conference and can have it in person, but that if I choose to have it in person, the hearing will be delayed until the court determines that an in-person hearing can be conducted safely, in light of risks associated with COVID-19, and that the court cannot tell me now when such a future in-person hearing would occur.
4. I have decided to waive my right to be physically present at this hearing and to proceed by telephone or video conference, and that it is in my best interests to do so.
5. I understand that any hearing conducted by telephone or video conference is as binding on me as if it were conducted in person.

Date _____ Print Name of Defendant _____
Signature of Defendant _____

Date _____ Attorney for Defendant _____
BBO Number _____

¹ Execution of this form is required for any proceeding for which a defendant has a right to be physically present but wishes to waive that right.