

STATE OF LOUISIANA

NO. _____ "J"

VERSUS

22ND JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

FILED: _____

DEPUTY CLERK

WAIVER OF PHYSICAL PRESENCE

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

(circle one):

Arraignment

Pretrial Conference

Guilty Plea

I am willing to waive my appearance in the courtroom for said hearing on that date and consent to the hearing being conducted by two-way simultaneous audio-visual conference between the courtroom at the 22nd Judicial District Court and the St. Tammany Parish Jail or Washington Parish Jail **(circle one)**.

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

I understand that I will be sitting in front of a live video camera and that the participants who are in the courtroom can see and hear me, along with any other court personnel or public who might be present in the courtroom. I further understand that the 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.

I understand that 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.

I understand that by signing this waiver, I will not be transported 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 the courtroom.

Defendant's signature (to be signed at facility)

Date

Defense Counsel signature (to be signed where present)

Date

INSTRUCTIONS:

1. Defendant is given an opportunity to speak to his counsel who will advise him as to the Waiver of Presence Form and the Boykin form, if a plea is going to be tendered to the Court.
2. The Defendant should sign the Waiver of Presence Form and the Boykin form (if applicable).
3. The Defense counsel should also sign the Waiver of Presence Form and the Boykin Form (if applicable) at his or her location.
4. After a plea is taken, the clerk will forward electronically the bill of information to jail personnel who will print the bill and then secure the defendant's fingerprints on the back of the bill per LA CCRP articles 562(D)(3) and 871.
5. In the case of a plea, jail personnel will send to the Clerk of Court within 7 days those bills of information on which the defendant's fingerprints appear, along with the Waiver of Presence forms and the Boykin Form for each defendant who entered a plea of guilty. These forms are to be kept in a secure location prior to transmittal to the clerk's office. The clerk will file these documents into the record.
6. In the case of any other proceeding, the jail personnel will send to the Clerk of Court within 7 days the executed Waiver of Presence form which will be filed into the record by the clerk.

PLEA OF GUILTY, WAIVER OF RIGHTS, and ASSESSMENT AGREEMENT

STATE OF LOUISIANA

VERSUS

DOCKET NUMBER(S): _____

22ND JUDICIAL DISTRICT COURT

PARISH OF ST. TAMMANY

FILED: _____

DEPUTY CLERK

I, _____, _____/_____/_____, _____-_____-_____, desire to enter a plea of guilty
PRINT FULL LEGAL NAME DATE OF BIRTH SOCIAL SECURITY NUMBER
to the charge(s) filed under the abovementioned docket number(s). I affirm that I can read, write, and understand the English language, and that I am not under the influence of any medications or mind altering substances which would influence my ability to understand what I am doing today. I have been informed of and understand the charge(s) to which I am pleading, as well as the following rights:

- INITIALED _____ BY DEF _____
1. My right to be represented by an attorney at each stage of the proceedings and if I cannot afford an attorney, one will be appointed to represent me at trial and on appeal.
 2. My right to plead not guilty and go to trial by judge or jury.
 3. At trial, the State would have the burden of proving my guilt beyond a reasonable doubt and I would have the right to: a.) The assistance of an attorney; b.) Confront and cross-examine the witnesses who testify against me; c.) The privilege against self-incrimination which means I could not be compelled to take the stand and testify and my failure to testify could not be held against me. I could subpoena witnesses to testify on my behalf.
 4. By pleading guilty, there will be no trial because I am waiving my right to a trial and all the above rights I am entitled to at trial. I am entering this guilty plea because I did in fact commit the crime(s). I have not been forced, threatened or intimidated to make this guilty plea.
 5. I understand the nature, elements and sentence range of the crime(s) I am charged with committing. By pleading guilty, I will be convicted of these offenses and I understand they can be used to enhance the sentences of future criminal convictions.
 6. I understand that if I am not a citizen of the United States, this guilty plea may result in my deportation, my exclusion from admission to this country, and/or the denial of naturalization under United States Law.
 7. In exchange for my plea to the charge(s) and the sentence imposed by the court, I understand this matter will be finalized and I waive all rights to file any post trial motions including but not limited to an appeal of my conviction and sentence, Motions to Reconsider Sentence, New Trial, Amend Sentence, Request for Public Records on this case; also, because I was advised of the rights listed above, I waive my right to request a free transcript of my guilty plea unless I state a particularized need.
 8. I declare my plea of guilty is free and voluntary, that no additional understandings, promises, or conditions have been entered into other than that contained in the plea colloquy conducted in open court on the record.
 9. **Risk Assessment if applicable:** Prior to the completion of the sentencing process, I agree to be assessed for a Risk Needs Analysis. My sentence may be imposed or modified after assessment. I understand that I will not be allowed to withdraw my guilty plea because of the sentence imposed or modified as a result of the Risk Needs Assessment, and I waive confidentiality of the summary report scores.
 10. **Reentry Court if applicable:** I agree to waive the division of Court to which this charge(s) was allotted for purposes of being sentenced by Division _____ as a participant in the 22nd JDC Reentry Court Program. I agree to participate in this program and understand that I will be sentenced to the custody of the Department of Public Safety and Corrections to participate in the Offender Rehabilitation and Workforce Development Program. After successful completion of that program, I may petition the court to be placed on intensive reentry supervision by the Court. Acceptance for Intensive Reentry Supervision is subject to the sole discretion of the Court.

I am satisfied the defendant understands these constitutional rights, as set forth above, and that the guilty plea and waiver of rights are freely, voluntarily and intelligently made. I certify that I have explained the contents of this form to the defendant.

(signature)

(printed name)
ATTORNEY FOR DEFENDANT

I am freely and voluntarily waiving these constitutional rights and pleading guilty. I have not been forced, threatened or intimidated to make this guilty plea. This form has been explained to me to my satisfaction. I understand all of these rights and the nature of the charge(s).

Covington, Louisiana, this ____ day of _____, 20__

(signature)
DEFENDANT

I have advised the defendant in open court on this ____ day of _____, 20__, of all the above mentioned constitutional rights. I am satisfied that the defendant understands these rights, that (s)he knowingly and intelligently waived these rights, that his/her plea is free and voluntary and not the result of force, threats or promises apart from this plea agreement, that the plea has a basis in fact and law and I will accept his/her guilty plea.

Judge, Twenty-Second Judicial District Court