

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

SUPERIOR COURT OF LAKE COUNTY  
CRIMINAL DIVISION  
CROWN POINT, INDIANA

STATE OF INDIANA )  
 )  
VS. )  
 )  
\_\_\_\_\_ )

CAUSE NO. \_\_\_\_\_

**WAIVER OF IN-PERSON GUILTY PLEA and/or SENTENCING HEARING**

Comes now the defendant in the above cause, who asserts the following:

1. Defendant acknowledges that defendant has the right of physical appearance before a judge in all critical phases of Defendant's above-referenced case, pursuant to:
  - a. The Confrontation Clause of the Sixth Amendment of the federal constitution; Ridley v. State, 690 N.E.2d 177, 180 (Ind.1977), *overruled on other grounds*, Whedon v. State, 765 N.E.2d 1276, 1297 (Ind.2002);
  - b. The Due Process Clause of the Fourteenth Amendment of the federal constitution. Id.;
  - c. Article I, Section 13 of the Indiana Constitution; Childers v. State, 408 N.E.2d 1284, 1285 (Ind.Ct.App.1980).
2. Defendant has also been advised of Indiana Code 35-38-1-4, which requires the defendant to be physically present at the time his/her sentence is pronounced.
3. Defendant acknowledges that a change of plea and/or sentencing hearing is a critical phase in Defendant's above referenced case.
4. Defendant desires to resolve the above-referenced case via change of plea/plea agreement and/or sentencing.
5. Defendant hereby waives the right to be physically present in a courtroom before a judge during a change of plea/entry of plea agreement and/or sentencing hearing as guaranteed by the federal and state constitutions.
6. COVID-19 pandemic measures taken by the State of Indiana, the Indiana Supreme Court, the Lake County Board of Commissioners, the Lake Superior Court and the Circuit Court Judges, and the Lake County Sheriff have rendered the scheduling of in-person hearings uncertain. The Defendant desires a certain scheduling of the resolution of the Defendant's above-referenced case(s).
7. The defendant has been advised by counsel of the Indiana Supreme Court Order in Indiana Supreme Court case 20S-CB-123, filed May 13, 2020, entitled "Emergency Order Permitting Expanded Remote Proceedings", in which the Indiana Supreme Court modified Indiana Administrative Rule 14 to temporarily allow the use of "audiovisual communication" to conduct certain proceedings, including felony guilty plea hearings. The defendant has discussed this

provision with his/her attorney and voluntarily agrees to go forward with his/her guilty plea hearing and/or sentencing hearing by means of remote audiovisual communication, consistent with the provisions of the Indiana Supreme Court Order.

8. Defendant has been advised by counsel of the constitutional and statutory rights associated with being present in a court before a judge for all critical phases of a case, and the constitutional rights associated with entering into a change of plea, pursuant to Boykin v. Alabama, 395 U.S. 238 (1969).
9. After being so advised of all of the above, Defendant knowingly, voluntarily and intelligently waives the above constitutional and statutory rights.

**VERIFICATION**

I, \_\_\_\_\_, Defendant in the above cause, hereby swear or affirm, under the penalties for perjury, that the foregoing representations are true and accurate.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I have reviewed the above paragraphs with my client and explained to him/her all of the contents contained therein.

\_\_\_\_\_  
SIGNATURE OF DEFENDANT'S ATTORNEY