

Court Name, Address, Telephone Number: Superior Court of California, County of San Bernardino <input type="checkbox"/> Barstow – 235 E Mountain View St <input type="checkbox"/> Fontana – 17780 Arrow Blvd <input type="checkbox"/> Joshua Tree – 6527 White Feather Rd	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CITATION NUMBER/CASE NUMBER:
NOTICE AND WAIVER OF RIGHTS AND REQUEST FOR TELEPHONIC APPEARANCE (VC 40901)	

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 **Trial**

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:

INITIALS

- 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.

I understand that the court may permit the office 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.

- If bail is required for trial \$ _____ is enclosed. Reason for bail: _____.
- I need an interpreter: Yes No (language) _____
- 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 \$300 under Penal Code 1214.1; and report the failure to appear to the California of Motor Vehicles for a hold on my license.

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: _____