

Sample Form 6

NOTICE TO DEFENDANT OF WAIVER OF RIGHT TO BE PRESENT

The waiver is applicable in all non-capital felony and misdemeanor cases if defendant is represented by counsel and in all minor misdemeanor cases.

[] State of Alabama
[] Municipality of _____
_____ v. _____
Defendant

_____ Case Number
STATE OF ALABAMA
In the _____ Court
of _____ County
(The City/Town of _____)

Offense Charged: _____

Name of Attorney of Record: _____

Explanation of Right to be Present. The defendant has the rights to be present at the arraignment and at every stage of the trial, including the selection of the jury, the giving of additional instructions pursuant to Rule 21, ARCrP, the return of the verdict, and sentencing.

Explanation of the Right to be Present will be forfeited by voluntary absence or disruptive conduct by the defendant.

The defendant may waive the right to be present at any proceeding in the following manner:

- (1) With the consent of the court, by an understanding and voluntary waiver in open court or by a written consent executed by the defendant and by the defendant and by the defendant's attorney of record, filed in the case.
- (2) By the defendant's absence from any proceeding, which absence the court may infer to be voluntary and to constitute an understanding and voluntary waiver of the right to be present, if the defendant had notice of the time and place of the proceeding and was informed of the right to be present.

Disruptive Conduct. If a defendant engages in disruptive or disorderly conduct so that the trial or other proceedings cannot be carried on in an orderly manner, the court, after having warned the defendant of the consequences of such conduct, may, if such conduct continues, order the defendant to be removed from the trial or proceeding. If the defendant continues such disruptive or disorderly conduct after warning, he shall be deemed to have forfeited the right to be present at that trial or proceeding.

Date

Date

Signature of Defendant

Signature of Defendant's Attorney

YOU ARE HEREBY NOTIFIED THAT THIS CASE HAS BEEN SET FOR: (Block Checked)

Date: _____ [] Pre-trial Conference

Time : _____ [] Arraignment

Room : _____ [] Trial

Address : _____ [] _____ Hearing

Issued By: _____

Title

Date Issued: _____

Rule 9.1