

WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT – ASB

- Judge Bachus has her own waiver of appearance form. Defense counsel should get the trial date from the clerk in advance, fill in the form, have their client sign, and file at least 48 hours before the arraignment. **Counsel may not sign the form on behalf of the client, and the defendant may not sign before the trial date has been filled in on the form.**
- If counsel does not ask for the trial date in advance or is unable to obtain the defendant's signature prior to arraignment, these are steps counsel should follow:
 - 1) Fill in the form with your client's name and case number.
 - 2) Date and sign the form (no typewritten or typed, cursive-font signatures will be accepted).
 - 3) Email the form with your signature to mcc-phx@azd.uscourts.gov (do **NOT** file yet).
 - 4) Judge Bachus will provide the trial date at arraignment and direct counsel to file a fully-signed form that includes your client's signature within 14 days of arraignment. **Fill in the trial date and District Judge on your form.**
 - 5) Have your client review and sign the form.
 - 6) **File the form after you have your client's signature. We do NOT want multiple, partially-signed forms on the docket. Only file one, fully-signed and completed form. Counsel has an affirmative obligation to notify Judge Bachus' chambers via email (bachus_chambers@azd.uscourts.gov) if a waiver signed by the defendant is NOT filed within 14 days of the date of the arraignment. In that instance, Judge Bachus will reset the arraignment for in-person appearance on Judge Bachus' weekly change of plea calendar.**
- If counsel fails to file the form within 14 days, counsel must notify Judge Bachus' chambers via email. Judge Bachus' staff will then reset the arraignment for an in-person appearance in front of Judge Bachus on Judge Bachus' weekly change of plea calendar.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,
Plaintiff,

v.

[Click or tap here to enter text.](#),
Defendant.

No. CR-[Click or tap here to enter text.](#)

**WAIVER OF PERSONAL
APPEARANCE AT ARRAIGNMENT
ENTRY OF NOT GUILTY PLEA
ACKNOWLEDGEMENT OF TRIAL
AVOWAL OF DEFENSE COUNSEL
(Fed. R. Crim. P. 10(b))**

Defendant’s attorney avows that counsel has discussed all the following with Defendant, and both Defendant and Defendant’s attorney agree:

- (1) Defendant’s attorney has provided and reviewed with Defendant a copy of the Indictment;
- (2) Defendant’s attorney has explained to Defendant the nature and substance of the charge(s), the maximum penalties applicable to the charge(s), and Defendant’s constitutional rights;
- (3) Defendant understands there is a right to appear personally at the arraignment to be advised of the charge(s). Defendant also understands that the execution of this waiver results in a waiver of the right to appear at the arraignment;
- (4) Defendant’s attorney is authorized to appear either telephonically or in person at the arraignment on behalf of the Defendant. Defendant’s attorney shall enter a plea of not guilty at the arraignment on Defendant’s behalf.

Date: _____

Attorney for Defendant

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Defendant, having conferred with counsel, waives personal appearance and the reading of the Indictment at arraignment in this case. Defendant has received a copy of the Indictment. Defendant understands the nature of the charge(s) and Defendant's constitutional rights. Defendant authorizes the entry of a not guilty plea on behalf of Defendant. Counsel may appear either telephonically or in person at Defendant's arraignment.

Defendant acknowledges that the trial will be on [Click or tap here to enter text.](#) at 9:00 AM before District Judge [Click or tap here to enter text.](#) Defendant understands that the Court's entry of a plea of not guilty will conclude the arraignment in this case.

Date: _____

Defendant