
THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiff,

**WAIVER OF APPEARANCE &
PLEA AFFIDAVIT**

vs

Defendant.

STATE OF NEW YORK)
COUNTY OF ONONDAGA) SS:

I, _____, being duly sworn, deposes, and says the following under the penalties of perjury:

1. I am over the age of eighteen (18) and make this affidavit of my own free will.
2. I am the defendant in the above captioned matter and I currently reside _____

3. I am represented in this matter by _____, with offices located at

4. I understand that I have been charged with the following offenses:

5. My attorney has explained to me that the charges pending against me is/are (check all that apply):
 - Class A Misdemeanor
 - Class B Misdemeanor
 - Unclassified Misdemeanor
 - Violation
6. My attorney has explained to me that one or more of the offenses listed above does does not constitute a criminal offense. _____ [Defendant's Initials]
7. Pursuant to Criminal Procedure Law Section 170.10, I hereby waive my right to a personal appearance for an arraignment on the above referenced charges and agree to appear by counsel instead of in person. _____ [Defendant's Initials]
8. It is my understanding that the Onondaga County District Attorney's Office has conveyed an offer in this case for my acceptance. _____ [Defendant's Initials]

9. It is my further understanding that the plea offer in my case is as follows:

_____ [Defendant's Initials]

10. I have spoken with my attorney about my case, about pleading guilty and the consequences of pleading guilty. _____ [Defendant's Initials]

11. I am satisfied with the services of my attorney. _____ [Defendant's Initials]

12. I admit that on or about the _____ Day of _____, 20____, I _____

_____ [Defendant's Initials]

13. I plead guilty to _____, in violation of Penal Law Section _____. _____ [Defendant's Initials]

14. I understand that my guilty plea will satisfy any remaining charges currently pending in this Court. _____ [Defendant's Initials]

15. I understand that upon entering my guilty plea, I will be sentenced to _____

_____ [Defendant's Initials]

16. I understand that by pleading guilty, I waive my right to a trial, either before a jury or before the Judge, where I would have the right to confront and cross-examine witnesses and remain silent and not to incriminate myself. _____ [Defendant's Initials]

17. I am a citizen of the United States of America. _____ [Defendant's Initials]

18. I am pleading guilty voluntarily, of my own free will and choice. _____ [Defendant's Initials]

19. I have also been informed that I have the right to appeal, even after pleading guilty, and a waiver of the right to appeal is separate and distinct from the waiver of a trial and other rights by a plea of guilty. _____ [Defendant's Initials]

20. In this case, however, as a condition of the plea agreement, I was asked to waive my right to appeal.
 _____ [Defendant's Initials]
21. I understand that an appeal is a proceeding before a higher court, an appellate court. If I cannot afford the costs of an appeal or of a attorney, the state will bear those costs. On an appeal, I could, through my attorney, argue that an error took place in this court which requires a modification or reversal of the conviction. A reversal would require either new proceedings in this court or a dismissal.
 _____ [Defendant's Initials]
22. I also understand that by waiving my right to appeal, I do not give up my right to take an appeal by filing a notice of appeal with this court and the District Attorney within 30 days of the sentence. But, if I take an appeal, I am by this waiver giving up the right to have the appellate court consider most claims of error, and to consider whether the sentence imposed, whatever it may be, is excessive and should be modified. As a result, the conviction by this plea and sentence will normally be final.
 _____ [Defendant's Initials]
23. I further understand that among the limited number of claims that will survive the waiver of the right to appeal are: the voluntariness of this plea, the validity and voluntariness of this waiver, the legality of the sentence, and the jurisdiction of this Court. _____ [Defendant's Initials]
24. I have spoken to my attorney about waiving my right to appeal, and I am willing to do so in return for the plea and sentence agreement outlined above. _____ [Defendant's Initials]
25. I hereby waive my right to appeal voluntarily, of my own free will and choice.
 _____ [Defendant's Initials]
26. I have had a full and complete opportunity to discuss with my attorney the quantum of proof possessed by the District Attorney as well as my defenses that I might have used in this case and I understand that by entering in this plea agreement I am signifying my understanding of the finality and consequences of such action. _____ [Defendant's Initials]
27. I have fully read, reviewed, and understood each of the paragraphs above, and have initialed after each paragraph. I have had ample opportunity to discuss any questions I might have regarding this plea agreement with my attorney and understand each and every paragraph herein. I further attest to the truthfulness of the representations made herein. _____ [Defendant's Initials]

WHEREFORE, I respectfully request that the Court waive my right to be present in court for and that the Court accept my guilty plea in absentia. _____

Dated:

 Defendant

 Attorney for Defendant

Sworn to before me this
 _____ day of _____, 2020.
