

## **Rule 11: Court Appearances**

- 11.1** Other than in hearings on the termination of diversions, no defendant will be tried *in absentia*, except as permitted by the Judge upon first determining that:
- A. Such defendant appears by and through counsel at such trial; and
  - B. The defendant has, in writing, stipulated to, and otherwise waived all defenses relating to his identity as the accused in the charges pending before the Court; and
  - C. The defendant has, in writing, waived all objections and defenses relating to the admission of hearsay testimony and confrontation of witnesses; and
  - D. The defendant has, in writing, waived all objections and defenses concerning the Municipal Court's jurisdiction over the person of such defendant in the charges pending before the Court.
- 11.2** No defendant will be permitted to be sentenced *in absentia* following conviction for any traffic or criminal offense in which:
- A. Federal, state or local laws require the fingerprinting following conviction for such offense;
  - B. Federal, state or local laws require notification of the victim as to the sentencing date of the accused;
  - C. The defendant has outstanding warrants in the Municipal Court of the City of Topeka and remains a fugitive from justice upon such outstanding warrants; or
  - D. Where, in the discretion of the Court, the defendant's presence should be required at sentencing.
- 11.3** In all cases in which a defendant represents himself or herself, without the benefit of counsel, said defendant must appear before the Court in person, unless agreed to prior to arraignment by the defendant, Prosecution and Judge.
- 11.4** If a duly summoned defendant shall fail to appear before the Court at the time and place scheduled, or rescheduled, the Court may order a warrant for the defendant's arrest, note default on conditions of the defendant's bond and subject to applicable provisions of law governing sureties, forfeit said bond.
- 11.5** Each defendant charged in Municipal Court and his/her counsel are required to keep the Clerk of the Municipal Court advised of any change of such defendant's current address within seven (7) days of such change of address. Failure of a defendant or such defendant's counsel to comply with this rule may be deemed sufficient grounds to revoke or modify the accused's conditions of release.
- 11.6** Every defendant placed on any form of probation following conviction in the Municipal Court shall during the term of such probation keep the Clerk of the Municipal Court (or Municipal Court Probation Office if such defendant has been

placed on a reporting probation following conviction) advised of any change of such defendant's current address and telephone number within seven (7) days of such change of address or telephone number. Failure of a defendant to comply with this rule may be deemed sufficient grounds for the revocation or modification of the conditions of probation.

- 11.7** The failure of a defendant to appear at any appearance as ordered by the Court may be deemed by the Court to create a rebuttable presumption that the existing conditions of the defendant's bond, if any, are insufficient to secure his or her appearance for any future court date, and that the Court may modify the conditions of the defendant's bond before permitting the defendant to be released again prior to trial or prior to sentencing.
- 11.8** No "oral" entries of appearance by counsel/attorneys will be accepted by the Court. Any attorney desiring to represent an accused must file a written entry of appearance before such attorney-client relationship will be recognized by the Court.