

**EXHIBIT A – Form of Election**

IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA, )  
Plaintiff, )  
 )  
vs. ) Case No. SPCRXX-XXXXX-JX  
 )  
 )  
\_\_\_\_\_, )  
Defendant. )

**ELECTION REGARDING VIDEO TESTIMONY**

By signing below, the undersigned Defendant represents that he (or she) understands that he has a Constitutional right to be confronted with any witness against him in a criminal prosecution. This means that not only does the Defendant have the right to cross-examine a witness testifying against him, but also he typically has the right to see the witness in person when the witness testifies. This is known as the right of confrontation. The Defendant also understands that he has rights under Georgia law, including Uniform Superior Court Rule 9.2, to object to witnesses testifying by video.

The Defendant understands he has the right to demand that any witness who may testify against him do so in person so that the Defendant can personally observe the witness. The Defendant may object to the witness testifying by video, and in almost all cases, the Court will grant such an objection and require in-person testimony.

The Defendant also understands that if he or she objects to video testimony, the Court will not be able to hold any hearings in his/her case until the ongoing COVID-19 public health emergency has subsided enough to allow for in-person hearings, as determined in the Court’s discretion in accordance with guidance from the Georgia Supreme Court and applicable public health agencies. There is no timetable for the resumption of in-person hearings. The Defendant acknowledges that if he objects to video testimony, this may result in a substantial delay in the trial of his case. This delay could extend for months or even years.

[SEE NEXT PAGE FOR ELECTION]

Defendant’s initials: \_\_\_\_\_

[Type here]

Defense counsel hereby certifies to the Court that s/he has explained the Defendant's Constitutional rights and rights under Georgia law to him/her and discussed the consequences of the decision indicated by the Defendant below.

**DEFENDANT SHOULD INITIAL ONE OF THE FOLLOWING CHOICES:**

\_\_\_\_\_ Defendant **CONSENTS** to participating in a remote hearing and to witness testimony and other evidence being presented by video in any pretrial hearings in the above-captioned case. Defendant waives any and all objections under Uniform Superior Court Rule 9.2(C) (including objections as to notice), all rights to confront witnesses in person, and any other objections to testimony remotely and/or by video under applicable law. The Defendant understands that he may not change his mind in the middle of a video hearing.

\_\_\_\_\_ Defendant **DOES NOT CONSENT** to witness testimony and other evidence being presented by video in pretrial hearings in the above-captioned case. The Defendant understands that an in-person hearing will be scheduled as soon as reasonably practicable, but there may be a substantial delay in holding such hearing because of the ongoing public health emergency caused by COVID-19. A delay of pre-trial hearings will necessarily delay the Defendant's trial. Extended delays should be expected.

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
DEFENDANT  
Print name:

\_\_\_\_\_  
COUNSEL FOR DEFENDANT  
Print name:

**APPROVED BY THE COURT:**

\_\_\_\_\_  
[NAME], Judge, Superior Court  
Chatham County, Georgia, E.J.C.