

**CrRLJ 3.4**  
**APPEARANCE OF THE DEFENDANT**

**(a) Appearance Required.** The appearance of the defendant is required at all hearings set by the court.

**(b) Definitions.** For purposes of this rule, “appear” or “appearance” means the defendant’s physical appearance, remote appearance, or appearance through counsel.

(1) “Physical appearance” means the defendant’s appearance pursuant to the CrRLJ 3.3(a) definition of appearance.

(2) “Remote appearance” means the defendant appears through a telephonic or videoconference platform approved by the court.

(3) “Appearance through counsel” means that counsel appears on behalf of the defendant. Appearance through counsel requires that counsel affirm, in writing or in open court, that they have consulted with the defendant since the last appearance and that the defendant waives the right to be present at the instant hearing.

**(c) When Physical Appearance Is Required.** The defendant’s physical appearance (or remote appearance in the court’s discretion) is required at the arraignment (if one is held), at every stage of the trial including empaneling the jury, returning the verdict, imposing the sentence, and at hearings set by the court upon a finding of good cause, except as otherwise provided by these rules, or as excused or excluded by the court for good cause shown.

**(d) Effect of Voluntary Absence.** The defendant's voluntary absence after the trial has commenced in their presence shall not prevent continuing with the trial to and including the return of the verdict. A corporation may appear through counsel for all purposes. In prosecutions for offenses punishable by fine only, the court, with the defendant’s written consent, may permit arraignment, plea, trial and imposition of sentence in the defendant's absence.

**(e) Failure to Appear.** In order to require the defendant’s physical or remote presence at any hearing other than those listed in subpart (c), the court must find good cause. If in any case the defendant fails to appear when their appearance is required, the court may order the clerk to issue a bench warrant for the defendant's arrest, which may be served as a warrant of arrest in other cases.

[Adopted effective December 28, 1999; Amended effective September 1, 2017; July 31, 2018; February 1, 2021; September 1, 2022; November 29, 2022.]