

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**No: 5:**

**WAIVER AND CONSENT TO SENTENCING BY VIDEO CONFERENCE**

I acknowledge that Federal Rule of Criminal Procedure 43 requires my presence before a United States District Judge for sentencing. *See United States v. Navarro*, 169 F.3d 228, 239 (5th Cir. 1999) (holding that a court may not sentence a defendant by video conference unless the defendant consents). I further acknowledge that I may waive the requirement to appear in person before a judge for sentencing and I may consent to sentencing conducted by videoconference.

I have discussed with my attorney the implications of waiving the requirement to appear in person and I understand the consequences of such a waiver. I am choosing to knowingly, intelligently, and voluntarily waive the Rule 43 requirement to be sentenced in person.

I consent to United States District Judge David A. Ezra sentencing me via video conference. I consent of my own free will and volition. Nobody, including my attorney, the attorney for the government, or the Court, has coerced my decision to consent to sentencing via video conference.

I, after consultation with my attorney, voluntarily and knowingly waive the right to appeal the sentence based on the manner in which sentencing was conducted (by videoconference). This waiver applies to a proceeding pursuant to 28 U.S.C. § 2255.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Defendant**

\_\_\_\_\_  
**Name of Attorney for Defendant (Print)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Attorney for Defendant**