Choose a location

SUPERIOR COURT OF CALIFORNIA, COUNTY OF TRINITY STREET ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	*FOR COURT USE ONLY*
PETITIONER: RESPONDENT:	
ADVISEMENT AND WAIVER OF RIGHT TO COUNSEL (Faretta Waiver)	CASE NUMBER: ASSIGNED TO:

I _____ personally appear before this Court and request that I be allowed to represent myself without the assistance of an attorney.

CONSTITUTIONAL RIGHTS

I certify to the Court that I can read and write and I understand that my constitutional rights include the following:

A. **Right to an Attorney** – I understand that I have the right to be represented by an attorney at all stages of the proceedings and, if I do not have funds to employ an attorney, one will be appointed for me by the court.

B. **Right to a Speedy Trial** – I understand that I have a right to a speedy trial.

C. **Right to Subpoena Witness and Records –** I understand that I have the right to subpoena witnesses or any records that I may need in my defense.

D. **Right to confront and Cross-Examine Witnesses** - I understand that I have the right to confront in open court all witness who will be called to testify against me, and I have the right to cross-examine those witnesses at the time of trial.

E. **Right against Self-Incrimination** – I understand that I have the right to testify at my trial, but that I cannot be compelled to testify at the trial unless I so desire.

F. **Right to Self-Representation** – I understand that I have a right to self-representation and may waive my right to counsel. I further understand that, if I am permitted to represent myself, I will have to conduct my own defense WITHOUT THE ASSISTANCE OF A LAWYER.

BACKGROUND

I understand that the Court must make a decision as to whether I am competent (have the ability) to make an informed, knowing, and voluntary waiver of my right to counsel. To assist the Court in make this decision, I declare and represent as follows:

A. I can read and write the English language. ☐ no ☐ yes

B. I am not suffering from any mental illness or disability, and I have not taken any drug, medicine, or liquor within the past 24 hours. ☐ no ☐ yes

C. My usual job, occupation, trade or business is _____.

D. I have completed: ☐ Junior High School ☐ High School ☐ College ☐ Other _____

E. I have legal training. ☐ no ☐ yes, describe _____.

Insert Case Name:	CASE NUMBER:

F. I have represented myself in another criminal case. ☐ no ☐ yes

If "yes," I ☐ won my case. ☐ lost my case.

G. I know the facts that must be proved before I can be found guilty. ☐ no ☐ yes

H. I know the legal defenses that may be raised. ☐ no ☐ yes

I. I know the maximum possible punishments that are available to the Court in this matter.

☐ no ☐ yes

J. I know the other possible consequences of being convicted in this matter. ☐ no ☐ yes

DANGERS AND DISADVANTAGES TO SELF-REPRESENTATION

1. I understand that there are numerous disadvantages to representing myself, including, but not limited to the following:
   a. If I had a lawyer, that lawyer would be able to investigate my case and advise me as to my options.
   b. If I represent myself, I will be required to prepare my own defense without the advice of a lawyer, do my own research, and conduct my own investigation.
   c. If I represent myself, I will be required to follow the same rules of procedure and evidence as a lawyer, and I will get no special treatment from the Bench, even if I do not fully understand what I am doing.
   d. If I represent myself, my opponent may be an experienced, thoroughly prepared attorney who will give me no consideration whatsoever, that I may be at an extreme disadvantage and could lose my case.
   e. If I am convicted, I will not be able to appeal on the ground that I did not have a lawyer.

I declare, under penalty of perjury, under the laws of the State of California, that I have read this entire form. I understand all the warnings, and still wish to represent myself in this matter. I freely and voluntarily waive (give up) my right to be represented by a lawyer or have the assistance of a lawyer for my defense. I choose to represent and defend myself without a lawyer.

Date: _____ Signed: _____

FINDINGS AND ORDER

The Court finds that _____:

A. Has the mental capacity to make a lawful waiver of his/her right to counsel.
B. Has been advised of his/her constitutional and statutory rights,
C. Understands all of those rights,
D. Has made an express, explicit, voluntary, willing, knowing, and intelligent decision to represent himself/herself.

The Court allows _____ to appear *in propria persona.*

Date: _____ _____

Judge of the Superior Court

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