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| SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS | | <small>Reserved for Clerk's File Stamp</small> | |
| PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA | | | |
| DEFENDANT: | | | |
| ADVISEMENT AND WAIVER OF RIGHT TO COUNSEL (Faretta Waiver) | | CASE NUMBER: | DEPT: |

Fill out this form if you wish to proceed in propria persona (act as your own attorney). Initial the box for each applicable item only if you understand and agree with it, and sign and date the form where it says "DEFENDANT'S SIGNATURE" on page 4. If you have any questions about anything on this form, ask the judge.

CONSTITUTIONAL RIGHTS

Initials

1. I am the defendant in the above-entitled case, and I certify to the Court that I can read and write. I understand that my constitutional rights including 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 at no cost.
- B. **Right to A Speedy Trial And A Jury Trial** — I understand that I have a right to a speedy trial and a public trial by a jury of twelve citizens.
- C. **Right to Subpoena Witnesses and Records** — I understand that I have the right to the reasonable use of the process of the Court to subpoena any 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 witnesses 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 be Released on Bail** — I understand that I may have the right to be admitted to liberty on reasonable bail pending the trial.
- G. **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

2. In support of my petition to proceed in propria persona (also referred to as "pro per"), I offer the Court the following biographical information:
 - A. Age: _____ Year of Birth: _____
 - B. Education:
 - (1) High School Attended: _____
 - (2) High School Graduate: Yes No

(3) Additional Formal Education (if any):

(4) Legal Education (if any):

C. Employment Experience:

D. I have previously been granted the right to proceed in propria persona in the following criminal matters:

| Case | Court | Year | Result |
|------|-------|------|--------|
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DANGERS AND DISADVANTAGES TO SELF-REPRESENTATION

Initials

3. I understand there are many dangers and disadvantages in representing myself. Among those disadvantages of not having an attorney are the following:

A. I understand that if I am permitted to represent myself it will be necessary for me, **WITHOUT THE ASSISTANCE OF A LAWYER OR THE COURT**, to follow all the technical rules of substantive law, criminal procedure, and evidence.

B. I understand the case against me will be handled by a prosecutor who is an experienced trial attorney, and that I will not be entitled to special consideration or assistance by the Court during the course of the trial.

C. I understand that if I am permitted to represent myself, it will be necessary for me **WITHOUT THE ASSISTANCE OF A LAWYER**, to conduct my own trial consisting of, but not limited to: making pretrial motions; selecting a jury; making an opening statement; cross-examining the witnesses for the prosecution; subpoenaing and presenting my own witnesses; making appropriate objections and motions during the course of the trial; preparing and presenting proposed jury instructions to the Court; making the final argument; making appropriate motions after trial; representing myself at the time of the probation and sentencing hearing in the event of conviction.

D. I understand that I cannot and will not receive any help or special treatment from the Court.

E. I understand that if I ask for any additional money over the initial amount granted by the Court, I will be required to keep and show the Court receipts for anything I have purchased with the money that had previously been granted to me.

F. I understand that because of my custodial status, it will be difficult for me to contact witnesses and investigate my case. I understand that I will have limited access to a telephone, which will make preparations for trial more difficult, and that I will be provided no more access to the law library than any other pro per inmate.

G. I understand that no continuance will be allowed without a showing of good cause, and that such requests made just before trial will most likely be denied.

H. I understand that depending on the stage of my case, if I ask to give up my pro per status and request counsel to handle my case, the Court may deny this request and I may have to proceed with trial without an attorney.

Initials

- I. I understand that in conducting the trial, I will be limited in my movements in the courtroom. All documents, for example, will be handed to witnesses when necessary through the bailiff, I will be required to remain in my seat at counsel table and will not have free access in the courtroom.
- J. I understand that I must not abuse the dignity of the Court. I understand that the Judge may terminate my right to self-representation in the event that I engage in serious misconduct or obstruct the conduct and progress of the trial. I understand that if my pro per status is terminated, I may have to be represented by a lawyer, appointed by the Judge, who will then take over the case at whatever stage the case may be in.
- K. I understand that if at some point an appointed attorney does take over my case, that attorney may be in a disadvantaged position and that such a disadvantage will not be considered an issue on appeal.
- L. I understand that misconduct occurring outside of court may result in restriction or termination of my pro per privileges. I also understand that my pro per status will not shield me from disciplinary actions within the jail, and that I will be subject to the same disciplinary measures as all other inmates for misconduct occurring in the jail.
- M. I understand in the event of a conviction and an appeal, by acting as my own lawyer, I give up and waive my constitutional right to effective assistance of counsel as a possible ground of appeal. However, if I am represented by an attorney, I may complain on appeal that the attorney did not effectively represent me.

CHARGES AND CONSEQUENCES

4. I understand that I am charged with the following crime(s):

5. Do you know the crime(s) with which you are charged (is) (are) (general) (specific) intent crime(s)?
Yes No

6. Do you know what facts have to be proved before you can be found guilty of the offense(s) charged?
Yes No

7. Do you know what the legal defenses are to the crime(s) with which you are charged?
Yes No

COURT'S ADVICE AND RECOMMENDATION

- 9. I understand that it is the advice and recommendation of this Court that I do not represent myself and that I accept court-appointed counsel. I understand that if I accept court-appointed counsel, an experienced trial lawyer will be assigned to try my case. I understand that the lawyer would be able to investigate my case, file pretrial motions, and advise me on what to do.
- 10. I understand that this written petition to proceed propria persona will be filed and become part of the Court case file. I further understand that on any appeal that may be taken from a conviction, or upon the filing of a petition for an Extraordinary Writ, this petition will be forwarded to any court of appeal and will be considered by that court in determining whether I knowingly and intelligently waived my right to legal counsel.
- 11. I understand all that I have read and all that the Court has told me. It is my personal desire that I be granted permission by the Court to proceed in propria persona. I understand that by making this request I am giving up the right to be represented by a lawyer.

I hereby certify that I have read, understood and considered all of the above warnings included in this petition, and I still want to represent myself. I freely and voluntarily give up my right to have a lawyer represent me.

Signed: _____ Dated: _____

DEFENDANT'S SIGNATURE

INTERPRETER'S STATEMENT (If applicable)

I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that he or she understood the contents on the form, and then initialed and signed the form.

Language: Spanish Other (specify) _____

Signed: _____ Dated: _____

COURT INTERPRETER

TYPE OR PRINT NAME