

SUPERIOR COURT OF CALIFORNIA, COUNTY OF NAPA	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA <p style="text-align: center;">v.</p> DEFENDANT:	
CASE NUMBER: _____ PID NUMBER: _____	
<b>ADVISEMENT AND WAIVER OF RIGHT TO COUNSEL (FARETTA WAIVER)</b>	

**INSTRUCTIONS:** Read this form. If you understand it, mark the appropriate boxes and then sign and date the form on page 2. If you have any questions about your case, or the information on this form, ask your attorney or the judge.

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 and public jury or court 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 (answer each question by placing an %+ in the applicable box):

- 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.  true  not true
- 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) \_\_\_\_\_.
- F. I have represented myself in another criminal case.  no  yes  
If %+, I  won my case.  lost my case.

- G. I know the facts that must be proven 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, specifically \_\_\_\_\_ .  no  yes
- J. I know the other possible consequences of being convicted in this matter.  no  yes

**DANGERS AND DISADVANTAGES TO SELF-REPRESENTATION**

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 criminal procedure and evidence as a lawyer, and I will get no special treatment from the Court, even if I do not fully understand what I am doing.
- d. If I represent myself, my opponent will be an experienced, thoroughly prepared prosecutor 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 or that I was not competent to represent myself.
- f. If I am disruptive, I will be removed from the courtroom and the trial will be completed in my absence.
- g. I have the right at any time to hire my own attorney. However, the Court will not delay my case to allow an attorney to prepare to represent me.

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 \_\_\_\_\_ Defendant's Signature

**COURT'S 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 with full knowledge of the risks and dangers of doing so.

The Court allows \_\_\_\_\_ to appear in propria persona.

\_\_\_\_\_ Date \_\_\_\_\_ Judge