

## RIGHT TO COUNSEL

1. **The Right to an Attorney.** You have been charged with the criminal offense(s) listed in the citation or information. You have the constitutional right to be represented by an attorney throughout all proceedings. If the offense is one for which the court may impose jail time – even suspended jail time – and you cannot afford an attorney, the court will appoint an attorney to represent you. You also have the right to represent yourself. At the end of this document you will choose how you would like to proceed at this time.
  
2. **If You Cannot Afford an Attorney.** If the charges include the potential for a jail sentence (i.e., any of the charges is a Class A, B, C, misdemeanor or felony charge) and you do not have enough income or assets to hire your own attorney, the court will appoint an attorney to represent you, unless you choose to represent yourself. Let the court know if you would like to determine whether you qualify for a court-appointed attorney. If you do not meet the eligibility guidelines to have a court-appointed attorney, you still have the right to an attorney, but the attorney must then be retained at your own expense.
  
3. **The Right to Represent Yourself.** You also have the constitutional right to represent yourself and to proceed without an attorney. Before choosing this option, you should consider the following risks and responsibilities associated with self-representation:
  - Criminal defense is a highly specialized and technical area of the law.
  - A criminal conviction may result in consequences consisting of financial penalties and jail time.
  - There may be factual, legal, or other defenses to the charge(s) that an attorney may be able to discover and explain to you.
  - There may be issues related to the conduct of trial or the entering of a guilty plea that you may not know and it would be your attorney’s responsibility to be aware of those issues and to properly address them before the court. The court cannot advise you on how to proceed with or try your case.
  - There may be collateral consequences based on a conviction or guilty plea, such as increased penalties for subsequent offenses, suspension of your driver’s license, restriction of your right to possess firearms and ammunition, or consequences on your immigration status. An attorney could advise you about those consequences.
  - If you exercise your right to proceed without the services of an attorney, you are responsible for complying with the rules of court, including rules of evidence and other rules of procedure.
  - You will be expected to exhibit proper behavior before the judge and jury.
  - You will be required to pay for all defense expenses that could be provided as part of a public defender’s representation, including the costs of investigators and expert witnesses.
  - Given the above considerations, the court encourages you not to represent yourself.

### READ AND INDICATE HOW YOU WILL BE REPRESENTED

**Check One**

- \_\_\_\_\_ I wish to be screened for a court-appointed attorney. I have completed the financial affidavit so I can be screened for a court-appointed attorney (separate form). I understand that I may be required to pay for the attorney’s service if the court determines I am able to do so.
- \_\_\_\_\_ I want additional time to retain my own attorney.
- \_\_\_\_\_ I am represented by an attorney. My attorney’s name is: \_\_\_\_\_
- \_\_\_\_\_ I waive my right to be represented by an attorney, understanding, however, that I have a right to request to be represented by an attorney at any time before a final resolution of my case(s).

**I state that I have fully and completely read this document regarding the right to counsel, and that I understand it (if you do not understand any of this document, you should appear before the judge in open court before signing it).**

Date: \_\_\_\_\_ Defendant Signature: \_\_\_\_\_