

Cause Number: _____

IN THE COUNTY COURT AT LAW NO 2.

SAN PATRICICO COUNTY, TEXAS

**JUDGE'S EXPLANATION OF RIGHTS
TO DEFENDANTS WITHOUT ATTORNEY**

As a defendant in a criminal case, you have three options:

1. You may hire an attorney;
2. If you do not have enough money to hire an attorney, you may request an attorney be appointed to represent you;
3. You may represent yourself.

If you want an attorney to represent you and have enough money to hire an attorney, the case will be reset to give you time to do so.

If you want an attorney and do *not* have the money to hire one, you must fill out the Application for Court Appointed Counsel, so that the Court can determine whether or not you qualify for court-appointed counsel.

You are prohibited from speaking to the prosecutor about your case unless you sign a written waiver of your right to be represented by an attorney, and it is approved by the Court.

Be aware that there are dangers in self-representation. You face possible jail time of up to 180 days and a fine not to exceed \$2,000 for a class B misdemeanor and jail time of up to 365 days and a fine not to exceed \$4,000 for a Class A misdemeanor. Waiving your right to an attorney and representing yourself may result in a worse outcome for you and your case, including the loss of significant legal rights and opportunities relating to military service, service on a jury in the future, possession of a firearm, housing and public benefits, child custody, immigration status for non-citizens (including possible deportation, exclusion from reentry, and denial of naturalization benefits), suspension of driver's license, professional licenses, and employment.

If you wish to represent yourself, you must sign below and answer the attached 'Self-Representation' Questionnaire. If you are permitted by the Court to proceed without an attorney, you may change your mind at any time and immediately request that an attorney be appointed by the Court.

Judge Presiding

DEFENDANT'S REQUEST AND WAIVER:

I want to waive my right to an attorney and represent myself [COMPLETE THE ATTACHED QUESTIONNAIRE BEFORE SUBMITTING THIS FORM].

Defendant: _____

Date: _____

Right to Self-Representation Questionnaire

Defendants have a right to represent themselves if they knowingly and willingly waive the right to appointed counsel. *Faretta v. Cal.*, 422. U.S. 806 (1975). The Court may grant your request to proceed without a lawyer if you are able to show the ability to effectively do so.

Please answer the following questions regarding your ability to represent yourself.

1. Do you understand that under the 6th Amendment to the Constitution of the United States you have a right to assistance of counsel? _____
2. Do you understand that you have the right to have counsel appointed for you if you cannot afford to employ counsel? _____
3. Do you understand how to conduct legal research? _____
4. Have you ever studied law? _____
5. Are you familiar with the Rules of Evidence? _____
6. Are you familiar with the Code of Criminal Procedure? _____
7. Do you understand the rules of preservation of error? _____
8. Are you familiar with and do you understand that you must abide by the Rules of Appellate Procedure? _____
9. Do you understand what constitutes proper voir dire? _____
10. Do you understand what should, and should not be contained in the court's charge to the jury? _____
11. Have you ever before represented yourself in a criminal action? _____
12. Did you finish high school? _____
13. Do you have a college degree? _____
14. Do you understand that you will be on your own and will receive no advice, guidance or help from the court? _____
15. Do you understand the appellate court will not create arguments for you? _____
16. Do you understand that it is generally unwise to represent yourself? _____
17. Understanding these questions, is it still your desire to represent yourself and give up your right to be represented by an attorney? _____
18. Is your decision freely and voluntarily made? _____

Signed on the _____ day of _____, 20____.

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Sign your Name here