

**IN THE MUNICIPAL COURT OF THE CITY OF HERMISTON
UMATILLA COUNTY, OREGON**

State of Oregon

Plaintiff,

Docket No: _____

v.

Defendant

WAIVER OF COUNSEL

I am the defendant in this court case and my initials below indicate that I have read, understand and confirm all of the following:

1. I understand that I have a constitutional right to an attorney in this case. The court will appoint an attorney for me if I qualify. _____ (initials)
2. I am _____ years of age. I have completed _____ years in school. _____ (initials)
3. I understand that my choice to go forward in this case without an attorney puts me at a serious disadvantage because:
 - I lack legal training and experience and may not realize any defenses available to me;
 - The rules and procedures of a trial will apply to me though I am not a lawyer;
 - The state will be represented by an attorney and will have an advantage over me._____ (initials)
4. I understand that by waiving my right to an attorney I am giving up the following benefits:
 - An attorney can review the facts of my case to determine what defenses I have and identify problems with the State's case against me;
 - An attorney can help me in my case. For example, an attorney can help me enter a plea to the charge or charges, negotiate a plea agreement, and apply to get me released before trial;
 - An attorney knows how to gather evidence, file pretrial motions, call witnesses, and cross-examine the State's witnesses;
 - An attorney understands the rules of evidence and knows how to question witnesses and present evidence that is necessary for my defense;
 - An attorney knows how to make legal arguments to the court and present opening and closing statements to the jury.
 - An attorney can tell me what sentence may be imposed if I am found guilty;
 - An attorney can help present evidence and make arguments about sentencing issues;
 - An attorney knows how to get information from the prosecutor that is important to my case, such as police reports and statements from witnesses._____ (initials)
5. I understand that the judge, the district attorney, court staff and my interpreter cannot give me legal advice or help me defend myself at trial. _____ (initials)
6. I am not under the influence of alcohol or drugs. I am not suffering from any injury, illness, a disability, or taking medications that could affect my ability to make decisions
_____ (initials)
7. No one has made any threats or promises to make me waive my right to an attorney.
_____ (initials)
8. I acknowledge that I have been advised of, and that I understand the nature of the charges against me and the full extent of the punishment that may be imposed if I am convicted on those charges. I fully understand the disadvantages of representing myself, and I am aware of the benefits an attorney would provide as described above. However, I voluntarily waive my right to an attorney in this case

and request that the court allow me to represent myself. _____(initials)

9. I can read, speak and understand English. _____(initials)

This form was read to me. _____(initials)

Read by: Print Name _____

Signature _____ Date _____

This form was translated to me. _____(initials)

Translated by: Print Name _____

Signature _____ Date _____

Date Defendant Printed Name Defendant Signature

Address City State Zip Telephone

The court makes the following findings regarding the defendant's waiver of counsel and request to proceed pro se (without an attorney)

Defendant understands the information contained in this document.

The court has reviewed the elements of the crimes and possible maximum penalties with defendant.

Defendant has knowingly, voluntarily, and intelligently waived the right to counsel.

Defendant was advised of the right to obtain discovery.

Other finding: _____

Upon discussion with the defendant, I find that the waiver is knowingly, voluntarily and intelligently made, and therefore Defendant's Waiver of right to counsel is hereby accepted.

Upon discussion with the defendant, I find that the waiver is NOT knowingly, voluntarily and intelligently made, and therefore Defendant's Waiver of right to counsel is hereby NOT accepted, and the court appoints counsel waiving verification for the defendant, waiving the initial co-pay fee.

Date

Judge Signature