

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

State of Oregon ex rel City of Hermiston

Docket No/ Tajlal. Te Il: \_\_\_\_\_

Plaj Nyola/Plaintiff,

vs.

**WAIVER OF COUNSEL/NETZ TI' TIB'  
TI'J TOKLEN JUN NOKX YOLAL TE  
JUN B'INCHAL U'J**

\_\_\_\_\_  
Njaw yol ti'j/Defendant

Naya ja njaw yol ti'j toj ja il lu te kawb'al ex qaj weya t-xe' nb'i nxi'x q'i' tz'alu ntzaj chch'ika q ama txi' nxi'ma, ma tz'el nik' ex ma txi' ntzaq'b'e' chqil qaj kab't lu:

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. Nel nik' qa at woklen ti'j kawb'al ti'j jun b'inchal u'j ti'j il lu. Ja tja kawb'al k'eatz tch'ik'a jun b'inchal u'j we qama kub' nkuya chuya qaj u'j \_\_\_\_\_ (t-xe' b'iyb'al)

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. Luqen q'i' \_\_\_\_\_ ab'q'ij te toj ntyem. Otz'etz b'aj \_\_\_\_\_ ab'q'ij toj xnaq'tzb'al. \_\_\_\_\_ (t-xe' b'iyb'al)

I am \_\_\_\_\_ years of age. I have completed \_\_\_\_\_ years in school. \_\_\_\_\_ (initials)

3. Nel weya nik' qa tej weya nsk'ob' te tu' nxi'x q'i' toj ja il lu qa jun b'inchal u'j ma tz'okx tq'o' naya toj jun tumal te nti' tb'analtu'j:

- Nwajb'e' jq'umb'aj tumal ex ntzqi' te kawb'al ex ch'inch'a qa mi ma kub' toj twitz chi'j qaj kolb'al weya nkub' nq'o';
- Kxe'l q'i' qaj kawb'al ex qaj tten te kawb'al, seyatloj mya' b'inchal u'j;
- Tej tenb'al k'okalx yek'at tu' jun b'inchal u'j ex ktiq'al qaj b'a' weya wib'aj. \_\_\_\_\_ (t-xe' b'iyb'al)

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. Nel nik' qa, uj tetz wi' wib' toj ja weya woklen tuya jun b'inchal u'j, luqen netz wi' wib' chi'j qaj kab't onb'al lu:

- Jun b'inchal u'j b'a' t-xi' tcheya qaj ok b'inet ti'j weya n-il te tu' tpon b'aj ti jala weya nkolb'al ex k'elal q'i' nik' chi'j qaj il tuya ja il tej Tnom weya wi'j;
- Jun b'inchal u'j b'a' tok tona weya naya ti'j weya n-il. Titzatzuj, jun b'inchal u'j b'a' ttzaj tona weya naya te tu' tokx nyek'a jum q'umb'aj jaxax te nayab at woklen ti'j otz'ok weqa, nik'ulk'ata jun otz'ok weqana ex qanlakxta tej tu' wetz tzaqpet tjaq'x uj tok jkawb'al;
- Jun b'inchal u'j ttzqi' ti tten uj tjaw chmet qaj techb'al, yek'lakxta che qaj ximb'al toj kawb'al, q'olb'elxta che qaj ok cheyat ex xqelakta che qaj ok cheyat tej Tnom;
- Jun b'inchal u'j nel tnik' chi'j qaj kawb'al te techal ex ttzqi' ti tten uj tok t-xqela qaj ok cheyat ex yek'lakxta che qaj techb'al at-xax ilchi'j te tej weya nkolb'al;
- Jun b'inchal u'j ttzqi' ti tten uj tokx tq'o' qaj yol at chtzola te kawb'al twitz jtja kawb'al ex yek'lakxta che qaj q'umb'aj jaxax ten uj ttzaj tzyet ex tu' tpon b'aj tej nq'uma jaxax;

- Jun b'inchal u'j b'a' ttzaj tq'uma we tib'aj tzuj ch'inch'a sb'ub' kwel t-xk'ella tib' qa naya at woklen ti'j;
- Jun b'inchal u'j b'a' tok tona te yek'lakxta techb'al ex qaj nche'x q'umat chib'aj qaj tten te sb'ub';
- Jun b'inchal u'j ttzqi' ti tten tu' ttiq' tumal tej kawal jaja at ilxax ti'j te tejn weya n-il, titza q'umb'aj tumal te policia ex q'umb'aj tumal che qaj kawb'al. \_\_\_\_\_ (t-xe' b'iyb'al)

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. Nel nik' qa tej ajkawal, xi kawal tej jatzana, xi aq'anal tej tja kawb'al ex jweya meltz'ulk'ata nyol mlay tzaj tq'o' cheyb'aj at ttzola weya wi'j menoqat onttza naya te klolta qen toj kawb'al.  
\_\_\_\_\_ (t-xe' b'iyb'al)

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. Mya nti'nkx tjaq' k'aj q'e' mo droga. Mi nchi ichin tuya menoqat jun ixnin, yab'il, yab'il te at tzakb'al mo nchi k'an q'anb'al jaj b'a' tok q'ontat qa' ti'j weya wipomal te tu' tkub' nb'isa qaj kuyb'al.  
\_\_\_\_\_ (t-xe' b'iyb'al)

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. Mi nal otz'ok q'umat yol weya we te b'i'ya menoqat jun yol nkub' nik'et te tu' tetz wi' wib' ti'j weya woklen ti' jun b'inchal u'j. \_\_\_\_\_ (t-xe' b'iyb'al)

No one has made any threats or promises to make me waive my right to an attorney. \_\_\_\_\_ (initials)

8. Ntzqi' qa otzaj q'umat we ex ntzqi' ti chten qaj nchaj q'o' weya wi'j ex ja tu' tpon knet toj chqil tej il b'a' tkub' xk'eyat qa naya nokx q'umat ex npon kana toj chqil tej il jaj b'a' tkub' xk'eyat qa naya nokx q'umat jaxax at wil chi'j qaj lepch. Nelxax nik' chi'j qaj mya' b'a' te tu' wokx weya wi'jx ex luqen lepchxax chi'j qaj onb'al ktza'l tq'o' jun b'inchal u'j, titzaxsa ntzaj tz'b'at toj tne'l. Aj, k'elatz wi' wib' wu'x ti'j weya woklen ti' jun b'inchal u'j toj ja tten lu ex nokx nqana qa tej tja kawb'al k'okalx ttzaqpi' naya te yek'lakxta nayax. \_\_\_\_\_ (t-xe' b'iyb'al)

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.  B'a' chi xi'ma, chi yola ex nel nik' (Yol tej paq u'j ntzaj q'o')/I can read, speak, and understand the

(Mam). \_\_\_\_\_ (t-xe' b'iyb'al/Initials)

Otxi' chxi'ma jb'inha' u'j lu nwitz./This form was read to me. \_\_\_\_\_ (t-xe' b'iyb'al/initials)

Xi'ma tu': B'iyb'al tuya Letra te Molde/Red by: Print Name \_\_\_\_\_

Sqit/Signature \_\_\_\_\_ Tajlal q'ij/Date \_\_\_\_\_

Otz'aj chmeltz'u' toj nyol jb'inha' u'j lu/This form was translated to me. \_\_\_\_\_ ( t-xe' b'iyb'al/initials)

Traducido por: Nombre en Letra de Molde/Translated by: Print Name \_\_\_\_\_

Sqit/Signature \_\_\_\_\_ Tajlal q'ij/Date \_\_\_\_\_

\_\_\_\_\_  
Tajlal q'ij/  
Date

\_\_\_\_\_  
B'iyb'al tuya Letra te Molde tej Njaw yol ti'j/  
Defendant Printed Name

\_\_\_\_\_  
Tajlal q'ij tej Njaw yol ti'j/  
Defendant Singature

\_\_\_\_\_  
Tb'e najb'al/Address

\_\_\_\_\_  
Tnom/City

\_\_\_\_\_  
Tenb'al/  
State

\_\_\_\_\_  
Código Ch'ik'aj/  
Zip Code

\_\_\_\_\_  
Yolb'il/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