

CASE NO. _____

IN THE JUSTICE'S COURT OF THE ELKO TOWNSHIP
COUNTY OF ELKO, STATE OF NEVADA

THE CITY OF ELKO,

Plaintiff,

vs.

**WAIVER OF RIGHT TO
BE REPRESENTED BY
A LAWYER**

Defendant.

I, Defendant _____ [Print
Defendant's True & Correct Name], hereby state that I want to waive (give up) my
right to be represented by a lawyer in this case.

Defendant's Rights

I acknowledge and understand that:

INITIALS

_____ I have the right to be represented by a lawyer.

_____ If I cannot afford a lawyer, and could be sentenced to serve jail time if I
am convicted of a criminal charge, the judge will appoint a lawyer to
represent me when I petition for one.

_____ I also have the absolute right to represent myself at trial as long as I
"knowingly, intelligently and voluntarily" give up the right to be
represented by a lawyer. Faretta v. California, 422 U.S. 806 (1975).

Dangers, Disadvantages and Consequences of Self Representation

I acknowledge and understand that:

INITIALS

_____ Self representation is often unwise, and I may conduct a defense to my own detriment. SCR 253.

_____ If I represent myself, I am responsible for knowing and complying with the same procedural rules as lawyers, and cannot expect help from the judge in complying with these procedural rules. Id.

_____ If I represent myself, I will not be allowed to complain on appeal about the competency or effectiveness of my representation. Id.

_____ The City of Elko will be represented in this case by experienced, professional lawyers who will have the advantage of skill, training and ability. Id.

_____ If I represent myself, I am not entitled to special library privileges. Id.

_____ If I represent myself, I may allow the prosecutor an advantage, may not make effective use of legal rights, and may make tactical decisions that produce unintended consequences. Id.

_____ If I represent myself, the effectiveness of a defense may well be diminished by my dual role as attorney and accused. Id.

Procedure for Giving Up the Right to be Represented by a Lawyer

I acknowledge and understand that:

INITIALS

_____ The judge will hold a hearing to decide whether I understand the consequences of my decision to proceed without a lawyer. See SCR 253.

_____ Before allowing me to represent myself in court, the judge must decide that the I understand the nature of the proceedings, and am voluntarily exercising my informed free will in choosing self representation. Id.

_____ At the hearing, the judge will decide whether I should consult with an appointed lawyer to discuss the consequences of self representation before I make a final decision to proceed that way. Id.

Questions by the Court

1. What is your birth date? _____

2. What is your highest level of education completed?

____ K-Eighth Grade ____ High School ____ Some College

____ Associate's Degree ____ Bachelor's Degree ____ Graduate Degree

3. Are you able to read and write the English language? ____ Yes ____ No

If "Yes," how long have you been able to do so? _____

If "No," what language do you read and write best?

4. Please describe any concerns you have about your physical or mental health.

If so, what physical or mental health treatments are you currently receiving or have received in the past? _____

5. Are you taking any medication? Yes _____ No _____

If so, what medications? _____

6. Have you ever used alcohol?

_____ Never Used Alcohol _____ Occasional Drinker

_____ Current Alcohol Abuser _____ Former Alcohol Abuser

7. Have you ever used or been addicted to drugs? Yes _____ No _____

If so, what drug(s)? _____

Are you currently addicted to this drug or these drugs?

8. Please describe any previous court experience which you may have.

Waiver of Defendant's Right to a Lawyer

I acknowledge and declare that:

INITIALS

_____ The judge has described to me the elements of each crime with which I am charged. SCR 253.

_____ The judge has described to me the maximum and/or any minimum penalties and/or punishments I could receive for each crime with which I am charged, and the total maximum and/or minimum sentence I could receive if convicted of all charges. Id.

_____ I understand the pleas and defenses which are available to each charge in this case. Id.

_____ I understand that the judge may appoint a standby lawyer who will represent me if the judge terminates my self representation in this case. Id.

_____ I understand that, if a standby lawyer is appointed, he or she is not required to advise or provide me with legal advice unless the judge terminates my self representation. Id.

_____ I have read this document, and/or had this document read to me by my interpreter in the language I understand best, and I understand this document.

_____ I was sober and in full control of my mind at the time I: [1] read this document and/or had this document read to me by my interpreter; [2] initialed this document; and [3] signed this document.

_____ I have not been threatened or coerced in any way to give up my right to be represented by a lawyer in this case. Id.

_____ I want to waive (give up) the right to be represented by a lawyer in this case; I want to represent myself.

Defendant's Signature

Date

Witness Signature

Date