| SUPERIOR COURT OF CALIFORNIA,<br>COUNTY OF TUOLUMNE<br>12855 Justice Center Dr<br>Sonora, CA 95370<br>Phone: (209) 533-5555 | Space below for use by Court Clerk only. |
|---|---|
| Plaintiff: The People of the State of California<br>VS.<br>Defendant(s): | Case Number: |

**PETITION TO PROCEED IN PROPRIA PERSONA**

1. I am the defendant in the above-entitled case, and I certify to the Court that I can read and write. I understand that my constitutional rights include the following:

a. I understand that I have the right to a speedy and public trial, and that is a right to a trial by jury.

b. I understand that I have the right to utilize the process of this Court to subpoena any witness or any records that I may need in my own behalf or in my defense.

c. I understand that I have the right to confront in open Court all witnesses who will be called to testify against me, and that I have a right to cross-examine those witnesses at the time of trial.

d. I understand that I have the right to testify at the time of trial, but that I cannot be compelled to testify at the time of trial unless I so desire.

e. I understand that I have the right to be admitted to liberty on reasonable bail pending the trial.

f. I UNDERSTAND THAT I HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER AT ALL STAGES OF THE PROCEEDINGS AND, IF I DO NOT HAVE FUNDS TO EMPLOY COUNSEL, ONE WILL BE APPOINTED FOR ME BY THE COURT.

If the Court grants my petition to proceed in propria persona, and if I am permitted to represent myself, I understand I will have to conduct my own defense without the aid of counsel.

DATED: _____ _____

Defendant

2. In support of my application to proceed in prior persona (acting as my own attorney), I offer the Court the following biographical information:

a. Age: _____ Year of Birth: _____

b. Education:

(1) High School attended: _____

(2) High School graduate? _____ Yes _____ No

(3) Additional formal education: _____

_____

_____

(4) Legal education: _____
_____
_____

c. Employment experience: _____
_____
_____

d. I have previously been granted the right to proceed in propria persona (acting as my own attorney) in the following criminal matters:

| Case # | Court | Year | Results |
|---|---|---|---|
| Case # | Court | Year | Results |
| Case # | Court | Year | Results |

3. I understand that there are _____ deputies in the office of the Tuolumne County Public Defender, and they are qualified trial lawyers. I understand that if I accept court appointed counsel, a qualified trial deputy from the office of the Tuolumne County Public Defender (or private counsel in the event that a conflict arises) will be assigned to try my case, and that I will not meet the deputy who is assigned to try my case until such time as the matter is set for arraignment in a department of the Superior Court.

I FURTHER UNDERSTAND THAT IT IS THE ADVICE AND RECOMMENDATION OF THIS COURT THAT I DO NOT REPRESENT MYSELF, AND ACCEPT COUNSEL APPOINTED BY THE COURT; AND FURTHER THAT IF I DO PERSIST IN MY MOTION TO ACT IN PRO PER THAT IT IS ADVICE AND RECOMMENDATION OF THIS COURT THAT I AT LEAST WAIT UNTIL I MEET THE DEPUTY PUBLIC DEFENDER WHO IS ASSIGNED TO TRY MY CASE BEFORE I GIVE UP MY VALUABLE RIGHT TO LEGAL REPRESENTATION. _____Initial

4. I understand that if I am permitted to represent myself, it will be necessary for me, WITHOUT THE ASSISTANCE OF COUNSEL, to follow all of the many technical rules of substantive law, criminal procedure, and evidence. _____Initial

5. I understand that the People's case will be handled by a Deputy District Attorney who is qualified in the trial of both court and jury trials, and that I will not be entitled to special consideration by the Court during the course of the trial. _____Initial

6. I understand that the right to act in pro per is not license to abuse the dignity of the Court. I understand that the Court may terminate my right to self-representation in the event that I engage in serious misconduct and obstruct the conduct and progress of the trial. I understand that in the event that happens, I will have to be represented by a lawyer, who will then take over the case at whatever stage it may be in. _____Initial

7. The crime(s) with which I am charged _____ is _____ are as follows: _____
_____
_____
_____. _____Initial

8. The crime(s) with which I am charged _____ is _____ are _____ general _____ specific intent crime(s). _____Initial

9. I am aware that there are certain legal defenses to the crime(s) with which I am charged, and they are as follows: _____
_____
_____
_____
_____
_____Initial

10. I understand that if I am permitted to represent myself, it will be necessary for me, WITHOUT THE ASSISTANCE OF COUNSEL, to conduct my own pretrial motions, which may consist of, but not limited to:
    a. Motion for dismissal
    b. Motion for change of venue.
    c. Motion to disqualify judge.
    d. Motion for severance of counts.
    e. Motion for discovery.
    f. Motion for the suppression of evidence.

    I further understand that each motion must be technically proper and made on time, or any such motion may be denied on procedural grounds. _____Initial

11. I understand that if I am permitted to represent myself, it will be necessary for me, WITHOUT THE ASSISTANCE OF COUNSEL, to handle any possible case settlement; for instance, if I desire, I will have to personally attempt to negotiate any plea of guilty to any count charged against me to any lesser charge to which the District Attorney's office may agree. _____Initial

12. I understand that if I am permitted to represent myself, it will be necessary for me, WITHOUT THE ASSISTANCE OF COUNSEL, to conduct my own trial, consisting of, but not limited to:
    a. Making preliminary motions.
    b. Impanelment of jury.
    c. Making an opening statement.
    d. Cross-examination of witnesses for the prosecution.
    e. Subpoenaing and presenting my own witnesses.
    f. Making appropriate objections and motions during the course of the trial.
    g. Preparing and presenting to the Court proposed jury instructions.
    h. Making the final argument. _____Initial

13. I am aware that in the event I plead guilty, or if after trial I am found guilty, I have a right to make an application for probation, but that I am not entitled to probation as a matter of right. I am further aware that the punishment specified by the Penal Code for the crime(s) with which I am charged ____ is ____ are as follows:

    MINIMUM SENTENCE _____

MAXIMUM SENTENCE _____ _____Initial

14. I further understand that after trial, if I continue to represent myself IN PROPRIA PERSONA (acting as my own attorney), it will be necessary for me, WITHOUT THE ASSISTANCE OF COUNSEL, to conduct matters after trial consisting of, but not limited to:
    a. Conducting the insanity or penalty phases of the trial, mentally disordered sex offender proceedings, civil narcotic addict commitment proceedings, if applicable.
    b. Making appropriate motions after trial.
    c. Representing myself at the time of probation and sentence hearing in the event of a conviction.

    _____Initial

15. I understand that as a result of a conviction, I may ultimately be declared to be a mentally disordered sex offender and that I may be committed to a state hospital. I understand the possible maximum duration of that commitment to be _____.

    _____Initial

16. I understand that as a result of a conviction, I may ultimately be declared to be a heroin addict, or in imminent danger of becoming a heroin addict, and that I may be committed to the California Rehabilitation Center. I understand the possible maximum duration of that commitment to be _____.

    _____Initial

17. I understand that in the event of a finding of not guilty by reason of insanity, I may be committed to a state hospital. I understand the possible maximum duration of that commitment to be: _____

    _____Initial

18. I understand that in the event that a use of weapon or armed allegation is pleaded and proved against me, it will affect my possible sentence as follows: _____
    _____
    _____

    _____Initial

19. I understand that in the event that prior felony convictions are pleaded against me, which may affect my sentence as follows: _____
    _____
    _____
    _____

    _____Initial

20. I understand that this written petition to proceed in propria persona (acting as my own attorney) will be filed and become part of the Superior Court case file. I further understand that on any appeal that may be taken from a conviction, or upon the filing of a petition for an Extraordinary Writ, this petition will be forwarded to any Court of Appeal and will be considered by that Court in determining whether I knowingly and intelligently waived my right to legal counsel. _____Initial

21. I understand that in the event of a conviction and an appeal, by acting as my own lawyer, I give up and waive as a possible ground of appeal my constitutional right to effective assistance of counsel. _____Initial

I hereby certify that I have read, understood, and considered all of the printed matter on this petition, and that the writing hereon in response to the questions asked is in my own handwriting.

DATED: _____ _____

Defendant