

**IN THE MUNICIPAL COURT OF THE CITY OF SALEM,
MARION COUNTY, OREGON**

City of Salem/State of Oregon)	WAIVER OF COUNSEL
)	
vs.)	
)	
)	CASE NUMBER:
_____ Defendant)	_____

I am the defendant in this court case, and my initials below indicate that I have read, understand, and affirm 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 of 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 even though I am not a lawyer;
 - The City 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 City’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(s), 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 City’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 when and how to object to the use of improper evidence;

- An attorney can help me decide if I should have a jury trial or have the judge decide my case;
- An attorney can help evaluate and challenge potential jurors;
- 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 city 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, or 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. _____ (initials)

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)

I declare that:

- I can read, speak, and understand English.
- This form was read to me by (print name): _____

_____ Date _____ Reader's Signature

- This form was sight translated to me by (print name): _____

_____ Date _____ Translator's Signature

Language: _____

Defendant's Signature

Print Name

Date

Address

City

State Zip

Telephone

FINDINGS

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 crime(s) 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.
- Defendant understands the risks of self-representation in this matter.
- Other:

ORDER

DEFENDANT'S WAIVER OF RIGHT TO COUNSEL IS HEREBY ACCEPTED.

Date

Municipal Court Judge