**IN THE STATE COURT OF CHEROKEE** **COUNTY**

**STATE OF GEORGIA**

DEFENDANT:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CASE NO.:\_\_\_\_\_\_\_\_\_\_\_\_

**WAIVER OF RIGHT TO THE ASSISTANCE OF COUNSEL DURING TRIAL**

I am not under the influence of alcohol or drugs and am not suffering from any mental or physical disability. I have been advised of and understand the nature of the charges against me, the maximum and minimum punishment provided by law, including the possible imposition of **jail time**, and my right to be represented by a private attorney of my own choosing, or by a court appointed attorney, if I am eligible.

The Court has reviewed the following possible dangers of proceeding without an attorney representing me: unfamiliarity with the rules of evidences, trial strategies, criminal procedure, jury selection process; not knowing when to make objections or how to cross-examinee State witnesses; not knowing when or how to call witnesses on my own behalf or whether to call myself as a witness or choose to remain silent; not knowing how to present defenses, mitigating circumstances, or how to preserve issues for appeal; not knowing how to introduce documents, exhibits, or other evidence during trial; not knowing evidence to present during sentencing should a conviction occur; inability to claim ineffective assistance of counsel on appeal after a conviction.

I have been advised by the Court of the dangers of proceeding to trial without the assistance of counsel and the possibility of a **jail sentence**. I understand that my failure to comply with any sentence the Court gives me could result in **jail time.** I understand that a lawyer might be able to discover and raise defenses to the charge(s) against me, discover weaknesses in the State’s case, offer advice that might otherwise benefit me during my trial, and/or present circumstances in mitigation of any sentence which may be imposed. I understand that I have the right to remain silent at trial, and **I am not required to testify** or offer any other evidence at trial. I understand that I alone will have to determine what witnesses to call and whether to testify without the advice of a lawyer. I understand that I will also have to handle juror questioning and selection by myself. I understand that **I will be bound by the rules of evidence** and trial procedure during my trial even though I have not been trained as a lawyer. I understand that appeals are for the correction of errors and to successfully appeal I must show an error made by the Court. Normally this requires a transcript showing a request by me that was turned down by the Court. In order to obtain a transcript, **I must request that my case be recorded and pay for** **the take-down** unless I am indigent (too poor to pay for it myself) **prior to when the trial starts.**

I understand that once my trial begins I cannot change my mind and ask for an attorney to represent me. I acknowledge that I have not been threatened by anyone to get me to waive my right to an attorney. I have also not been promised anything in order to make me decide to waive my right to an attorney.

Understanding all of the above, I hereby freely and voluntarily waive the right to assistance of counsel during trial.

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Defendant Date

**Order**

After conversations with the Defendant and providing information on the consequences of proceeding without an attorney representation at trial, including possible punishments if convicted, disadvantages of self-representation, and advantages of attorney representation, this Court finds that the Defendant has made a knowing, intelligent, and voluntary waiver of the right to counsel at trial and that the Defendant understands the nature and consequences of this voluntarily decision.

So ordered this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_.

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Judge, State Court of Cherokee County