

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date of Birth)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Case #)

\_\_\_\_\_  
(City)

\_\_\_\_\_  
(Telephone)

IN THE CLEARFIELD JUSTICE COURT  
STATE OF UTAH, COUNTY OF DAVIS  
BRIAN E. BROWER, JUSTICE COURT JUDGE

**RIGHT TO COUNSEL**

**1. The Right to an Attorney.**

You have been charged with the criminal offense(s) listed in the citation or information. You have the constitutional right to be represented by an attorney throughout all proceedings. If the offense is one for which the court may impose jail time – even suspended jail time – and you cannot afford an attorney, the court will appoint an attorney to represent you. You also have the right to represent yourself. At the end of this document you will choose how you would like to proceed at this time.

**2. If You Cannot Afford an Attorney.**

If the charges include the potential for a jail sentence (i.e., any of the charges is a Class A, B, or C misdemeanor or felony charge) and you do not have enough income or assets to hire your own attorney, the court will appoint an attorney to represent you, unless you choose to represent yourself. Let the court know if you would like to determine whether you qualify for a court-appointed attorney.

If you do not meet the eligibility guidelines to have a court-appointed attorney, you still have the right to an attorney, but the attorney must then be retained at your own expense.

**3. The Right to Represent Yourself.**

You also have the constitutional right to represent yourself and to proceed without an attorney. Before choosing this option you should consider the following risks and responsibilities associated with self-representation:

- Criminal defense is a highly specialized and technical area of the law.
- A criminal conviction may result in consequences consisting of financial penalties and jail time.
- There may be factual, legal, or other defenses to the charge(s) that an attorney may be able to discover and explain to you.

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(Name)

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(Date of Birth)

- There may be issues related to the conduct of trial or the entering of a guilty plea that you may not know and it would be your attorney's responsibility to be aware of those issues and to properly address them before the court. The court cannot advise you on how to proceed with or try your case.
- There may be collateral consequences based on a conviction or guilty plea, such as increased penalties for subsequent offenses, suspension of your driver's license, restriction of your right to possess firearms and ammunition, or consequences on your immigration status. An attorney could advise you about those consequences.
- If you exercise your right to proceed without the services of an attorney, you are responsible for complying with the rules of court, including rules of evidence and other rules of procedure.
- You will be expected to exhibit proper behavior before the judge and jury.
- You will be required to pay for all defense expenses that could be provided as part of a public defender's representation, including the costs of investigators and expert witnesses.
- Given the above considerations, the court encourages you not to represent yourself.

**4. Meeting with a Prosecutor.** If a prosecutor seeks to meet with you, including in an effort to resolve your case(s), before you appear before the court and further discuss with the judge your right to be represented by an attorney, you should be aware of the following: you are not required to meet with a prosecutor, and you have the right to be represented by an attorney at any meeting you wish to have with a prosecutor; further, you have the right to instead first appear before the judge in court, where your right to an attorney will be further addressed and explained by the judge. If you choose to first meet with a prosecutor, including without an attorney representing you, you should keep in mind that the prosecutor represents the governmental entity that has brought these charges against you and not you. If you choose to meet with a prosecutor without an attorney representing you, you have the right to request an attorney at any later time before a final resolution of the case.

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**I state that I have fully and completely read this document regarding the right to counsel, and that I understand it (if you do not understand any of this document, you should appear before the judge in open court before signing it).** At this time, I (choose one)

Wish to be screened for a court-appointed attorney.

Want additional time to retain my own attorney.

Am represented by an attorney. My attorney's name is \_\_\_\_\_.

Waive my right to be represented by an attorney, understanding, however, that I have a right to request to be represented by an attorney at any time before a final resolution of my case(s).

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Signature of Defendant

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Date