

### **Waiver Scenario**

[Before jury selection the following exchange occurs]

Judge: Mr. Jones, you have indicated to me that you wish to dismiss your appointed counsel and represent yourself. Is that correct?

Defendant: Yes Sir, I can do better on my own.

Judge: You understand that this a serious felony charge that's been brought against you and that complicated legal questions might arise during trial. And if you are representing yourself, you understand that I won't be able to help you with that-- You'll be on your own, with no help from a lawyer or anyone?

Defendant: Yes Sir, that's what I want. On my own.

Judge: Okay. I understand that you have completed the waiver of counsel form. Hand it up.

[The attached form is handed up. The judge checks box two at the bottom, and signs and dates the form.]



# STATE OF NORTH CAROLINA

File No.

18 CRS 5672

Orange

County

In The General Court Of Justice

☐ District ☒ Superior Court Division

## STATE VERSUS

Name Of Defendant

Samuel L. Jones

## WAIVER OF COUNSEL

G.S. 7A-457; 15A-1242

Additional File No.(s) And/Or Offense(s)

n/a

## ACKNOWLEDGMENT OF RIGHTS AND WAIVER

As the undersigned party in this action, I freely and voluntarily declare that I have been fully informed of the charges against me, the nature of and the statutory punishment for each such charge, and the nature of the proceedings against me; that I have been advised of my right to have counsel assigned to assist me and my right to have the assistance of counsel in defending against these charges or in handling these proceedings, and that I fully understand and appreciate the consequences of my decision to waive the right to assigned counsel and the right to assistance of counsel.

I freely, voluntarily and knowingly declare that:

(check only one)

- ☐ 1. I waive my right to assigned counsel and that I, hereby, expressly waive that right.
- ☒ 2. I waive my right to all assistance of counsel which includes my right to assigned counsel and my right to the assistance of counsel. In all respects, I desire to appear in my own behalf, which I understand I have the right to do.

## SWORN AND SUBSCRIBED TO BEFORE ME

Date

1-14-19

Date

1-14-19

Signature

Janet Clerk

Signature Of Defendant

Samuel L. Jones

☐ Judge

☐ Clerk Of Superior Court

☒ Asst. CSC

☐ Deputy CSC

☐ Magistrate

## CERTIFICATE OF JUDICIAL OFFICIAL

I certify that the above named defendant has been fully informed of the charges against him/her, the nature of and the statutory punishment for each charge, and the nature of the proceeding against the defendant and his/her right to have counsel assigned by the court and his/her right to have the assistance of counsel to represent him/her in this action; that the defendant comprehends the nature of the charges and proceedings and the range of punishments; that he/she understands and appreciates the consequences of his/her decision and that the defendant has voluntarily, knowingly and intelligently elected in open court to be tried in this action:

(check only one)

- ☐ 1. without the assignment of counsel.
- ☐ 2. without the assistance of counsel, which includes the right to assigned counsel and the right to assistance of counsel.

**NOTE: For a waiver of assigned counsel only, both blocks numbered "1" must be checked. For a waiver of all assistance of counsel, both blocks numbered "2" must be checked.**

Date

Signature Of Judicial Official

Name Of Judicial Official (Type Or Print)

**NOTE: A magistrate may accept waivers of counsel if designated to do so by the Chief District Court Judge. See G.S. 7A-146(11) and G.S. 7A-292(15).**