

## EXAMINATION OF MULTIPLE DEFENDANTS WITH ONE ATTORNEY

1. Do you understand that you are entitled to the right to have the independent judgment of an attorney free of any possible conflicts of interests?

----- Have you talked with your attorney about the advantages and disadvantages of joint representation?

----- Do you understand that there are all kinds of potential problems with your being represented by the same attorney who represents a co-defendant?

----- Do you now consent to a joint representation of you by your attorney, at the same time representing a co-defendant, fully understanding that this joint representation could damage your position in this case?

----- Do you understand that, by insisting upon joint representation of yourself and co-defendants by your attorney, you will be waiving, or giving up, any right to argue on appeal that you were not provided effective assistance of counsel at trial due to a conflict of interest?

----- Do you understand that by agreeing to a joint representation of yourself and co-defendants by your attorney, you are waiving certain protections afforded to you by the Sixth Amendment of the Constitution of the United States?

----- What is the likelihood that one defendant may testify against another in this case?

**For further guidance, see State v. Yelton, 87 N.C. App. 554, 361 S.E.2d 753 (1987).**

2. Do you understand that, because your attorney is jointly representing you and other defendants, he may be prevented from opening possible plea negotiations on your behalf and from a possible agreement for you to testify for the prosecution in exchange for a lesser charge or a recommendation for leniency?

3. Do you understand that you and the other defendants could possibly occupy opposing positions at the trial?

4. Do you understand that your attorney's joint representation may cause the jury to link you with one or more of the other defendants?

5. Do you understand that one or more of the other defendants may choose to testify in his defense, and, if so, your attorney will not be able to cross-examine such defendant in your behalf?

6. Do you understand that your attorney may fail or refrain from cross-examining a State's witness about matters helpful to you but harmful to another defendant; and he may fail to object to the admission of evidence which might otherwise be inadmissible because it helps another defendant but is harmful to you; and he may fail or refrain from objecting to evidence harmful to you, but of help to another defendant?

7. Do you understand that your attorney may be prohibited from attempting to shift the blame from you in the crime charged to a co-defendant, because he represents both of you?

8. Do you understand that if you are convicted, this same attorney will be representing you at the sentencing hearing where aggravating and mitigating circumstances will be considered by the court as they may apply to you and any co-defendants also represented by the same attorney?

9. Do you understand that one of the other defendants may plead guilty and thereafter reveal to the State information damaging to you which he received as a result of joint representation?

10. I also advise you that it is not possible for me to enumerate all of the possible conflicts of interest which might occur between you and your attorney by virtue of his joint representation of you and others. Do you understand that there might be other conflicts of interest?

11. With these things in mind, do you have any questions that you want to ask me about any of these things I have said to you?

12. Do you now of your own free will, understandingly and voluntarily waive your right to representation by an attorney unhindered by a possible conflict of interest?

13. With all this in mind, are you now satisfied for your attorney, \_\_\_\_\_, to represent you in this case?