

## **NEW:CR444 Pro se Defendant**

The Sixth Amendment to the United States Constitution guarantees that a person charged with a crime has the right to the assistance of counsel. This Constitutional guarantee also provides that an individual charged with a crime has the right to proceed to trial representing himself/herself. In this case the defendant will be representing himself/herself. You are not to let the fact that (DEFENDANT'S NAME) is representing himself/herself influence your decision in this case. Instead, you must decide this case based upon the law in the court's instructions and the evidence received during the course of the trial. When (DEFENDANT'S NAME) is acting as a lawyer in the case, [his] [her] words are not evidence. The rules that govern courtroom proceedings apply equally to both parties in this circumstance.

[(STANDBY COUNSEL'S NAME) has been appointed as standby counsel to the defendant but not to act as his/her attorney. In electing to represent himself/herself, the defendant has assumed the full responsibility of acting as his/her own attorney.]

## **References**

*State v. Rohwedder*, 2018 UT App. 182 (2018) (Mortensen, J., concurring).  
*State v. Frampton*, 737 P.2d 183 (Utah 1987).

## **Committee Notes**

The circumstances involving pro se representation by defendants can vary widely. Depending on the court's pretrial rulings and the legal circumstances, the parties should consider omitting this instruction or making appropriate modifications to this instruction.

Last Revised - 00/00/0000