

Form 7. Petition to Proceed as Pro Se in Juvenile Delinquency Proceeding**STATE OF MINNESOTA****DISTRICT COURT - JUVENILE DIVISION****COUNTY OF _____****_____ JUDICIAL DISTRICT**

In the Matter of the Welfare of:

**PETITION TO PROCEED PRO SE IN JUVENILE
DELINQUENCY PROCEEDING**_____
Child

Court File No. _____

My full name is _____, and I am the child in the above-entitled action. I request the Court allow me to represent myself and state as follows:

1. I am ____ years old. My date of birth is _____. The last grade I attended in school is _____.
2. I have received and read the charging document in this matter.
3. I understand the charge(s) made against me in this case.
4. I understand that I have been charged with the offense(s) of:

committed on or about _____ in _____ County, Minnesota.
5. I have discussed my desire to represent myself with an attorney whose name is _____.
6. I (have) (have not) been a patient in a mental hospital.
7. I (have) (have not) talked with or been treated by a psychiatrist or other person for a nervous or mental condition.
8. I (have) (have not) been ill recently.
9. I (have) (have not) recently taken pills or medicine.
10. I understand that I have the right to have an attorney represent me in these proceedings. I understand that if the Court grants my petition to represent myself, I will be responsible for preparing my case for trial and trying my case. I understand that I will be bound by the same rules as an attorney. I understand that if I fail to do something in a timely manner or make a mistake because of my unfamiliarity with the law, I will be bound by those decisions and must deal with them myself.
11. In making my decisions regarding the conduct of this case, I have the right to consult with standby counsel if one is assigned to this case.
12. I understand the Court will schedule a probable cause hearing if one has not already been held. At the probable cause hearing, I can request that the petition or indictment filed against me be dismissed for lack of probable cause. The preparation for, conduct of, and decisions made relating to that hearing will be my sole responsibility.
13. I understand that I am entitled to a court trial. I further understand that I will conduct all phases of the trial, including but not limited to writing and filing motions, making arguments

to the Court, cross-examination of the witnesses for the prosecution, direct examination of my witnesses, making objections, opening statement and closing argument.

14. I understand I am entitled to require any witnesses I think are favorable to me to appear and testify at my trial by use of a subpoena.
15. I understand that a person who has a prior delinquency record can be given a longer out-of-home placement. The maximum statutory penalty the Court could impose if I am adjudicated delinquent is commitment to the Commissioner of Corrections until my 19th birthday. The maximum statutory penalty the court could impose if I am certified to adult court or prosecuted as an extended jurisdiction juvenile is commitment to the Commissioner of Corrections for a term as determined by the Minnesota Sentencing Guidelines.
16. I understand the Court may appoint a public defender to act as standby counsel in this case. However, I am under no obligation to seek advice from standby counsel. I understand that the role of standby counsel is as follows:
 - a. Standby counsel will be physically present in the courtroom during all proceedings in my case.
 - b. Standby counsel will respond to requests for advice from me. Standby counsel will not initiate such discussion.
 - c. Support staff of the public defender, such as investigators, secretaries, law clerks, and legal service advisors will not be available to me.
 - d. If I need investigative services, expert services, waivers of fees, research, secretarial services, or any other assistance, I must ask the Court for the relief or assistance I need. Such request is made pursuant to Minnesota Statutes, section 611.21.
 - e. If I desire to conduct legal research, I will be expected to do it myself.
 - f. Standby counsel will not be prepared to try my case on the trial date unless ordered to prepare to do so by the Court.
 - g. Standby counsel will be present for all court appearances to consult with me if I request. Standby counsel will be seated either at the back of the courtroom or at counsel table, based on my wishes and the Court's order. In an effort to support my constitutional right to self-representation, standby counsel will not initiate motions, objections, arguments to the Court, or any other aspect of representation unless I have given approval to that specific aspect of representation.
 - h. If I wish to give up my right to represent myself, I know the Court will not automatically grant my request. The Court will consider the following in granting or denying that request: the stage of the proceedings, whether standby counsel is prepared to take over, the length of the continuance necessary for standby counsel to assume representation, the prejudice to either party, and any other relevant considerations.
 - i. If the Court grants my request to represent myself and orders standby counsel, the trial date may be continued if requested by the standby counsel.
 - j. If the Court orders standby counsel to represent me after the trial has started and jeopardy has attached, the Court may grant a mistrial if requested by my new attorney and reset the trial date. It is solely up to the Court whether to grant a mistrial.

17. I have read the above two pages, discussed them with counsel, and I understand the rights and responsibilities I have in representing myself. In consideration of those rights and responsibilities, I want to give up my right to be represented by an attorney and will represent myself.

Date: _____
Child _____

(11/02)