

Defendant Pro Se¹

Under our law, every defendant has the right to have a lawyer represent him/her and to have the court appoint a lawyer if he/she cannot afford one.² By the same token, every defendant has the right to represent himself/herself if he/she so chooses.³ The defendant here has chosen to exercise that right. You are not to draw any inference unfavorable to the defendant from the exercise of his/her right to represent himself/herself.⁴

[If appropriate, add:

_____ (*Specify*), a lawyer, will be seated at the counsel table with the defendant [*or will be seated in the courtroom*] and will be available at all times to advise the defendant if the defendant wishes to consult him/her.]⁵

1. See CPL § 180.10(5)
2. See *Gideon v. Wainwright*, 372 U.S. 335 (1963)
3. See *Faretta v California*, 422 U.S. 806 (1975); *People v. McIntyre*, 36 N.Y.2d 10 (1974).
4. See *People v. Pitman*, 25 A.D.2d 637 (1st Dept. 1966).
5. See *People v. Mirenda*, 57 N.Y.2d 261 (1982).