

THIS FORM MUST BE COMPLETED IN ENGLISH
YUAV TSUM TEB TSAB NTAWV NO UA LUS ASKIV

FORM 11 - PETITION TO PROCEED PRO SE COUNSEL
TSAB NTAWV 11 – TSAB NTAWV THOV SAWV CEV TAM TUS KHEEJ
HAIS PLAUB

STATE OF MINNESOTA
XEEV MINNESOTA

COUNTY OF _____
CHEEB NROOG

DISTRICT COURT
CHEEB TSAM TSEV HAIS PLAUB

_____ JUDICIAL DISTRICT
TXHOOJ HAIS PLAUB

State of Minnesota,
Xeev Minnesota,

Plaintiff,
Tus Xyuam Phaj

PETITION TO PROCEED
AS PRO SE COUNSEL
TSAB NTAWV THOV
SAWV CEV TAM TUS
KHEEJ HAIS PLAUB

vs.
tawm tsam

District Court File No. _____
Cheeb Tsam Tsev Hais Plaub Tus Zauv Cim Rooj Plaub

_____,
Defendant.
Tus Neeg Raug Foob

TO: THE ABOVE-NAMED COURT
RAU: LUB TSEV HAIS PLAUB MUAJ NPE SAUM TOJ NO

I, _____, defendant in the above-entitled action,
request the Court to allow me to represent myself, and do respectfully represent
and state as follows:

*Kuv, _____, tus neeg raug foob teev muaj npe rau saum
toj no, xav thov lub Tsev Hais Plaub kom kheev cia kuv sawv cev tam kuv tus kheej
thiab muab kev hwm los sawv cev thiab tawm lus raws li nram no:*

THIS FORM MUST BE COMPLETED IN ENGLISH
YUAV TSUM TEB TSAB NTAWV NO UA LUS ASKIV

1. My full name is _____. I am _____ years old.
My date of birth is _____. The last grade that I went through in
_____ school is _____.

*Kuv lub npe yog _____. Kuv muaj _____
xyoo(s), kuv hnuv yug yog _____. Qib kawm ntawv siab kawg nkaus uas
kuv tau tiav yog _____.*

2. I have received and read the (complaint)(indictment).

*Kuv tau txais thiab tau muab (cov lus tsis txaus siab) (lus liam txim) nyeem
tag.*

3. I understand the charge(s) made against me.

Kuv to taub cov kev liam txim rau kuv hauv rooj plaub no.

4. Specifically, I understand that I have been charged with the crime(s) of
_____ alleged to have occurred on or about
_____, _____, in _____, County, Minnesota.

*Qhov tseeb, kuv to taub tias kuv tau raug liam lub(cov) txim txhaum
_____ thaum los yog thaj tsam lub sij hawm
_____ nyob rau hauv Cheeb Nroog _____, Minnesota.*

5. I have discussed my desire to represent myself with an attorney whose name
is _____

*Kuv tau sib tham txog txoj kev xav sawv cev tam tus kheej nrog ib tug kws lij
choj muaj npe yog _____.*

6. I (have)(have never) been a patient in a mental hospital.

*Kuv (tau)(tsis tau) ua ib tug neeg mob kho rau ib lub tuam tsev kho siab
ntsws puas los dua.*

7. I (have)(have not) talked with or been treated by a psychiatrist or other
person for a nervous or mental condition.

*Kuv (tau)(tsis tau) tham nrog los yog raug kho los ntawm ib tug kws kho
neeg puas siab ntsws los yog lwm tus kho hlwb los yog puas siab puas ntsws.*

8. I (have)(have not) been ill recently.

Tsis ntev los no kuv (tau)(tsis tau) muaj mob.

THIS FORM MUST BE COMPLETED IN ENGLISH
YUAV TSUM TEB TSAB NTAWV NO UA LUS ASKIV

9. I (have)(have not) recently been taking pills or medicine.

Tsis ntev los no kuv (tau)(tsis tau) noj tshuaj lub los yog lwm yam tshuaj.

10. I understand that I have an absolute right to have an attorney represent me in these proceedings. I understand that if I am eligible for the services of a public defender, the Court will appoint the Office of the _____ Public Defender to represent me.

Kuv to taub tias kuv muaj txoj cai tau ib tug kws lij choj sawv cev tam kuv hauv cov rooj sib hais plaub. Kuv to taub tias yog kuv tsim nyog tau cov kev pab los ntawm ib tug kws lij choj pab pej xeem dawb, lub Tsev Hais Plaub yuav txib kom Lub Chaw Lis Dej Num _____ Kws Lij Choj Pab Pej Xeem Dawb sawv cev tam kuv.

11. 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.

Kuv to taub tias yog lub Tsev Hais Plaub tso cai rau kuv sawv cev tam tus kheej, kuv yuav yog tus ris lub luag num npaj rau kev sib foob thiab sib hais kuv rooj plaub. Kuv to taub tias kuv yuav tau coj raws li cov kev cai lij choj uas tus kws lij choj coj. Kuv to taub tias yog kuv tsis lis dej num kom raws sij hawm, los yog ua yuam kev vim yog kuv tsis paub tseeb txog txoj cai, kuv yuav tau coj raws li cov kev txiav txim muaj thiab yuav tau xyuas lawv kuv tus kheej.

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 make a motion that the complaint or indictment filed against me be dismissed for lack of probable cause. That the preparation for, conduct of, and decisions made relating to that hearing will be my sole responsibility.

Kuv to taub tias lub Tsev Hais Plaub yuav teem lub rooj sib hais txog chiv keeb, yog tsis tau teem muaj. Thaum lub rooj sib hais txog chiv keeb, kuv thov tau kom muab cov lus tsis txaus siab los yog lus liam txim lawb vim tsis muaj chiv keeb. Tias txoj kev npaj, kev lis thiab cov kev txiav txim uas muaj feem xyuam rau lub rooj sib hais no yuav yog kuv tib leeg kheej tes dej num.

13. I understand that:

Kuv to taub tias:

THIS FORM MUST BE COMPLETED IN ENGLISH
YUAV TSUM TEB TSAB NTAWV NO UA LUS ASKIV

a. the prosecution for their case against me may have:

txoj kev tawm tsam kuv, yuav muaj:

i. physical evidence obtained as a result of searching for and seizing evidence.

tej yam khoom ua pov thawj tias tau ua txhaum uas luag tau nrhiav tau thiab tsuab cia;

ii. evidence in the form of statements, oral or written, that I made to the police or others regarding the charges;

tej yam ua pov thawj xws li tej lus, uas kuv tau hais los yog sau cia rau tub ceev xwm los yog lwm tus neeg hais txog qhov kev ua txhaum no;

iii. evidence discovered as a result of my statements or as a result of the evidence seized in a search.

tej yam ua pov thawj uas luag tshawb tau vim los ntawm kuv tej lus los yog vim los ntawm tej yam ua pov thawj uas luag tshawb tsuab tau;

iv. identification evidence from a line-up or photographic identification.

tej yam ua pov thawj tau los ntawm cov neeg kom sawv ua kab rau xaiv los yog los ntawm duab;

v. evidence the prosecution believes indicates that I committed one or more other crimes.

tej yam ua pov thawj uas tog foob ntseeg tias yuav qhia tau tias kuv tau ua txhaum ib los yog tshaj ib yam.

b. That I have the right to a pretrial hearing before a judge to determine whether or not the evidence the prosecution has could be used against me at trial in this case.

Tias kuv muaj txoj cai tau lub rooj sib ntsib ib zaug ua ntej yuav nce rooj sib hais plaubkom muaj tus kws txiav txim xyuas seb tej yam ua pov thawj uas tog foob muajntawd puas siv tau los foob kuv yog tias kuv ho xum nce rooj plaub li hais.

c. That I can testify at the hearing if I want to, but my testimony could not be used as substantive evidence against me if I went to trial and could

THIS FORM MUST BE COMPLETED IN ENGLISH
YUAV TSUM TEB TSAB NTAWV NO UA LUS ASKIV

only be used against me if I was charged with the crime of perjury.
(Perjury means testifying falsely.)

Tias kuv yeej tawm lus tau hauv lub rooj sib hais, tiam sis yuav siv tsis tau kuv cov lus ua pov thawj zoo los foob kuv yog tias kuv raug nce mus sib hais plaub loj, tsuas siv tau los tsub txim dag rau kuv yog tias kuv raug nplua lub txim ntawd. (Txim dag txhais tias yog hais lus tsis ncaj ncees.)

- d. That the preparation for, conduct of, and decisions made relating to that hearing will be my sole responsibility.

Tias txoj kev npaj, kev lis thiab cov kev txiav txim uas muaj feem xyuam rau lub rooj sib hais no yuav yog kuv tib leeg kheej tes dej num.

14. I understand that I am entitled to a trial by jury of 12 persons in a felony case and a jury of 6 persons in other cases and all jurors must agree before they can find me guilty. Also, all jurors must agree before they can find me not guilty. I also understand that I may ask for a trial to the judge and not a jury. 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, selection of the jury, cross-examination of the witnesses for the prosecution, direct examination of my witnesses, making all objections, opening statement and closing argument.

Kuv to taub tias kuv muaj cai tau lub rooj sib hais loj uas txiav txim los ntawm 12 tug pej xeem rau rooj plaub txhaum txim loj thiab 6 tus neeg pej xeem rau lwm cov rooj plaub thiab tag nrho cov neeg pej xeem nrog txiav txim yuav tsum pom zoo ua ntej lawv yuav tsub tau lub txim txhaum rau kuv. Thiab, tag nrho cov neeg pej xeem nrog txiav txim yuav tsum pom zoo ua ntej lawv pom lub txim tsis txhaum ntawm kuv. Kuv puav leej to taub tias kuv thov tau kom muaj lub rooj sib hais ntawm tus Kws Txiav Txim Plaub Ntug tsis yog ntawm pab neeg pej xeem nrog txiav txim. Kuv to taub ntxiv tias kuv yuav lis tag nrho txhua txheej txheem ntawm lub rooj plaub nrog rau, tiam sis tsis tag rau: kev sau thiab zwm cov ntaub ntawv thov, kev sib tawm tsam lus hauv Tsev Hais Plaub, kev xaiv cov neeg pej xeem nrog txiav txim, kev nug cov neeg pov thawj ntawm tog foob, kev rov nug kuv cov neeg pov thawj, kev tshuam lus, kev qhib lus sib foob thiab kev kaw lus sib foob.

15. I understand that I am entitled to require any witnesses that I think are favorable to me to appear and testify at my trial by use of a subpoena as approved by the judge.

THIS FORM MUST BE COMPLETED IN ENGLISH
YUAV TSUM TEB TSAB NTAWV NO UA LUS ASKIV

Kuv to taub tias kuv muaj cai tau kev txib txhua tus neeg pov thawj uas kuv xav tias yuav pab kuv yeej kom tshwm hauv tsev hais plaub thiab teev lus hauv kuv lub rooj sib hais raws li pom zoo los ntawm tus kws txiav txim plaub ntug.

16. I understand:

Kuv to taub tias:

a. That a person who has prior convictions or a prior conviction can be given a longer prison term.

Tias ib tus neeg uas tau muaj kev txhaum yav tas los los yog ib qho kev txhaum yav tas los muaj feem yuav raug kaw nkuaj ntev dua.

b. That the maximum statutory penalty that the Court could impose for this crime (taking into consideration any prior conviction or convictions) is imprisonment for _____ years, and/or a fine of \$_____. That if a minimum sentence is required by statute the Court may impose a sentence of imprisonment of not less than _____ months for this crime.

Tias lub txim loj tshaj plaws raws txoj cai uas lub Tsev Hais Plaub muaj cai phua rau qhov kev tau ua txhaum no (uas yog xam nrog ib los yog cov kev ua txhaum yav tas los) yog kaw nkuaj mus _____ xyoos, thiab/los yog raug nplua nyiaj \$_____. Tias yog txoj cai ho kom yuav tsum muab ib lub txim me kawg nkaus ces lub Tsev Hais Plaub muaj cai phua ib lub txim kaw nkuaj tsis pub luv dua _____ hli rau lub txim txhaum no.

17. I understand that if the Court grants my petition to represent myself, the Court may appoint advisory counsel. I understand that if the Court appoints advisory counsel I have the right to consult with advisory counsel in making any decisions regarding the conduct of this case. However, I am under no obligation to seek advice from advisory counsel. I understand that the role of advisory counsel is limited. I understand that:

Kuv to taub tias yog lub Tsev Hais Plaub tso cai rau kuv sawv cev tam tus kheej, lub Tsev Hais Plaub yuav txib ib tug kws lij choj pab tswv yim. Kuv to taub tias yog lub Tsev Hais Plaub txib muaj ib tug kws lij choj pab tswv yim, kuv muaj txoj cai sib tham nrog tus kws lij choj pab tswv yim txog cov kev txiav txim ntawm txoj kev lis rooj plaub no. Tiam sis kuv tsis tag yuav nrhiav tswv yim ntawm tus kws lij choj pab tswv yim no. Kuv to taub tias txoj luag num ntawm tus kws lij choj pab tswv yim muaj tsawg. Kuv to taub tias:

THIS FORM MUST BE COMPLETED IN ENGLISH
YUAV TSUM TEB TSAB NTAWV NO UA LUS ASKIV

a. Advisory counsel will be physically present in the courtroom during all proceedings in my case.

Tus kws lij choj pab tswv yim yuav tshwm tau hauv lub tsev hais plaub tim ntsej tim muag rau tag nrho cov caij nyoog hais kuv rooj plaub.

b. Advisory counsel will respond to request for advice from me. Advisory counsel will not initiate such discussions.

Tus kws lij choj pab tswv yim yuav qhia tswv yim pab rau kuv thaum kuv nug txog. Tus kws lij choj pab tswv yim yuav tsis xub pib cov lus sib tham.

c. The support staff of the advisory counsel - investigators, secretaries, law clerks, and legal service advisors will not be available to me.

Cov kev pab tswv yim los ntawm neeg ua hauj lwm – cov kws tshawb taug qab, cov kws lis ntaub ntawv, cov kws lij kev cai lij choj, thiab cov kws lij choj pab tswv yim kev cai lij choj yuav tsis muaj pab rau kuv.

d. If need investigative services, expert services, waivers of fees, research, secretarial services, or any other assistance, I must petition the Court for whatever relief or assistance I deem appropriate. Such request is pursuant to Minnesota Statutes, section 611.21.

Yog xav tau kev pab tshawb taug qab, kev pab tshaj lij, cov kev zam nqi, kev tshawb fawb, kev lis ntaub ntawv los yog lwm cov kev pab cuam, kuv yuav tsum tau ua ntawv thov lub Tsev Hais Plaub rau tej kev zam los yog rau tej kev zam los yog kev pab cuam raws li tsim nyog. Yuav tau thov raws li Minnesota Cov Cai, ntu 611.21.

e. If I am out of custody and desire to conduct legal research, I will be expected to do it myself at the library.

Yog kuv dim kev kaw nkuaj los lawm thiab xav tshawb txog kev cai lij choj, kuv yuav tau tshawb kuv tuus kheej hauv lub tsev qiv ntawv.

f. Advisory counsel will not be prepared to try my case on the trial date unless ordered to be prepared to do so by the Court.

Tus kws lij choj pab tswv yim yuav tsis npaj mus sib hais kuv rooj plaub rau hnub teem sib hais plaub tshwj tsis yog lub Tsev Hais Plaub txib kom nws yuav tsum npaj.

THIS FORM MUST BE COMPLETED IN ENGLISH
YUAV TSUM TEB TSAB NTAWV NO UA LUS ASKIV

g. Advisory counsel will be present for all Court appearances to consult with me if I request. Advisory counsel will be seated either at the back of the courtroom or at counsel table, based on my wishes and the Court's wishes. In an effort to vindicate my constitutional right to self-representation, advisory counsel will not initiate motions, objections, arguments to the Court, or any other aspect of representation unless I have given prior approval to the specific aspect of representation.

Tus kws lij choj pab tswv yim yuav tshwm txhua nrho cov sij hawm sib hais hauv Tsev Hais Plaub kom muab tau tswv yim pab kuv yog kuv xav tau. Tus kws lij choj pab tswv yim yuav zaum ze rov nram qab lub chav tsev hais plaub los yog ntawm lub rooj kws lij choj pab tswv yim zaum, nyob ntawm kuv thiab lub Tsev Hais Plaub xav tau. Kom raws li txoj cai cia kuv sawv cev tam tus kheej, tus kws lij choj pab tswv yim yuav tsis xub pib cov lus sib foob, lus tshuam los yog lus sib cam rau lub Tsev Hais Plaub, los yog lwm cov kev cev lus tshwj tsis yog kuv muab kev tso cai ua ntej rau qee yam kev cev lus.

h. If I wish to give up my right to represent myself, I know that the Court will not automatically grant my request. The Court will consider the following in either granting or denying that request: the stage of the proceedings, whether advisory counsel is prepared to take over, the length of the continuance necessary for the advisory counsel to assume representation, the prejudice to either party, whether the jury has been sworn, and any other relevant considerations.

Yog kuv xav tso tseg kuv txoj cai sawv cev tam tus kheej, kuv paub tias lub Tsev Hais Plaub yuav tsis cia li kheev kuv ua li ntawd. Lub Tsev Hais Plaub yuav muab cov nram no los xam seb puas pom zoo los yog tsis pom zoo li kuv xav tau: qib sib hais txog twg, seb tus kws lij choj pab tswv yim puas npaj txhij sawv cev tuav rooj plaub mus, kev xav los ntawm ob tog neeg, seb pab neeg pej xeem nrog txiav txim puas tau tsa tes thiab lwm cov tseem ceeb muaj feem xyuam.

i. If the Court grants my request to give up the right to represent myself and substitute advisory counsel, the trial date may be continued if requested by the advisory counsel. The trial date will then be reset at a date mutually agreeable between counsel for the prosecution and counsel for the defendant.

Yog lub Tsev Hais Plaub pom zoo li cia kuv tso tseg kuv txoj cai sawv cev tam tus kheej thiab hloov rau ib tug kws lij choj pab tswv yim, hnuv teem sib hais yuav nyob li qub tau yog tus kws lij choj pab tswv yim thov txog. Yuav rov teem dua hnuv sib hais kom haum tog foob thiab tus kws lij choj rau tus neeg raug foob.

THIS FORM MUST BE COMPLETED IN ENGLISH
YUAV TSUM TEB TSAB NTAWV NO UA LUS ASKIV

j. In the unlikely event that the Court orders advisory 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 at a date mutually agreeable between counsel.

Yog thaum twg lub Tsev Hais Plaub txib tus kws lij choj pab tswv yim los sawv cev tam kuv tom qab twb pib lub rooj sib hais lawm thiab twb muaj teeb meem lawm, lub Tsev Hais Plaub yuav pom zoo tias rooj plaub yog muab hais yuam kev lawm yog tias kuv tus kws lij choj tshiab thov txog thiab rov teem dua hnuv sib hais kom haum rau ob tog kws lij choj.

k. I understand that if I am not a citizen of the United States, a plea of guilty or a finding of guilty for this crime may result in deportation, exclusion from admission to the United States or denial of naturalization as a United States citizen.

Kuv to taub tias yog kuv tsis yog ib tug neeg xam xaj hauv Teb Chaws Asmeskas, txoj kev lees txhaum txim los yog txoj kev tshawb pom kev ua txhaum rau lub txim no yuav raug kev xa tawm teb chaws, kev cais tsis kheev nkag tau rau hauv Teb Chaws Asmeskas los yog kev tsis kheev ua neeg xam xaj Teb Chaws Asmeskas.

18. That in view of the above, I wish to waive my right to be represented by an attorney and I wish to represent myself.

Tias raws li pom muaj saum no, kuv xav xyeej kuv txoj cai tau ib tug kws lij choj sawv cev tam kuv thiab kuv xav sawv cev tam tus kheej.

Dated this _____ day of _____, _____.
Tim lub _____ hnuv _____, _____.

Petitioner
Tus Neeg Thov

(Added effective January 1, 1999; amended effective October 1, 2015.)
(*Siv tau dua lub Ib Hlis Ntuj Hnuv tim 1, 1999*)