**Defendant Pro Se**1

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. By the same token, every defendant

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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 (1 Dept. 1966).

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1. *See People v. Mirenda*, 57 N.Y.2d 261 (1982).