**PRO SE DEFENDANT 1.30A**

**Added 2023**

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In a criminal trial, a defendant has a constitutional right to be represented by an attorney or to represent [himself] [herself] [themselves]. [Name of Defendant] has decided to exercise the right to represent [himself] [herself] [themselves]. This decision has no bearing on whether [name of defendant] is guilty or not guilty, and it should not affect your consideration of this case.

Because [name of defendant] has decided to act as [his] [her] [their] own attorney, you will hear [him] [her] [them]speak at various times during the trial. [He] [She] [they] may make an opening statement and closing argument and may ask questions of witnesses, make objections, and argue legal issues to the court. I want to remind you that when [name of defendant] speaks in these parts of the trial, [he] [she] [they] [is] [are] acting as an attorney in the case, and [his] [her] [their] words are not evidence. The only evidence in this case comes from witnesses who testify under oath on the witness stand and from exhibits that are admitted.

**USE NOTE**

This instruction is based on the Ninth Circuit Model Criminal Jury Instruction 1.15, Pro Se Defendant. It may be given on request; if requested, it should be given at the beginning of trial and with the final instructions to the jury.

If a pro se defendant chooses to exercise the right to testify, the court should place this instruction and Pattern Instruction 1.30 sequentially.