

**IN THE MAGISTRATE COURT
COUNTY OF SAN MIGUEL
STATE OF NEW MEXICO**

No. _____

STATE OF NEW MEXICO

vs.

Defendant

**WAIVER OF COUNSEL
BY D.W.I. DRUG COURT PARTICIPANT**

I understand and hereby acknowledge that I am a voluntary participant in the San Miguel County Magistrate Court's D.W.I. "Sobriety" Drug Court Program (hereinafter "the Program"). As a participant in the Program, I have already pled guilty to, or have been found guilty of, Driving Under the Influence. I agree to comply with the terms and conditions of the Program.

If I violate any of the terms and conditions of the Program, I understand that the court may impose immediate sanctions against me, including jail. Moreover, I understand that continuous violations by me of the terms and conditions of the Program will result in my termination from the Program. If termination occurs, the court will shortly thereafter impose sentence against me on the D.W.I. conviction for which my guilt has already been established. Such a sentence could include mandatory time in jail and / or fines and community service.

I understand that any sanctions imposed as a consequence of my actions **DO NOT** fall under the following rights guaranteed under the United States and New Mexico Constitutions:

- _____ The right to trial hearing by jury, if any;
- _____ The right to the assistance of an attorney at any hearing, and to an appointed attorney, to be furnished free of charge, if the defendant cannot afford one;
- _____ The right to confront the witnesses against me and to cross-examine witnesses them as to the truthfulness of their testimony.
- _____ The right to present evidence on my own behalf and to have the state compel the attendance of witnesses to testify on my behalf.
- _____ The right to remain silent, to be presumed innocent, and to be proven guilty beyond a reasonable doubt.

I have been advised by an attorney and hereby knowingly, intelligently, and voluntarily agree to waive any assertion of the above constitutional rights in exchange for the privilege to participate in the DWI "Sobriety" Drug Court Program.

Program Participant

Date

I have explained the above document to the program participant and all other rights, which he/she may have under the United States and New Mexico Constitutions and am satisfied that he/she understands the same.

Attorney at Law

Date

I find the participant understands that that participation in the DWI “Sobriety” Drug Court Program is a privilege and hereby knowingly, intelligently, and voluntarily waives any assertion to the Constitutional Rights enumerated herein.

Honorable Judge Philip J. Romero

Date