



You Want a Public Defender Get Ready for Court

Get to the courthouse 15 minutes early:

- ∞ Check-in at the court clerk's office.
- ∞ Find the courtroom.

Get ready.

- ∞ The judge needs to know why you can't pay for a lawyer.
- ∞ Bring proof of your income, like paycheck stubs, bank statements, and tax returns. Or you can bring a letter from your employer, social security, or the welfare office.
- ∞ Bring proof of your expenses, like rent, insurance, utility bills, payments due to other courts, or medical bills
- ∞ Be ready to talk about other expenses, like gas for your car, food, child-care, or child-support
- ∞ Call a few lawyers and find out how much they would charge to handle your case. This is important information for the judge.

When you are in court:

- ∞ Dress neatly. Do not chew gum.
- ∞ Be calm and polite to everyone.

Do I *have* to bring witnesses?

- ∞ No. Usually, you are the only person who gives your information to the court.
- ∞ If you bring a witness, make sure they know about your financial situation and why you can't pay for a lawyer.

Who will be at the hearing?

- ∞ The judge.
- ∞ You.
- ∞ A public defender may be there.
- ∞ A public defender witness may be there.
- ∞ The prosecutor may be there.

What if I need an accommodation for my disability?

When you file your papers, tell the court clerk of your disability and ask for an accommodation.

What if I don't speak English?

When you file your papers, ask for an interpreter or other accommodation.



What happens at the hearing?

- ∞ Speak only to the judge unless it is your turn to ask questions.
- ∞ When other people are talking to the judge, wait for them to finish. Then you can ask questions about what they said.
- ∞ The public defender or prosecutor may ask a witness questions.
- ∞ The judge may ask questions.
- ∞ When it is your turn, you will raise your right hand and swear to tell the truth.
- ∞ Speak slowly and loud enough so the people in court can hear you.
- ∞ Give complete answers.
- ∞ Tell the truth and don't exaggerate.
- ∞ Always look to the person who is asking you questions.
- ∞ Say "Yes" or "No" out loud. You must use words. It's not enough to nod or shake your head.
- ∞ If you don't understand, say "I don't understand the question."



What happens after the hearing?

- ∞ The judge will decide.
- ∞ Sometimes the judge will tell you when you are still at court.
- ∞ But, sometimes the judge will mail you a copy of the decision (order).
- ∞ Keep a copy of this order for your records.

(your name)

(your mailing address)

(city, state, zip code)

(your phone number)

IN BELGRADE CITY COURT, GALLATIN COUNTY, STATE OF MONTANA

State of Montana

vs.

(your name)

Defendant.

Case No: _____

MOTION
For Hearing to Review Denial
of Public Defender

1. I am the Defendant in this case.
2. I am asking the court to schedule a hearing to review the Office of the State Public Defender's determination that I do not qualify for a court-appointed lawyer.
3. I believe that the decision was wrong because:
 - I meet the financial requirements
 - It would cause me undue financial hardship to hire a private lawyer
 - My financial situation has changed since the court canceled them as my court-appointed lawyer
 - I did not give them the documentation they asked for, but now I can give them the information they need

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct. I understand that giving false information in this motion is a crime.

Date: _____

Place of Signature: City _____ State _____

Your Signature: _____