

MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY

STATE OF MONTANA,  
Plaintiff,  
v.

Cause No. DC- \_\_\_\_\_ - \_\_\_\_\_

**Acknowledgement  
of Rights**

**IMPORTANT: THIS FORM MUST BE FILED WITH THE CLERK OF COURT  
BEFORE YOUR ARRAIGNMENT AND/OR INITIAL APPEARANCE, OR  
YOU MUST BRING YOUR COMPLETED FORM TO THAT HEARING.**

This form is designed to ensure you can knowingly participate in this case and are fully informed of some of your most important legal rights as a defendant. You **must** read this entire document or have someone else read it to you, and you **must** discuss it—especially any questions or concerns—with your attorney or the Judge. Once you have reviewed each point, place your initials next to it to confirm that you understand it. Then, sign and date at the document's end.

**A. Ability to Proceed**

I make the following statements about myself:  
(Initial next to each)

1. \_\_\_\_\_ I am not suffering from any mental disease or disability that would impair my ability to understand this proceeding.
2. \_\_\_\_\_ I am not under the influence of alcohol, marijuana, or other recreational substances that would impair my ability to understand this proceeding.
3. \_\_\_\_\_ I am not under the influence of any prescribed medications that would impair my ability to understand this proceeding.

**B. Legal Rights**

I understand that I have the following rights in this proceeding/case:  
(Initial next to each)

1. \_\_\_\_\_ I have the right to representation by and the effective assistance of an attorney (aka “counsel”) at every stage of this case.
2. \_\_\_\_\_ I have the right to remain silent during this proceeding and do not have to answer any questions that may tend to incriminate me.
3. \_\_\_\_\_ If I do not understand any part of this proceeding, I have the right to ask the Judge to repeat, explain, or clarify. I also have the right—at any point—to ask for an opportunity to confer privately with my attorney.
4. \_\_\_\_\_ I have the right to challenge the legal sufficiency of the charging document, which in most cases is an information, along with any affidavits supporting it.
5. \_\_\_\_\_ I have the right to challenge any evidence that may have been gathered against me in violation of the law or Constitution.
6. \_\_\_\_\_ I have the right to plead “Not Guilty” to the charge(s) against me.
7. \_\_\_\_\_ By pleading “Not Guilty”, I understand that the State will be forced to prove my guilt beyond a reasonable doubt.
8. \_\_\_\_\_ I have the right to a speedy and public trial by jury. At that trial:
  - i. \_\_\_\_\_ I still have the right to remain silent, and nobody may force me to testify or otherwise incriminate myself in any way.
  - ii. \_\_\_\_\_ I have the right to testify on my own behalf if I choose to do so.
  - iii. \_\_\_\_\_ I have the right to confront and cross-examine the witnesses presented by the State.
  - iv. \_\_\_\_\_ I have the right to present my own evidence and call/question my own witnesses.
9. \_\_\_\_\_ I have the right to appeal any finding of guilt to the Montana Supreme Court. I also have the right to appeal adverse determinations (that is, determinations that are not in my favor) by the Court on certain pre-trial matters to the Montana Supreme Court.

**C. Certification and Signature**

My full legal name is \_\_\_\_\_,  
and I am the defendant in this matter. I have read this entire document, or someone has  
read it to me. I have discussed any questions or concerns about the contents of this  
document with my attorney or the Judge. I understand and acknowledge the rights listed  
in this document. The initials next to each numbered point are my own.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
**Signature of Defendant**