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No Constitutional Right to Appear in Propria Persona

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JUDGES' BULLETIN

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BULLETIN NO. 149

NO CONSTITUTIONAL RIGHT TO
APPEAR IN PROPRIA PERSONA

In People v. Sharp (July 1972) 7 Cal.3d 448, the Supreme Court ruled that there is no constitutional right to defend oneself in propria persona. The Court explained:

"We do not purport to hold herein that an accused is not entitled to represent himself in a proper case, but only that such a right is not a constitutionally protected one. We have heretofore set forth standards by which a trial court may determine the competency of an accused who wishes to represent himself as a condition for granting such a motion (see People v. Floyd (1970) 1 Cal.3d 694, 702-703 [83 Cal.Rptr. 608, 464 P.2d 64] and cases cited there), and we do not now depart therefrom. However, in reviewing an exercise of a court's discretion in denying a motion to defend pro se, we will not regard the error, if any, as one of constitutional dimensions." [at p. 461]

". . . (W)e cannot perceive that, except in very rare circumstances, even an erroneous denial of the right of self-representation would impair the fairness of a trial. Thus, without a showing of prejudice, a denial of that right should not compel the reversal of a conviction." (p. 460).