

Warr v. State

A defendant charged with a misdemeanor appeared alone at a hearing and chose to plead guilty. He was sentenced to 90 days in jail, probation for a year, plus a fine. The judge presiding over the hearing had advised the defendant of his right to have an attorney, but did not admonish him as to the risks of self-representation or the range of possible punishment he faced. The judge also did not inquire into the voluntariness of the plea or whether the defendant was waiving his right to counsel. The court held that even though misdemeanor defendants are not provided attorneys under state law, due process requires that a defendant must be permitted to obtain counsel if he chooses. Because the trial judge made no inquiry to ascertain whether the defendant was voluntarily waiving his right to counsel, the judgment was reversed.