**MAGISTRATE CASE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**STATE OF TEXAS SITTING AS MAGISTRATE**

**VS. FOR**

 **(YOUR) COUNTY, TEXAS**

**DEFENDANT’S ACKNOWLEDGMENT OF ALLEGED OFFENSES, RIGHTS AND BONDS**

 **Date of Arrest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Time of Arrest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**I am the individual whose name appears above. I am now before a Magistrate after my arrest on the following charge(s):**

|  |  |  |  |
| --- | --- | --- | --- |
| **Offense Charges** | **Agency** | **Warrant#** | **Bond Amount** |
|  |  |  |  |

**FURTHER**, in regards to the offense(s) listed above, I acknowledge and understand as follows:

\* I have been charged with a(n) criminal offense(s), but that does not mean that I am guilty; I am innocent until proven otherwise. Unless previously adjudicated, I have the right to plead “Not Guilty” and to a trial by a judge or a jury.

\* I have the right to remain silent. I do not have to make any statements to the police or attorneys representing the state. Any statements I make may be used against me as evidence in Court at a later time;

\* If I start to make a statement, I have the right to terminate that statement at any time and remain silent;

\* I have the right to hire or retain a lawyer and to have a lawyer present during any questioning by peace officers or attorneys representing the State of Texas. I understand that I may stop the interview at any time;

\* If the Court finds that I am too poor to afford a lawyer (indigent), I have the right to request that a lawyer be appointed to represent me and the state will pay for my attorney, unless I am charged with an offense punishable by fine only;

\* If I am charged with a felony level offense, I also have the right to have an examining trial, and to be released without posting bond, unless an indictment has first been returned against me by a grand jury;

\* If I am not a citizen of the United States, a plea of guilty to the charge(s) at any time could affect my right to remain in this country.

 I DO, or DO NOT want to notify the consular representative of my country: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Statement Regarding Indigency and Request for Appointment of Attorney**

**Further, I understand that if I am charged with an offense for which I could be punished by incarceration, I have a right to a court-appointed (and paid) attorney, and if I am too poor to afford an attorney (INDIGENT), the State will appoint and pay for my attorney. Therefore, *based on my current financial status and abilities*, by my initials,I represent that:**

I **am NOT INDIGENT or NOT ENTITLED TO APPOINTED COUNSEL.** *I can afford to hire legal counsel and*

 *I* ***do not*** *request court appointed counsel,* ***OR*** *I am not entitled to Court appointed counsel due to the level of my charge(s).*

**I am INDIGENT** (unable to pay for my own attorney). *I request that an attorney be appointed for me. I agree to*

 *Complete a written affidavit of financial ability in order to request appointment of an attorney.*

**Defendant’s signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_\_\_\_\_\_ Witness: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**MAGISTRATE’S VERIFICATION OF WARNINGS AND DETERMINATION OF PROBABLE CAUSE**

As Magistrate, I certify that I have advised the Defendant of his or her rights. I have asked the Defendant if he or she is indigent and have provided assistance for request of counsel. After review of appropriate documentation, **I FIND that**:

 **PROBABLE CAUSE EXISTS** as to each of the charge(s) supported by

 **- a sworn affidavit(s)** setting forth sufficient factual detain to establish probable cause

 - **confirmed warrant(s)** ofarrest issued by appropriate authority, ot other writ(s) of commitment; or

 - **sworn complaint(s),** as sufficient basis for further detention of the defendant; **OR**

 **NO PROBABLE CAUSE EXISTS** for further detention, based upon a lack of factual detail set forth in an affidavit of probable cause or

 the existence of confirmed warrant(s). Accordingly, the defendant should be **RELEASED IMMEDIATELY.**

**Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_ \_\_\_\_.M. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **MAGISTRATE FOR (YOUR) COUNTY, TEXAS**