STATE OF TEXAS )

NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

COUNTY OF OLDHAM )

Before me, the undersigned magistrate of the State of Texas, on this day personally

Appeared in the custody of, a peace officer, and said person was given the following warning by me:

{ } (1) You are charged with the offense of . An affidavit charging you with this offense \*(has) \*(has not) been filed in this Court.

{ } (2) You have the right to hire a lawyer and have him present prior to and during any interview and questioning by peace officers or attorneys representing the State. If you are too poor to afford a lawyer, you have the right to request the appointment of a lawyer to be present prior to and during any such interview and questioning. You may have reasonable time and opportunity to consult a lawyer if you desire.

{ } (3) You have the right to remain silent.

{ } (4) You are not required to make a statement, and any statement you make can and may be used against you in Court.

{ } (5) You have the right to stop any interview or questioning at any time.

{ } (6) You have the right to have an examining trial.

\*Your bail is set at $ . \*Bail not determined. \*Bail is denied.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Person Warned Magistrate/Title

PLACE OF WARNING: Oldham County Courthouse

DATE: TIME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 WITNESSES:

NAME: NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ADDRESS: ADDRESS:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\*Delete what is not applicable

COMMITMENT

TO THE SHERIFF OF OLDHAM COUNTY - GREETINGS:

You are hereby commanded to receive, take into custody, and confine within the jail of your County, who is hereby committed to said jail for the offense of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The said Defendant will be so held by you in imprisonment to answer to said offense

before the COUNTY COURT of Oldham County, Texas **.**

I have granted bail to said defendant in the sum of $ , and upon executing a bond, conditioned as the law requires, in said amount, with good and sufficient sureties, you will discharge from imprisonment.

WITNESS MY HAND at Vega, Texas, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Don R. Allred

Oldham County Judge

Magistrate

STATE OF TEXAS )

 NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ADVICE CONCERNING PROCEDURES**

 **FOR REQUESTING THE APPOINTMENT OF COUNSEL**

This is to certify that on the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_, at \_\_\_\_\_\_\_o'clock .M. the undersigned Magistrate informed the accused \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_as follows:

1. You may hire your own attorney if you desire.
2. If you cannot afford to hire an attorney, you may request the court to appoint an attorney

 for you.

1. If you request the court to appoint an attorney for you, you must also complete a written

request that an attorney be appointed.

1. If you request the court to appoint an attorney for you, you must also complete a written

affidavit, under oath, concerning your property, income and expenses.

1. The affidavit must demonstrate that you are indigent and unable to afford to hire your own

attorney.

1. I will assist you in completing the request and affidavit if you wish for me to do so.
2. I will also ask you questions to clarify the information in your affidavit.
3. The request and affidavit will be forwarded within 24 hours to a judge who has the authority to determine if you qualify for appointed counsel.
4. The judge who has the authority to determine if you qualify for appointed counsel will make a determination whether you qualify within three days of the date he/she receives your request and affidavit.
5. If an attorney is appointed for you, you will be given the attorney's name, address and telephone number.
6. If an attorney is appointed for you, the attorney will be required to contact you not later than the end of the next working day after the day he/she is appointed.
7. You will be advised within three days if your request for appointed counsel is denied.

Witness my hand this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_

o'clock \_\_\_\_ M.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Magistrate

I hereby acknowledge that the above advice was read to me and I fully understand the advice given.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Accused

STATE OF TEXAS )

NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

COUNTY OF OLDHAM )

**CHOICE REGARDING APPOINTMENT OF COUNSEL**

 This is to certify that on the day of 20 at \_\_\_\_\_\_ o’clock . M. the undersigned Magistrate has advised me that I have the right to representation by counsel on the trial of the charge pending against me.

(Initial one of the following three choices).

\_\_\_\_\_\_\_\_\_ I state under oath that I am without means to employ counsel of my own choosing and I hereby request the court to appoint counsel for me.

\_\_\_\_\_\_\_\_\_ I am able to and will employ my own counsel.

\_\_\_\_\_\_\_\_\_ I understand my right to request court appointed counsel at any time concerning the charge pending against me; however, I do not wish appointed counsel at this time.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Address:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Accused (Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Telephone:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Accused Printed Name

Where do you want your mail sent? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and Sworn to before me this \_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Magistrate

\_\_\_\_\_\_\_ Accused refused to initial either choice or sign.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Magistrate

**WAIVER OF RIGHT TO COUNSEL BY INMATE AND REQUEST TO DISCUSS CASE WITH COUNTY ATTORNEY**

Defendant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Offense & Misdemeanor Class: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Magistrate: Don R. Allred

I certify that I have magistrated the above referenced inmate of the Oldham County Jail. In the course of our discussion, the accused indicated:

\_\_\_\_\_\_ That he/she has not made a decision as to whether or not to represent himself/herself nor to apply for court-appointed counsel. He/She would like to discuss the case with the County Attorney at this time.

\_\_\_\_\_\_ That he/she intends to waive his/her right to counsel and chooses to represent himself/herself in any proceedings in this case. He/She would like to discuss the case with the County Attorney at this time.

Subsequent to the above referenced decision, and after making the appropriate portion of the Magistrate’s Certification, I reminded the accused that:

1. The County Attorney is the attorney for the State. In a contested trial, this would person bringing evidence against the accused;
2. The County Attorney does not and can not represent the accused;
3. The County Attorney is not obligated to :
	1. Make a representation in the best interest of the accused;
	2. Investigate any mitigating information which may be offered by the accused;
	3. Maintain confidentiality with respect to information offered by the accused.

It is the statement of the accused that he/she understands the right to have an attorney appointed to represent him/her (if qualified). He/She wished to temporarily waive that right and discuss the case with the County Attorney. He/She understands that this waiver may be revoked by him/her at any time.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Magistrate

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Accused Date