|  |  |  |
| --- | --- | --- |
| MAGISTRATE CASE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | |
| STATE OF TEXAS |  | SITTING AS MAGISTRATE |
| VS. |  | FOR |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  | DENTON 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 Charge** | **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 a 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 by right to remain in this country.

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

**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 utilities*, 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)***

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Defendant’s Signature** |  | ***Date:*** |  | ***Witness:*** |  |

***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.***

**MAGISTRATE 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)** of arrest issued by appropriate authority, or 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.**

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| --- | --- | --- | --- | --- | --- |
| Dated: |  | **at** | **.M.** |  |  |
|  |  |  |  |  | **MAGISTRATE FOR DENTON COUNTY, TEXAS** |