***ORDER ON FINDING OF PROBABLE CAUSE SETTING BAIL AND INFORMING DEFENDANT OF RIGHT TO COUNSEL WARNING BY MAGISTRATE***

**THE STATE OF TEXAS**

**COUNTY OF FREESTONE**

This is a certify that I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ acting as, and in the capacity of Magistrate did on the \_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_\_\_ a.m. did clear language inform:

Name of Accused: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Cause Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Who appeared before me in the **Justice** Court in **Freestone** County, Texas as follows:

1. You are accused of the criminal Offense (s) of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which charge is (is not) based on an Affidavit.
2. You have the right to remain silent and are not to make any statement. Any statement made by you can be used as evidence against you in a court of law.
3. You have the right to hire a lawyer or if you are indigent, too poor, or cannot afford to hire a lawyer, you have the right, at your request, to have a lawyer appointed to represent you. You have the right to talk to a lawyer before being questioned or interviewed by any peace officer or attorneys representing the state and you have the right to have a lawyer present with you during any such questioning or interview. You have the right to end any questioning or interview at any time.
4. You have the right to have an examining trial if you desire.

I, the magistrate in this case have further in clear language understood by the accused person, informed said accused person that:

1. You have the right to request appointment of counsel if you cannot afford counsel.
2. The procedure of requesting appointment of counsel consists only of you, the accused person, completing the “**Affidavit of Indigence**” and signing and swearing to the truthfulness of the statements contained in said Affidavit.
3. . I am providing you at this time a copy of the “**Affidavit of Indigence and Request for Appointment Counsel**” in a language which you can understand and I will make available, at your request, an individual to provide reasonable assistance in completing said Affidavit at this time.
4. If you request court appointed counsel, I will not later than 24 hours form the time of your request for appointment of counsel, forward your Affidavit and Request to the appropriate coordinator for consideration of your Affidavit and Request.
5. If you are entitled to court appointed counsel, counsel will be appointed within (3) working days after receiving your request for court appointed counsel and that counsel will be notified of such assignment.
6. Said attorney will make every reasonable effort to contact you not later than the end of the first working day after appointment and to interview you as soon as practicable.

The Affidavit Submitted for Probable Cause Determination as to the above named accused in the above reference cause number has been presented to me upon consideration of the facts and circumstances contained therein, it is hereby determined that:

( ) Probable cause exists for the purpose of Texas and Federal Law and for the purpose set out in section 5 of the ***Texas Code of Criminal Procedure, Article 17.033*** and the accused is ordered to remain in custody if the Sheriff’s Department. I have informed the accused of his/ her Miranda warnings and Magistrate warnings as provided by law and I have set the bail in this cause number at: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ( ) **with conditions as set out on the attached condition of bail form.**

( ) probable cause does not exist and the accused in ordered release from custody in this case charge.

( ) being unable to determine within twenty-four (**24**) hours whether probable cause exist for a misdemeanor, it is ordered that the defendant be released on bond in the amount of : $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (**not to exceed $5,000**).

( ) being unable to determine within forty-eight (**48**) hours whether probable cause exist for an alleged felony offense, it is ordered that the defendant be released on bond in the amount of: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_( **not to exceed $10,000**).

I, the magistrate in this case, hereby certify that:

1. The law enforcement agency have custody of the accused bas brought the accused before the magistrate not later than **48** hours after arrest.
2. I have informed the accused of his /her right to request appointment of counsel, and if indigent, the procedures for requesting appointment of counsel.
3. If the accused does not speak and /or understand the English language or is deaf, I have informed the accused in a manner consistence with ***Texas Code of Criminal Procedure, Articles 38.30 and 38.31.***
4. I have ensured that all reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided.
5. A record (written forms, electronic recordings, or other documentation as authorized of the magistrate’s advising the accused of right to appointed counsel has been prepared in accordance with law, and such record consists of this document signed by me as Magistrate, a copy of which was provided to the accused person.

I, the magistrate in this case, do certify that I am duly elected or appointed **JUSTICE OF THE PEACE, PRECINCT \_\_\_\_\_\_ of FREESTONE COUNTY, TEXAS**. And that I have reviewed the accused individual’s Affidavit of Indigence and Request for Counsel/Declaration of Non-Indigent Status, which is attached hereto, and I hereby further certify that:

( ) The accused has announced he /she intends to waive his /her rights to counsel and to proceed representing himself/herself in any proceeding in this case.

( ) The accused has announced he/she is not indigent and intends to hire an attorney to represent him/her in any proceeding in this case.

( ) The accused is being held on a misdemeanor accusation and has claimed he/she is indigent and has requested court appointed counsel. This request is referred to the Counsel Coordination for determination of indigence and, if appropriate, appointment of counsel in accordance with the alternative plan approved in accordance with law.

( ) The accused is being held on a felony accusation and has claimed he/she is indigent and has requested court appointed counsel. This request is referred to the Counsel Coordinator for determination if indigence and, if appropriate, appointment of counsel in accordance with the alternative plan approved in accordance with law.

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

Magistrate, Freestone County Texas

Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Time: \_\_\_\_\_\_\_\_\_\_\_