

TJCTC

CRIMINAL VOLUME

Magistrate's Juvenile Warning
TEX. FAMILY CODE § 51.095

No. AJW

THE STATE OF TEXAS
VS.
_____ (DEFENDANT)

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§
§

IN THE JUSTICE COURT
PCT. 3
HUNT COUNTY, TEXAS

MAGISTRATE'S JUVENILE WARNING

_____, a juvenile, age _____, personally appeared before me, the undersigned official, acting in the capacity of magistrate, at a.m./p.m. on the _____ day of _____, 2009, at (location) _____ in Hunt County, Texas.

Read and explain the following rights and warning to the juvenile:

You are charged by the State of Texas with the offense of _____, which is a (specify degree of misdemeanor or felony or other offense).

- 1) You may remain silent and not make any statement at all;
- 2) Any statement that you make may be used in evidence against you;
- 3) You have the right to an attorney;
- 4) You have the right to have an attorney present to advise you before or during questioning;
- 5) If you are unable to employ an attorney, you have the right to have an attorney appointed for you;
- 6) You have the right to have the attorney counsel you before or during any interviews with peace officers or attorneys representing the state; and
- 7) You have the right to terminate the interview at any time.
- 8) Do you understand these rights? _____
- 9) Do you have any questions? _____

The above Magistrate's Juvenile Warning is mandatory; however, the following Acknowledgment by the Juvenile is not required. This procedure is optional at the discretion of the magistrate. Note: this form is not a Waiver of Rights as provided for by the TEXAS FAMILY CODE SECTION 51.09.

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JUVENILE'S ACKNOWLEDGMENT

I have carefully listened to and understand each of the rights and warnings listed on page one of this Magistrate's Juvenile Warning. The rights and warnings were read and explained to me. I have asked the magistrate any questions that I had regarding these rights and the magistrate has answered my questions to my satisfaction.

Signature of Juvenile

Time: _____ a.m. / p.m. Date: _____

MAGISTRATE'S CERTIFICATE

_____, a juvenile, age _____, personally appeared before me in my official capacity as justice of the peace sitting as a magistrate.

I certify that the statutory rights and warnings listed on page one of this Magistrate's Juvenile Warning were read and explained to the juvenile. I have determined that the juvenile understands the nature and contents of the warning, and voluntarily signed the above Acknowledgment.

ISSUED this the _____ day of _____, 2009.

JUSTICE OF THE PEACE,
PCT. 3
HUNT COUNTY, TEXAS

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MAGISTRATE'S VERIFICATION OF ADMISSIBILITY OF STATEMENT OF A JUVENILE

TEX. FAMILY CODE § 51.095

No. AJW

THE STATE OF TEXAS
VS.

§
§
§

IN THE JUSTICE COURT
PCT. 3
HUNT COUNTY, TEXAS

(DEFENDANT)

MAGISTRATE'S VERIFICATION OF ADMISSIBILITY OF JUVENILE'S STATEMENT

_____, a juvenile, age ____, personally appeared before me, the undersigned official, acting in capacity of magistrate, at a.m. / p.m. on the _____ day of _____, at _____ in Hunt County, Texas. The following rights and warnings were read and explained to the juvenile:

You are charged by the State of Texas with the offense of _____ which is a (specify degree of misdemeanor or felony or other offense).

- 1 You may remain silent and not make any statement at all;
- 2 Any statement that you make may be used in evidence against you;
- 3 You have the right to an attorney;
- 4 You have the right to have an attorney present to advise you before or during questioning;
- 5 If you are unable to employ an attorney, you have the right to have an attorney appointed for you;
- 6 You have the right to have the attorney counsel you before or during any interviews with peace officers or attorneys representing the state; and
- 7 You have the right to terminate the interview at any time.

The juvenile was asked if the rights and warnings were understood and any questions asked by the juvenile were answered.

Admissibility of Juvenile's Statement

The Juvenile's Statement is admissible in evidence in accordance with the provisions of Sec. 51.095, Texas Family Code because the statement:

- 1) is in writing;
- 2) was made when (check one):
 - (a) the juvenile was in a detention facility or other place of confinement;
 - (b) when the juvenile was in the custody of an officer; or
 - (c) during or after the interrogation of the child by an officer if the child is in the possession of the department of Protective and Regulatory Services and is suspected to have engaged in conduct that violates a penal law of this state; and
 - (d) the statement was signed in the presence of a magistrate with no law enforcement officer or prosecuting attorney present except that a magistrate may require a bailiff or a law enforcement officer if a bailiff is not available to be present if the magistrate determines the presence of the bailiff or law enforcement officer is necessary for the personal safety of the magistrate or other court personnel, however, in such a case a bailiff or law enforcement officer did not carry weapon in the presence of the child; and

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- 3 the statement shows that the juvenile received the Magistrate's Juvenile Warning some time before the making of the statement.
- 4 I am fully convinced that the juvenile understands the nature and contents of the statement;
- 5 The juvenile signed the statement voluntarily;
- 6 The juvenile knowingly, intelligently, and voluntarily waived the rights listed on the Magistrate's Juvenile Warning form;
- 7 I have spoken with and examined the juvenile independent of any law enforcement officer or prosecuting attorney, except as required to ensure the personal safety of the magistrate or other court personnel, and I have determined that the juvenile understands the nature and contents of the statement and has knowingly, intelligently, and voluntarily waived these rights.

MAGISTRATE'S CERTIFICATE

I certify that the statutory rights and warnings listed on page one of this Magistrate's Verification were read and explained to the juvenile before the making of the attached statement.

I further certify that the procedures and requirements of the Admissibility of a Statement of a Child were properly performed as required by Section 51.095, Texas Family Code.
WITNESS by my signature on this the ____ day of _____ of 2009.

 JUSTICE OF THE PEACE,
 PCT. 3
 HUNT COUNTY, TEXAS