

DEFENDANT'S ACKNOWLEDGEMENT OF ALLEGED OFFENSES, BONDS AND RIGHTS

I am the individual whose name appears above. I have been brought before a Magistrate after my arrest on the following charges:

OFFENSE CHARGED	AGENCY & WARRANT NO./ON SIGHT	BOND SET
A. _____	_____	\$ _____
B. _____	_____	\$ _____
C. _____	_____	\$ _____
D. _____	_____	\$ _____

FURTHER, In regard to the offense(s) listed above, I acknowledge and understand as follows:

- I have the right to remain silent and 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 am too poor to afford a lawyer, I have the right to request that a lawyer be appointed to represent me at the state's expense (except in Class C Misdemeanor cases);
- I have the right to have a lawyer present during any questioning by peace officers or attorneys representing the State of Texas and I understand that I may stop the interview at any time;
- If I am charged with a felony level offense, I also have the right to have an examining trial if heard prior to an indictment having been presented 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 have been arrested and charged with a(n) offense(s), but that does not mean that I am guilty; I am innocent until proven otherwise, and I have the right to a trial before a judge or a jury.

Request of Appointment of Attorney And Statement of Indigence

Further, the Magistrate before whom I now appear has explained that I have a right to an attorney and if I am too poor to afford an attorney, the county will appoint and pay for my attorney. The Magistrate has asked me if I am indigent and if I am in need of court appointed representation.

Based on my current financial status and abilities:

I am NOT INDIGENT. I can afford to hire legal representation and do not request court appointed counsel.

I am INDIGENT (unable to pay for my own attorney). I herein request that an attorney be appointed for me. I have been given a Pauper's Oath Application and the Magistrate has offered assistance in its preparation.

SIGNED on the _____ day of _____, 20____

Witness: _____ Defendant's Signature: _____

MAGISTRATE'S VERIFICATION OF WARNINGS AND DETERMINATION OF PROBABLE CAUSE

In my capacity as Magistrate for Marion County, I certify that the following procedural safeguards for the Defendant have been observed as required by law.

- I have personally advised the Defendant as to his or her rights including the right to retain counsel, the right to court appointed counsel if the defendant cannot afford legal counsel, the right to remain silent and the right to terminate any interview with law enforcement agencies or representatives of the state, the right to an examining trial in felony cases where a grand jury indictment has not been returned first, and the right to a trial before a judge or jury.
- I have personally asked the Defendant if they are indigent and would request that an attorney be appointed to represent them. If the Defendant has indicated that they would like to request indigent appointment of counsel, I have provided to them appropriate forms and assistance for their request. This form, once completed has been forwarded to the appropriate office for processing and, if granted, appointment of counsel.
- I have reviewed the charges listed above and find:

PROBABLE CAUSE EXISTS as to each of the charges supported by sufficient factual detail set forth in a sworn affidavit of probable cause, or supported by documentation as to the existence of (a) confirmed warrant(s) of arrest. There IS therefore sufficient basis for further detention of the defendant, absent posting of bond or bail as set above; OR

Based upon a lack of factual detail set forth in an affidavit of probable cause or the existence of confirmed warrants, NO PROBABLE CAUSE EXIST for further detention, and the defendant should be RELEASED IMMEDIATELY.

Paupers Oath Completed & Reviewed Defendant Determined to be Indigent Attorney Appointed

SIGNED ON THIS _____ day of _____, 20____ at _____ o'clock _____ M

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