Law Enforcement Agency:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Court #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Of Arrest:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County/State: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Time Of Arrest:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Warrant #, If Any: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Place Of Arrest:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Bail Set: $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HAS A PROBABLE CAUSE AFFIDAVIT BEEN FILED? YES NO**

## MAGISTRATE’S WARNING

----------------------------------

THE STATE OF TEXAS §

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ §

Before me, the undersigned, magistrate of Midland County, Texas on the \_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at\_\_\_\_\_\_\_o’clock AM/PM*.,* appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I gave said person the following warning:

* You are charged with the offense of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **** a felony **** a misdemeanor
* You have a right to hire an attorney to represent you.
* You have the right to have an attorney present prior to and during any interview and questioning by peace officers or attorneys representing the State.
* You have the right to remain silent.
* You are not required to make a statement, and any statement you make can and may be used against you in court.
* You have the right to stop any interview or questioning at any time.
* You have the right to have an examining trial (felonies only).
* You have the right to request appointment of counsel if you cannot afford counsel. \*

\*THE MAGISTRATE SHALL ENSURE THAT THE PERSON IS INFORMED OF THE FOLLOWING PROCEDURES:

1. That an application for a court appointed attorney must be completed to determine if he/she qualifies for a court appointed attorney;
2. That reasonable assistance will be provided to him/her when filling out the application for a court appointed attorney, if needed;
3. That a financial affidavit must be signed;
4. That an affidavit is a written or printed declaration or statement of facts made voluntarily and confirmed by oath before a person having authority to administer such oath;
5. That if he/she meets indigence standards he/she will qualify for court appointed attorney; and,
6. Attorney should attempt to contact him/her by the end of the first working day after appointment and to interview him/her as soon as practicable after appointment. If appointment is made when the accused is before the court, the accused will be given the attorney’s name, address, and phone number.

If you are not a United States citizen and you have been arrested or detained, you may be entitled to have us notify your country’s consular representatives here in the United States. Do you want us to notify your country’s consular officials?

**No.** \_\_\_\_\_\_\_\_\_\_\_\_\_ **Yes.** \_\_\_\_\_\_\_\_\_\_\_\_\_

****If you responded **“yes,**” what country? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

If you are a citizen of a country that requires us to notify your country’s consular representative, we shall notify them as soon as possible.

**THE ACCUSED DOES / DOES NOT WANT TO REQUEST COURT APPOINTED ATTORNEY.**

 **Circle One**

I acknowledge that I was given the above \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

warning (This is NOT an admission of guilt): Magistrate

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Place of warning:

Person warned Time:

 Date:

Accused refused to sign acknowledgement Witness (if any):

of warning: Name:

 Address:

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

Magistrate

Remarks: This hearing was interpreted by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Name of Interpreter)

**CAUSE NO. F-\_\_\_\_\_\_\_**

**THE STATE OF TEXAS \* IN THE JUSTICE COURT**

 **\***

**V. \* OF MIDLAND COUNTY, TEXAS**

 **\***

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \* PRECINCT \_\_\_\_\_\_\_\_\_**

## MAGISTRATE'S ORDER SETTING BAIL

On this date, Defendant appeared before me. **Bail in this case has not been previously set or denied.** Bail is hereby set at $\_\_\_\_\_\_\_\_\_\_, subject to the following terms and conditions:

\_\_\_ Driving While Intoxicated conditions:

(1) have installed on the motor vehicle owned by Defendant or on the vehicle most regularly driven by Defendant, a device that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator; and

(2) not operate any motor vehicle unless the vehicle is equipped with a deep-lung breath analysis mechanism device.

\_\_\_ Defendant is accused of an offense under one of the following chapters or sections of the Texas Penal Code and the alleged victim is a child 12 years of age or younger:

(1) Chapter 21 (Sexual Offenses);

(2) Chapter 22 (Assaultive Offenses);

(3) Section 25.02 (Prohibited Sexual Conduct); or

(4) Section 43.25 (Sexual Performance by a Child).

Therefore, the bond shall be conditioned that the defendant not communicate, directly or indirectly, with the alleged victim of the offense or go near a residence, school, or other location, as specifically described below, frequented by the alleged victim.

\_\_\_ The following reasonable condition(s) of bond related to the safety of the victim of the alleged offense or to the safety of the community:

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

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

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

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

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

This document constitutes the record of this proceeding under Article 15.17(e), Texas Code of Criminal Procedure.

Dated\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**Magistrate**

**CAUSE NO. F-\_\_\_\_\_\_\_**

**THE STATE OF TEXAS \* IN THE JUSTICE COURT**

 **\***

**V. \* OF MIDLAND COUNTY, TEXAS**

 **\***

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \* PRECINCT \_\_\_\_\_\_\_\_\_**

## MAGISTRATE'S FINDINGS REGARDING PROBABLE CAUSE

(Defendant Arrested without a Warrant, Capias or other Order of a Magistrate or Judge)

Charge:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_ On this date, based upon the attached complaint and other evidence presented, the undersigned magistrate finds there is probable cause to believe that Defendant committed the crime alleged in this cause. Having found probable cause, bail is set according to the order setting bail dated this same day.

\_\_\_ On this date, the undersigned magistrate does not find probable cause that Defendant committed a crime and Defendant shall be released from custody after posting a bond as follows:

\_\_\_ (Misdemeanor) in the amount of $5,000.00; or

\_\_\_ (Felony) in the amount of $ $10,000.00.

\_\_\_ On this date, the undersigned magistrate did not find probable cause that Defendant committed a crime and the District Attorney filed an application to postpone Defendant's release on bond for a period of time not more than 72 hours after Defendant's arrest.

This document constitutes the record of this portion of the proceeding under Article 15.17, Texas Code of Criminal Procedure.

SIGNED on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_:\_\_\_ \_\_\_m.

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

**Magistrate**

**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_**

**STATE OF TEXAS \* IN THE \_\_\_\_\_\_\_\_\_\_\_\_ COURT \_\_\_\_\_\_\_\_\_**

 **\***

**V. \* OF**

 **\***

 **\* MIDLAND COUNTY, TEXAS**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \* \_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT**

## AFFIDAVIT REGARDING INDIGENCE

STATE OF TEXAS

COUNTY OF MIDLAND

The undersigned appeared in person before me today and stated under oath:

My name is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

I am the defendant in this case. I have been advised by the court of my right to representation by counsel in the trial of the charges pending against me.

\_\_\_\_\_ I certify that I have the means to employ counsel and I decline appointment of counsel in the trial of the charges pending against me.

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

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

**Defendant**

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

**Street Address**

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

**City, State, Zip**

Signed under oath before me on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

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

**Signature of Person Administering Oath**

**Name Printed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**CAUSE NO.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

## FINANCIAL INFORMATION STATEMENT

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **YOUR FULL NAME:** |  |  |  |  |  |  |
| **YOUR ADDRESS:** |  |  |  |  |  |  |

**(The items applicable to the undersigned are checked, the information
called for is furnished under penalties of perjury)**

1. I am unable to hire an attorney because:

 ( ) I am presently receiving a government entitlement based on indigence:

 ***If you are receiving a government entitlement describe nature and amount and skip to the signature page and sign.***

 Nature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Amount:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ( ) I have no ability to hire an attorney based on facts set out below. ***If you checked this, please complete this entire statement.***

2. Employment information:

 ( ) I am not now employed; the last date I was employed was \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

 ( ) I am employed; I work for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 The nature of my job is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 The income I receive from this job is $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ per \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. Any other income:

 TYPE OF INCOME AMOUNT PER PERIOD

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

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

4. Spouse’s Income

 ( ) My spouse has no income

 ( ) My spouse has income as follows:

 TYPE OF INCOME AMOUNT PER PERIOD

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

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

5. Property:

 ( ) I own no property and no interest in any property.

 ( ) I own the following interests in property:

 Real Estate: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Motor Vehicles: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Cash: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6. Bank Accounts

 BANK TYPE OF ACCOUNT AMOUNT

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

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

7. Dependents:

 ( ) I have no dependents

 ( ) I have \_\_\_\_\_\_\_\_\_\_\_\_ (number) dependent(s):

 Names and ages of Dependants:

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

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

8. ( ) I have no debts

 ( ) I have the following debts

 CREDITOR AMOUNT

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

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

9. I have the following monthly expenses:

 TYPE OF EXPENSE AMOUNT PER MONTH

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

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

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

 By signing my name below, I swear or affirm that the above financial information is current, true and correct, and contains a full complete accounting of my monthly income from all sources, my monthly expenses, my assets and liabilities.

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

 Defendant

Sworn and subscribed before me the \_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, A. D. 20\_\_\_.

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

 Signature of Person Administering Oath

 Printed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_**

**STATE OF TEXAS \* IN THE \_\_\_\_\_\_\_\_\_\_\_\_ COURT \_\_\_\_\_\_\_\_\_**

 **\***

**V. \* OF**

 **\***

 **\* MIDLAND COUNTY, TEXAS**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \* \_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT**

## WRITTEN ADMONISHMENTS ON WAIVER OF COUNSEL FOR TRIAL

On this day, the Court admonishes the defendant in writing of the dangers and disadvantages of self-representation, as follows:

(a) that there are substantive laws that apply to the defendant's case and technical rules of evidence and procedure that govern the admission of evidence and the course of a trial and that the defendant will be bound by the substantive law and the rules of evidence and procedure and all other rules in the same manner as a lawyer;

(b) that the defendant will be granted no special consideration because the defendant is not a lawyer and may not know or understand the substantive laws or rules that govern the admission of evidence and the course of a trial;

(c) that the Court will not help the defendant or explain the substantive law or rules to the defendant;

(d) that because the defendant may not know the substantive law that applies to the defendant's case or the rules of evidence of evidence and procedure that govern the admission of evidence and the course of the trial, the defendant may fail to assert and thereby give up a defense that the defendant might have to the offense charged against him or her or waive an error committed by the State or the Court;

(e) that the defendant cannot claim ineffective assistance of counsel if the defendant chooses represent himself or herself;

(f) that the defendant cannot defend himself or herself in this case as well as a lawyer could defend the defendant; and

(h) that by electing to represent himself or herself in this cause, the defendant is responsible for his or her defense.

The Court further informs the defendant in writing that if the defendant chooses to represent himself or herself, the defendant does not have the right to the appointment of standby counsel to advise and assist the defendant, but that the Court may appoint standby counsel to advise and assist the defendant.

SIGNED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

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

**JUDGE PRESIDING**

**CERTIFICATION**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Judge sitting for the \_\_\_\_\_ District Court of Midland County, Texas, certify that a true and correct copy of the foregoing written admonishments was delivered to the defendant in this cause in open court on the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

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

**JUDGE PRESIDING**

**ACKNOWLEDGEMENT BY DEFENDANT**

I have been advised on this day, by the judge of the \*\*\* COUNTY COURT \*\*\* COUNTY COURT AT LAW \*\*\* DISTRICT COURT \*\*\* of my right to representation by counsel in the trial of the charge pending against me. I have been advised by the court of the dangers and disadvantages of self-representation in this case. I have been further advised that if I am unable to afford counsel, one will be appointed for me free of charge. Understanding the dangers and disadvantages of self-representation in this case, my right to counsel, and my right to have counsel appointed for me free of charge if I am not financially able to employ counsel, I wish to waive my right to counsel and request the court to proceed with my case without an attorney being appointed for me. I hereby waive my right to counsel.

SIGNED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

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

**DEFENDANT**

**CR-\_\_\_\_\_\_\_\_\_\_\_\_\_**

**STATE OF TEXAS \* IN THE \_\_\_\_\_\_\_\_\_\_\_\_ COURT \_\_\_\_\_\_\_\_\_**

 **\***

**V. \* OF**

 **\***

 **\* MIDLAND COUNTY, TEXAS**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \* \_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT**

## ORDER APPOINTING COUNSEL

ON THIS DAY, came on for consideration the need for counsel to be appointed to represent Defendant in the instant cause. The court is of the opinion Defendant needs counsel in this case and, after considering Defendant's affidavit regarding indigence, the court is of the opinion Defendant is without sufficient financial means to employ an attorney to represent him/her in this matter.

IT IS ORDERED that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a practicing attorney, is hereby appointed to represent Defendant in this case and such attorney shall represent Defendant until (1) a judgment of conviction, acquittal or dismissal is signed; (2) post-trial proceedings are completed; (3) an appeal to the court of appeals is exhausted; (4) the attorney is removed by the court in accordance with the Midland County Indigent Defense Plan; or (5) the attorney is replaced by other counsel.

SIGNED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

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

**JUDGE PRESIDING**

Copies to:

DISTRICT ATTORNEY

HONORABLE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DEFENDANT

JAIL AND/OR BONDSMAN

Article 26.04(a), Texas Code of Criminal Procedure

**CR-\_\_\_\_\_\_\_\_\_\_\_\_\_**

**STATE OF TEXAS \* IN THE \_\_\_\_\_\_\_\_\_\_\_\_ COURT \_\_\_\_\_\_\_\_\_**

 **\***

**V. \* OF**

 **\***

 **\* MIDLAND COUNTY, TEXAS**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \* \_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT**

## ORDER DENYING APPOINTMENT OF COUNSEL

ON THIS DAY, came on for consideration the need for counsel to be appointed to represent Defendant in the instant cause. After considering Defendant's affidavit regarding indigence, and financial information questionnaire, the court is of the opinion that Defendant has sufficient financial means to employ an attorney to represent him/her in this matter.

IT IS ORDERED that Defendant's request for court appointed counsel is denied.

SIGNED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

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

**JUDGE PRESIDING**

Copies to:

DISTRICT ATTORNEY

HONORABLE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DEFENDANT

JAIL AND/OR BONDSMAN

Article 26.04(a), Texas Code of Criminal Procedure

## APPLICATION TO BE PLACED ON THE LIST OF ATTORNEYS QUALIFIED FOR APPOINTMENT IN INDIGENT CRIMINAL CASES

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, State Bar Card Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, request that my name be placed on the list of attorneys qualified for appointment in the following cases:

**TRIALS:**

❒first and second degree felony[[1]](#footnote-1)

❒third degree and state jail felony[[2]](#footnote-2)

❒misdemeanor

❒mental illness

❒juvenile

**APPEALS AND WRITS:**

❒felony

❒misdemeanor

❒juvenile

In compliance with the provisions of the Midland County Indigent Defense Plan, I swear or affirm that I meet the following standards:

1. I am licensed to practice law in the State of Texas or to be admitted pro hac vice.
2. I am a member in good standing of the State Bar of Texas. **A letter of good standing from the State Bar of Texas dated within the thirty days prior to my application is attached.**

3. I have exhibited professionalism, reliability, proficiency and a commitment to providing quality representation to criminal defendants.

4. I am familiar with substantive criminal law and criminal procedure.

5. I maintain my primary office in Midland County, Texas where the defendant can meet with counsel. I acknowledge that a post office box is not sufficient to satisfy this requirement.

6. I maintain a telephone to allow the defendant or court to contact counsel.

7. I have a secretary, receptionist, answering service or a regularly monitored and functioning answering machine.

8. I maintain a secondary telephone line and equipment capable of receiving e-mail and facsimile transmissions twenty-four hours a day.

9. I have the ability to produce typed pleadings and orders.

1. I certify the following (please complete the following for each level of cases for which you are seeking appointment):

|  |
| --- |
| ***For appointment in first and second degree felony cases*:** |
| ❒**Initial application only:** I have attended and completed the State Bar of Texas Advanced Criminal Law Course within the preceding twelve months; or❒**Subsequent applications:**I have attended and completed the State Bar of Texas Advanced Criminal Law Course within the preceding two (2) reporting periods; and |
| ❒I have practiced in the area of criminal law for \_\_\_\_\_ years (at least three years required); and |
| ❒I have tried to verdict at least three criminal (non Class C) jury trials, at least two of which were felony jury trials. Please attach statement indicating each case number, style of case and court in which each case was tried; or❒I am board certified in criminal law by the Texas Board of Legal Specialization. |

|  |
| --- |
| ***For appointment in third degree and state jail felony cases*:** |
| ❒ **Initial application only:** I have attended and completed the State Bar of Texas Advanced Criminal Law Course within the preceding twelve months; or❒**Subsequent application:** I have attended and completed the State Bar of Texas Advanced Criminal Law Course or within the preceding two (2) reporting periods; and |
| ❒I have practiced in the area of criminal law for \_\_\_\_\_ years (at least one year required); and |
| ❒I have tried to verdict at least two criminal jury trials as lead or co-counsel. **Initial application only:** Please attach statement indicating each case number, style of case and court in which each case was tried); or❒I have participated in a mentoring program with one or more experienced criminal defense attorneys in at least two criminal jury trials in the statutory county courts or district courts of Midland County. **Initial application only:** Please attach statement indicating each case number, style of case and court in which each case was tried; or❒I am board certified in criminal law by the Texas Board of Legal Specialization. |

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| ***For appointment in juvenile cases*:** |
| ❒I have attended and completed a minimum of six hours of continuing legal education pertaining to juvenile law within the preceding twelve months; or❒I am board certified in juvenile law by the Texas Board of Legal Specialization. |
| ❒**For capital or Family Code, Section 53.045 determinate sentencing trial or appellate appointments:** I am qualified or approved for appointment in capital or first and second degree felony cases. |
| ❒**For felony, state jail or misdemeanor juvenile cases:** If I am not qualified for appointment in felony or misdemeanor cases, I have participated in a mentoring program with approved counsel by twice observing an adjudication disposition hearing and consulting with either State’s attorney or approved counsel as to the juvenile hearings involving modification and waivers of jurisdiction (or “certification”). **Initial application only:** Please attach statement indicating each case number, style of case and court in which each case was tried. |
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| ***For appointment to appeals or post-conviction writs*:** |
| ❒I am board certified in criminal law by the Texas Board of Legal Specialization; or |
| ❒I have personally authored and filed at least three criminal appellate briefs or post-conviction writs of habeas corpus. **Initial application only:** Please attach statement indicating each case number, style of case and appellate court in which case was heard; or |
| ❒I have submitted an appellate writing sample to be approved by a majority of the judges; or |
| ❒I have worked as a briefing clerk of an appellate court for a period of one year or more.I wish to be appointed to the following appellate case(s):❒felony❒misdemeanor❒juvenile. **See current Midland County Indigent Defense Plan for additional requirements.** |

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| --- |
| ***For appointment to mental illness cases:*** |
| ❒ I have one year experience in handling mental illness applications through serving as hired counsel, volunteering to serve as co-counsel or observation of at least three mental illness hearings; and |
| ❒ I have become knowledgeable with the provisions of the Texas Health and Safety Code; and |
| ❒ I have completed at least three hours of approved continuing legal education in the representation of mentally ill persons. |

11. I have read the current Midland County Indigent Defense Plan.

12. I have participated in the following continuing legal education courses or other training relating to criminal defense:

|  |  |  |
| --- | --- | --- |
| **Name of Course/Training** | **Date Attended** | **Name of Provider** |
|  |  |  |
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**A copy of my most recent Annual Verification Report from the State Bar of Texas-Minimum Continuing Legal Education Department is attached.**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Signature of Affiant**

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

**Mailing Address**

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

**City/State/Zip**

( )\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Office Telephone Number**

 ( )\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Facsimile Number**

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

**E-mail Address**

**SWORN TO** and subscribed to before me this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

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

**Notary Public in and for the State of Texas**

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NOTE TO APPLICANT:**

For this application to be complete, you must include:

1. a letter of good standing from the State Bar of Texas dated within the thirty days prior to your application; and
2. a copy of your most recent Annual Verification Report from the State Bar of Texas-Minimum Continuing Legal Education Department.

**Placement on any list is for a period beginning January 1 or upon approval of an application, whichever is later and ending December 31 of each year. In order to be maintained on the list for the following calendar year, the attorney must complete an application and submit the required documentation to the local administrative district judge on or before December 1 of each year.**

**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_**

**STATE OF TEXAS \* IN THE \_\_\_\_\_\_\_\_\_\_\_\_ COURT \_\_\_\_\_\_\_\_\_**

 **\***

**V. \* OF**

 **\***

 **\* MIDLAND COUNTY, TEXAS**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \* \_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT**

## ATTORNEY’S CERTIFICATION

In the instant cause, the undersigned attorney has performed the following:

\_\_\_\_\_ 1. I received the notice of appointment and a copy of the magistrate’s file.

\_\_\_\_\_ 2. I made a reasonable effort to contact the defendant by the end of the first working day after the appointment by mail, facsimile, telephone or in person.

\_\_\_\_\_ 3. I have not made such reasonable efforts because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

\_\_\_\_\_ 4. I had a person to person conference with the defendant by the end of the third working day after the date of the appointment, if the defendant was incarcerated.

\_\_\_\_\_ 5. I had a person to person conference with the defendant by the end of the seventh working day after the date of the appointment, if the defendant was not incarcerated.

\_\_\_\_\_ 6. I have not had such person to person conference because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

SIGNED this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

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

**ATTORNEY**

**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_**

**IN THE MATTER OF \* IN THE COUNTY COURT AT LAW**

 **\* SITTING AS A JUVENILE COURT**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \* MIDLAND COUNTY, TEXAS**

## JUVENILE COURT'S ORDER FOR ATTORNEY'S FEES

Hearings indicated below were held as to the juvenile designated above:

 \_\_\_\_\_ Detention

 \_\_\_\_\_ Adjudicated/Disposition by stipulation

 \_\_\_\_\_ Modification

 \_\_\_\_\_ Waiver of Jurisdiction/Certification

 \_\_\_\_\_ Trial, Bench or Jury

 \_\_\_\_\_ Dismissed

The Court appointed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, an attorney, to represent the interest of the child.

The Court finds that the child's parent(s) are financially able to either employ or contribute toward the employment of an attorney to represent the child, whose right to representation the Court will not waive.

IT IS HEREBY ORDERED that the appointed attorney receive a reasonable attorney's fee of $\_\_\_\_\_\_\_\_\_ for the representation of the child and the juvenile's parent(s) reimburse Midland County, Texas, the sum of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, for or toward such fees with payments thereon to be made to the Midland County Juvenile Probation Department.

SIGNED this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

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

**JUDGE PRESIDING**

## ATTORNEY’S CLAIM FORM





**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_**

**STATE OF TEXAS \* IN THE \_\_\_\_\_\_\_\_\_\_\_\_ COURT \_\_\_\_\_\_\_\_\_**

 **\***

**V. \* OF**

 **\***

 **\* MIDLAND COUNTY, TEXAS**

 **\***

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \* \_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT**

## ORDER APPROVING PAYMENT OF COUNSEL

 The Court has determinedthe defendant in the above entitled and numbered cause to be indigent and without sufficient means to employ an attorney to represent him or her in the above entitled and numbered cause; and the Court appointed the below named attorney or attorneys to represent the said defendant as required by law,

 **IT IS THE ORDER OF THE COURT** that Midland County pay the said attorney or attorneys and the investigator the amountsstated.

SIGNED \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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

**JUDGE PRESIDING**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT**

**MIDLAND COUNTY, TEXAS**

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

**AMOUNT OF PAYMENT AMOUNT OF PAYMENT**

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

**ATTORNEY ATTORNEY/INVESTIGATOR**

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

**ADDRESS ADDRESS**

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

**CITY/STATE/ZIP CITY/STATE/ZIP**

**INDIGENT DEFENSE EXPENDITURE INFORMATION:**

**TYPE OF CASE NUMBER OF CASES CAUSE NUMBERS**

 **COVERED BY FEE**

❒Adult Felony \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

❒Adult Misdemeanor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

❒Adult Felony Appeal \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

❒Adult Misdemeanor Appeal \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

❒No Charges Filed-Adult \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

❒Juvenile \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

❒Juvenile Appeals \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

❒No Charges Filed-Juvenile \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Attorneys placed on list of attorneys qualified for appointment as first and second degree felony cases will also be placed on the list of attorneys qualified for appointment in third degree and state jail felony cases, misdemeanor cases and motions to revoke community supervision. [↑](#footnote-ref-1)
2. Attorneys placed on list of attorneys qualified for appointment as third degree and state jail felony cases will also be placed on the list of attorneys qualified for appointment in misdemeanor cases and motions to revoke community supervision. [↑](#footnote-ref-2)