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:

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

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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**