DEFENDANT’S NAME:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**YOUR RIGHTS REGARDING REPRESENTATION BY AN ATTORNEY (COUNSEL)**

The 6th Amendment to the United States Constitution and Texas law provides

that in all criminal prosecutions an accused has the right to the

assistance of counsel (Attorney) for his or her defense.

A Defendant has an absolute to hire the Attorney of his/her choice to

represent them, if they choose. If you wish to hire and Attorney, please

complete the Waiver of Right to Court Appointed Attorney section of the

attached form.

An indigent Defendant, one who is not able to hire an attorney, is

entitled to have an attorney appointed to represent him/her in any

adversarial judicial proceeding that may result in punishment by

confinement (jail time) and in any other criminal proceeding, if the Court

concludes that the interest of justice require representation. An indigent

Defendant who wants the Court to appoint an attorney to represent him/her

Must complete both the Request for Court Appointed Attorney section of the

Attached form and an Affidavit of Indigency. Both forms are attached.

A Defendant has an absolute right to represent him or herself; and may

voluntarily and intelligently waive, in writing, the right to be

represented by an attorney. If you choose to represent yourself, you may

end up with the same outcome, a better outcome, or a worse outcome.

You will be required to follow the same rules of evidence, procedure, and

case law that must be followed by attorneys. A Defendant who wishes to

waive his/her right to an attorney must complete the Request to Represent

Myself and Waive Right to Representation by Attorney section of the

attached form.

At your appearance before the Magistrate, you will be asked whether you

want to: 1)hire your own attorney; 2)request Court Appointed Attorney; or

3) represent yourself.

A Defendant who has waived his/her right to Court Appointed Attorney or

waived his/her right representation by attorney may withdraw that waiver

at any time and hire an attorney or request the appointment of attorney, by requesting to appear before the Magistrate again or writing to the Indigent Defense Coordinator at the Van Zandt County Courthouse.

Please not that many defendants contact the Criminal District Attorney’s Office regarding a plea recommendation. The Criminal District Attorney’s Office is prohibited by law from speaking to you or responding to your

request for plea recommendation unless you are representing yourself.

ACKNOWLEDGMENT OF RECEIPT COPY OF:

**YOUR RIGHTS REGARDING REPRESENTATION BY ATTORNEY**

Defendant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Witness: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DEFENDANT’S NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**INFORMATION REGARDING REPRESENTATION OF ATTORNEY**

**Waiver of Request for Court Appointed Attorney**

On this \_\_\_\_ day \_\_\_\_\_\_\_\_\_\_, 20\_\_\_, I, the above named Defendant, having

been advised of my rights to representation by Attorney in the trial of the charge(s) pending against me; hereby certify to the Court upon my oath that I understand my rights to request Court Appointed Attorney, I hereby choose to retain an Attorney not to request Court Appointed Attorney at this time.

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

 Defendant

-OR-

**Request for Court Appointed Attorney**

On this \_\_\_\_ day \_\_\_\_\_\_\_, 20\_\_\_, I, the above named Defendant, having been

advised of my rights to representation by Attorney in the trial of the

charge(s)pending against me; hereby certify to the Court that I am without

means to hire an Attorney of my own choosing and I hereby request the Court to appoint an Attorney for me.

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

 Defendant

-OR-

**Request to Represent Myself and Waive the Right to Representation by Attorney**

I have been advised this \_\_\_\_day of\_\_\_\_\_\_\_, 20\_\_\_\_, by the Magistrating

Judge of my right to representation by counsel (attorney) in the case

pending against me. I have been further advised that if I am unable to

afford Counsel,one will be appointed for me free of charge. Understanding my right to have Counsel appointed for me free of charge if I am not

financially able to employ counsel, I wish to waive that right and request

the Court to proceed with my case without an attorney being appointed for

me. I hereby waive my right to counsel.

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

 Defendant

SWORN TO AND SUBSCRIBED to before me by the above referenced Defendant on

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

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

 Magistrate Judge

**APPROVAL OF WAIVER OF ATTORNEY**

The Magistrate Judge is aware that the law frowns upon any purported waiver of any of an accused’s right to counsel. Further, that an accused’s waiver can only be valid if that waiver of a known right was intentionally, knowingly, and voluntarily, after the accused was admonished as to the dangers and disadvantages of self-representation. The Magistrate Judge finds the Defendant’s waiver is made intentionally, knowingly, and voluntarily, subsequent to having been admonished regarding self-representation.

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

 Magistrate Judge

TRANSMITTAL LOG

Defendant’s Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_APPOINT/WAIVE

I, the Arraigning Magistrate, tendered the following forms to the above

named Defendant:

\_\_\_\_\_**Your Rights Regarding Representation by Attorney (Defendant’s copy)**

**\_\_\_\_\_Affidavit of Indigency**

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

Date and Time Magistrate Judge

\_\_\_\_\_**The Magistrate Judge has reason to believe that the Defendant is not**

**Mentally competent, enters a request for Court Appointed Attorney on behalf of the Defendant, and transmits this request directly to the Jail**

**Administrator or his designee for transmittal to the Indigent Defense**

**Coordinator.**

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

Date and Time Magistrate Judge

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

I, designee of the Jail Administrator, received the **Affidavit of Indigency**

from the Defendant.

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

Date and Time Signature/Badge

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

I, designee of the Jail Administrator, transmitted the **Affidavit of**

**Indigency** to the Indigent Defense Coordinator.

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

Date and Time Signature/Badge

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

I, the Indigent Defense Coordinator, **received** the **Affidavit of Indigency**

from the Jail.

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

Date and Time Indigent Defense Coordinator

ATTORNEY REQUEST/WAIVER OF RIGHTS CHECK LIST

 \_\_\_\_\_\_\_\_ TRANSMITTAL SHEET (ORIGINAL)

 \_\_\_\_\_\_\_\_ ATTORNEY REQUEST OR DENIAL (ORIGINAL)

 \_\_\_\_\_\_\_\_ HANDWRITTEN BOOKIN (COPY)

 \_\_\_\_\_\_\_\_ WARRANT OR PC AFFIDAVIT (COPY)

 \_\_\_\_\_\_\_\_ ARRAINGMENT SHEET (COPY)

\*\*\*\* CHARGES HIGHER THAN A CLASS C MUST HAVE A REQUEST/WAIVER FOR COURT

 APPOINTED ATTORNEY.

\*\*\*\* FOR EACH SEPARATE CHARGE ABOVE A CLASS C THERE MUST BE A SEPARATE

 PACKET FILLED OUT, WHICH WILL INCLUDE THE PAPERWORK LISTED ABOVE.

\*\*\*\* DO NOT SIGN THE ORIGINAL TRANSMITTAL SHEET UNLESS YOU ARE DELIVERING

 THE PACKETS TO THE DA’S OFFICE OR COUNTY COURTS OFFICE.