

NO. _____

STATE OF TEXAS

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COUNTY COURT AT LAW

OR

VS.

COUNTY COURT

(circle one of the above)

HILL COUNTY, TEXAS

WAIVER OF ATTORNEY

On this _____ day of _____, 20 __, I have been advised by the above-named Court of the following:

- (1) The right to represent myself in a criminal proceeding and the dangers and disadvantages of self-representation; and
- (2) My right to representation by an attorney in the trial of the charge pending against me. I have been further advised that if I am unable to afford an attorney, one will be appointed for me free of charge, unless the Court determines that I have sufficient financial resources in which case the Court shall order me to pay all or part of the attorney's fees, including any costs and expenses.

I fully understand my rights in (1) and (2) above and, having no further questions about them, I hereby knowingly and willingly waive my right to representation by an attorney as set out in (2) above, and request the Court to proceed with my case without an attorney being appointed for me.

I hereby waive my right to an attorney.

The State Legislature passed into law House Bill 1178, which became effective September 1, 2007. Pursuant to HB 1178, I further acknowledge and understand that if I am indigent and have refused a court appointed attorney so that I can hire my own private attorney, and after I have been given sufficient time to hire an attorney I appear in court without an attorney, and I acknowledge and understand that the Court has given me a reasonable opportunity to request a court appointed attorney, and I have decided not to request a court appointed attorney and have signed this waiver of counsel pursuant to law, I acknowledge and understand that I may proceed with my case as long as I have received 10 days' notice of the setting with regard to my case or waived that notice period.

I further acknowledge that I understand that the attorney representing the State cannot communicate with me unless and until I have signed this Waiver of Counsel. Further, I acknowledge and understand that the attorney representing the State cannot initiate or encourage me to sign this Waiver of Counsel. Further, I acknowledge and understand that the attorney for the State cannot communicate with me if I have requested a court appointed attorney, unless the Court or someone authorized by the Court pursuant to Art. 26.04 to appoint attorneys for indigent defendants in this county, has denied my request for a court appointed attorney, and after being made aware of said denial of a court appointed attorney, I

- (1) have been given a reasonable opportunity to hire an attorney and have failed to hire an attorney; or
- (2) waive or have waived the right to hire my own attorney.

I acknowledge and understand that I have been given such opportunity as set out in (1), or to make such waiver as set out in (2). I waive any claim of error regarding such opportunity (ies).

I acknowledge and understand that I have been advised by the Court that the Court may not direct or encourage me to communicate with the attorney representing the state until the Court advises me of my right to a court appointed attorney and the procedure for requesting a court appointed attorney, and I have been given a reasonable opportunity to request a court appointed attorney. I further advise that the Court has done all of those things to my satisfaction.

I further acknowledge and understand that I have been fully advised of my right to a court appointed attorney for the purposes of entering a guilty plea or proceeding to trial, and the Court has advised me of the nature of the charges against me and, if I desire to proceed to trial, the dangers and disadvantages of self-representation. I further acknowledge that the Court has provided me with a statement substantially in the following form, which, if signed by me, shall be filed with and become a part of the record of the proceedings:

“On this _____ day of _____, 20____, I have been advised by the above-referenced Court of my right to representation by an attorney in the case pending against me. I have been further advised that if I am unable to afford an attorney, one will be appointed for me free of charge, understanding my right to have an attorney appointed for me free of charge if I am not financially able to hire my own attorney. 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.”

I further acknowledge that I have been advised that notwithstanding any other provision of this article, the judge or magistrate in whose court a criminal action is pending may not order the accused to be re-arrested or require the accused to give another bond in a higher amount because the accused:

- (1) withdraws a waiver of the right to an attorney; or
- (2) requests the assistance of counsel, whether appointed or hired.

Defendant

_____ APPROVED _____ DENIED:

SIGNED this the _____ day of _____, 20____.

Judge Presiding