

CAUSE NO. _____

STATE OF TEXAS

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IN THE DISTRICT COURT

v.

394TH JUDICIAL DISTRICT

_____ COUNTY, TEXAS

WAIVER OF PRE-TRIAL HEARING PURSUANT TO ARTICLE 28.01

Defendant, joined by Defendant’s Attorney of Record, hereby waives the pre-trial hearing on preliminary motions, and states the following:

1. This cause is set for pre-trial hearing pursuant to Article 28.01 on _____, 20__.
2. Defendant has previously been arraigned or waived arraignment.
3. Defendant is represented by counsel.
4. [MARK ONLY ONE]:
 - No motions or preliminary matters described in Sec. 1 of Article 28.01 were timely raised or filed; OR
 - All motions filed or preliminary matters raised by Defendant have been agreed to by the State, and *agreed orders are submitted herewith* for the Court’s consideration.
5. Therefore, no pre-trial hearing on preliminary motions is necessary.
6. Defendant asks the Court to forego the pre-trial hearing under Article 28.01 and forgive the appearance of Defendant, approve the agreement of the parties and sign the attached orders, and proceed to the Plea Deadline hearing as previously scheduled by prior order.

Date: _____

 DEFENDANT
 Address: _____

 E-mail: _____

 ATTORNEY FOR DEFENDANT
 SBN: _____
 Address: _____
 E-mail: _____

CAUSE NO. _____

STATE OF TEXAS

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IN THE DISTRICT COURT

v.

394TH JUDICIAL DISTRICT

_____ COUNTY, TEXAS

ORDER ACCEPTING WAIVER OF PRE-TRIAL HEARING PURSUANT TO ARTICLE 28.01

Defendant’s Waiver of Pre-Trial Hearing pursuant to Article 28.01 was presented to the Court this the ____ day of _____, 20____. The Court finds that Defendant freely, voluntarily, knowingly and intelligently, and with the advice of counsel, waived the right to a pre-trial hearing pursuant to Art 28.01 of the Texas Code of Criminal Procedure. The Court finds that either no motions were filed nor preliminary matters raised at least seven days prior to the hearing, or that the State has agreed to all relief requested by the Defendant in such motions and accordingly finds that no hearing is necessary.

After due consideration of same, and the Court being satisfied that no harm will be done to the rights of the Defendant, the same is hereby GRANTED, and it is therefore, ORDERED, ADJUDGED AND DECREED that said Waiver of Pre-Trial Hearing is hereby approved and shall be entered in the records of this cause. Accordingly, the filing period for motions and preliminary matters encompassed by Art. 28.01 is closed, and henceforth no preliminary matters shall be allowed to be raised or filed except by permission of the Court for good cause shown.

IT IS FURTHER ORDERED that the previously scheduled pre-trial hearing is hereby cancelled, and the appearance of Defendant on that date is excused.

Date: _____

JUDGE PRESIDING

APPROVED AND ENTRY REQUESTED:

DEFENDANT
Address: _____

E-mail: _____

ATTORNEY FOR DEFENDANT
SBN: _____
Address: _____
E-mail: _____