

CAUSE NO. 169628501010

SPN: 02841298

DATE/TIME OF ARREST: 10/31/2020 09:05 PM

THE STATE OF TEXAS

§ IN THE 174th DISTRICT COURT

v.

§

SMITH, JOSHUA

§

HARRIS COUNTY, TEXAS

DOB: February 10, 1999

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION – PR BOND/BAIL ORDER

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared in person by video teleconference and I admonished the defendant as follows:

You are accused of 3RD DEGREE FELONY, namely, FELON POSS WPN.

- You have the right to hire an attorney to represent you.
- You have the right to remain silent.
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state.
- You have the right to stop any interview at any time.
- You have the right to an examining trial in a felony offense.
- You are not required to make a statement and any statement you make can be used against you.
- You have the right to request the appointment of counsel if you cannot afford counsel.

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over? NO YES— Pursuant to Joint Administrative Order No. 2017-01, Assistant Public Defender Hoang, Bao-Long (print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent? NO YES— The Court **ORDERS** Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

CONSULAR NOTIFICATION: If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a: United States citizen foreign national of (country).

The accused requests notification of consular officials.

MANDATORY NOTIFICATION: The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

PROBABLE CAUSE FINDING AND ORDER

The Court **FINDS** that probable cause for further detention **DOES NOT EXIST**. The Court **ORDERS** the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.

The Court **FINDS** that probable cause for further detention **EXISTS**. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

Probable cause previously determined. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

SEE NEXT PAGE FOR BAIL ORDER

November 01, 2020 14:45 PM

Rosa A. [Signature] 1676089

Date and Time

Magistrate (Judge or Hearing Officer)

Interpreter (if applicable)

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION – PR BOND/BAIL ORDER

PERSONAL BOND / BAIL ORDER

Having found probable cause exists for the further detention of SMITH, JOSHUA, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

PART 1: PUBLIC SAFETY ASSESSMENT

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- Personal Bond Recommended
- Personal Bond **NOT** Recommended
- Personal Bond Recommendation referred to Magistrate
- PSA NOT available

PART 2: PERSONAL BOND / BAIL REQUESTS

Presumptive Bail Amount \$888,888.00

A. DISTRICT ATTORNEY PR BOND / BAIL REQUEST

- Personal Bond Requested Opposed
 No Position
- Bail Request No DA Bail Request
 Higher _____
 Lower \$30,000.00
 No Bail

B. PUBLIC DEFENDER PR BOND / BAIL REQUEST

- Personal Bond Requested Opposed
 No Position
- Bail Request No PD Bail Request
 Higher _____
 Lower \$5,000.00
 No Bail

PART 3: FINANCIAL AFFIDAVIT

Signed and Sworn: Yes
 No

ORDER

After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX.CODE CRIM.P. ART 15.17; (2) set the defendant’s conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at: No Bail \$10,000.00
 Conditions

Personal bond is: Not Approved defendant is driving with no TDL, with MJ that he admits smoking, with a stolen gun and is a documented gang member which he also admits to // 4F 2M felony theft & evading 2nd 11/2019, att FPW 11/2017, UCW 2017, UUMV 2017 // nvca-no 5/4 above average risk // defendant discharged from STJ 4-17-2020
 Approved Conditions

The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

L. M. [Signature]

