NOTICE and DEMAND FOR INFORMATION

Cause No(s). \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The State of Texas § IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT

§

VS. § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ §

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS

NOTICE and DEMAND FOR INFORMATION

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a living man without benefit of counsel, hereinafter known as the Accused, moves this court to give notice to the prosecutor to bring and file with this court and to give the Accused a copy thereof , of an information for the above Cause:

1. The Accused, gives notice that the Accused does not have a copy of an information that was made, based upon the complaint as stated in Article 2.05 of the Texas Code of Criminal Procedure.

“Art. 2.05. [29] [35] [36] When complaint is made

If the offense be a misdemeanor, the attorney shall forthwith prepare an information based upon such complaint and file the same in the court having jurisdiction; …”.(Emph. Added)

2. The Accused, gives notice that the Accused demand a copy of the information that was made, based upon the complaint as authorized by Article 25.04 of the Texas Code of Criminal Procedure.

“Art. 25.04. [490] [554] [543] In misdemeanor

In misdemeanors, it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible.” (Emph. Added)

3. The Accused, gives notice that the Accused reserves his rights pursuit to Article 1.14(b) of the Texas Code of Criminal Procedure and object to not having the information to object to.

“Art. 1.14. [11] [22] [23] Waiver of rights

(b) If the defendant does not object to a defect, error, or irregularity of form or substance in an indictment or information before the date on which the trial on the merits commences, he waives and forfeits the right to object to the defect, error, or irregularity and he may not raise the objection on appeal or in any other post conviction proceeding.” (Emph. Added)

Respectfully,

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing has been delivered to the following party or counsel of record via delivery confirmation, hand delivery or fax on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_.

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

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Cause No(s). \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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§

VS. § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ §

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS

ORDER FOR PROSECUTOR TO FILE INFORMATION

On this the day of , 201\_\_, came on to be heard the Accused Notice for Information in the above entitled and numbered cause, and the court, having heard the said motion, and the evidence thereon submitted, is of the opinion that said Notice should be

Granted

Denied, Grounds Being \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Signed and entered this day of , 201\_\_.

SEAL

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

Judge Presiding

INSTRUCTIONS

This document can be filed as soon as you can get the Clerk of the Court to give you the Cause Number of your case. You may have to wait until after the arraignment, but the law states that you should have a copy of the complaint before arraignment. That does not seem to stop them from proceeding anyway. If you cannot get it filed 10 days before the arraignment, then it needs to be filed at least 10 days before the pretrial. If you do not get a copy of the primary charging instrument, the court should not have subject matter jurisdiction. This issue can be appealed.

Line 1: Where you put the cause numbers of the case.

Line 2: Put either ‘Municipal’, ‘Justice of the Peace’ or County.

Line 3: Put either ‘In the City of (whatever City)”, “Precinct (whatever number)” or “(whatever county Court it is – like – At Law #11)

Line 4: Put your name in Upper and Lower Caps.

Line 5: Put whatever county the court is in – like – “Galveston”.

Line 6: Put your name in Upper and Lower Caps.

There is a space for you to put “wo” in front of ‘man’ if need be.

Line 7: Sign your name, print your name in Upper and Lower Caps then below that print your address.

Line 8: Put the numbered day of the Month that you serve a copy of this document to the prosecutor.

Line 9: Put the name of the Month that you serve a copy of this document to the prosecutor.

Line 10: Put the last number of the year that you serve a copy of this document to the prosecutor. – like - 2013 .

Line 11: Put “ Prosecutor for (Whatever Court)

Line 12: Put the street address where the prosecutor will be served.

Line 13: Put the City, State and Zipcode where the Prosecutor will be served.

Line 14: Sign your name, print your name in Upper and Lower Caps then below that print your address.

NEW DOCUMENT - ORDER

Line 1: Line 1: Where you put the cause numbers of the case.

Line 2: Put either ‘Municipal’, ‘Justice of the Peace’ or County.

Line 3: Put either ‘In the City of (whatever City)”, “Precinct (whatever number)” or “(whatever county Court it is – like – At Law #11)

Line 4: Put your name in Upper and Lower Caps.

Line 5: Put whatever county the court is in – like – “Galveston”.

Leave the rest for the Judge to fill out.

Original goes to the clerk of the court, one copy to the Prosecutor and one copy for you to keep and have stamped by the clerk. Be sure and NOT include the instruction sheets.