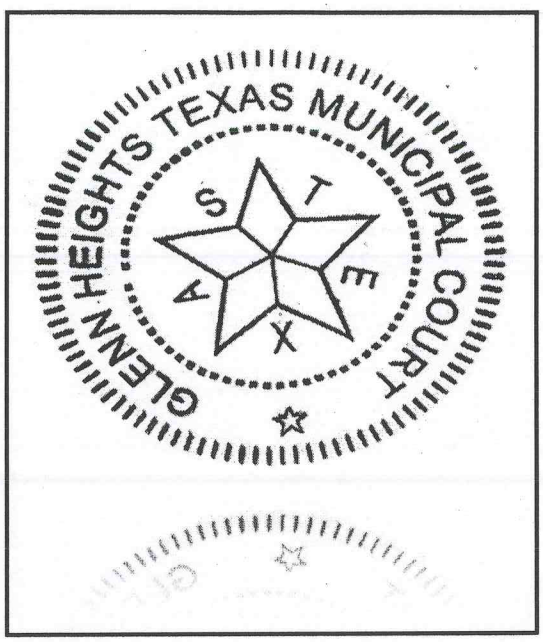

STANDING ORDERS

OF THE

CITY OF GLENN HEIGHTS

MUNICIPAL COURT OF RECORD

The following Standing Orders are to be used by the Municipal Court Clerk and staff and continuing until further Ordered. These Orders are intended to provide a guideline to the Clerk and staff for use in dealing with the general public who may request payment or other disposition of Class C citations when the Judge of the Court is not present.

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STANDING ORDER NO. 1:
COMPLIANCE DISMISSALS WITH ADMINISTRATIVE FEE

The Clerks are authorized to process the dismissal of the following offenses, upon the payment of the specified administrative fee, if the evidence, set forth below, is presented. The Clerk must keep a copy of the evidence presented for the file to be attached to the dismissal to be processed.

1. **Expired Inspection/Failure to Display Inspection (Transp. Code, §548.605(b))**

- if defendant presents satisfactory evidence that he/she remedied the defect within 20 working days of the date of the offense or before the defendant's court appearance, whichever is later, by obtaining a current inspection certificate, and
- the inspection certificate has not been expired for more than sixty days, and
- and the defendant pays an administrative fee of $20.00.

2. **Expired Registration/License Plate (Transp. Code, § 502.407(b))**

- if defendant presents satisfactory evidence that he/she remedied the defect within 20 working days of the date of the offense or before the defendant's court appearance, whichever is later; and
- if presents evidence of payment of late fee for registration with the appropriate tax office, and
- and the defendant pays an administrative fee of $20.00.

3. **Fail to Display Registration (Transp. Code, § 502.404)**

- if defendant presents satisfactory evidence that he/she remedied the defect within 20 working days of the date of the offense or before the defendant's court appearance, whichever is later; and
- if presents evidence of payment of late fee for registration with the appropriate tax office, and
- and the defendant pays an administrative fee of $10.00.

4. **Expired Driver's License (Transp. Code, §521.026)**

- if defendant presents satisfactory evidence that he/she renewed his/her driver's license within 20 working days of the date of the offense or before the defendant's court appearance, whichever is later.
- and the defendant pays an administrative fee of $20.00.

5. **Fail to Display Driver's License, (Transp. Code, §521.025)**

- Upon presentation of a Texas Drivers' License that was.
  a) issued to that person;
  b) appropriate for the type of vehicle operated; and
  c) valid at the time of the arrest for the offense.
- and the defendant pays an administrative fee of $10.00.

6. **License Plates. (T.C. 502.404(f) and (g))**

For the Offense of not having two license plates (front and rear)

- Upon the presentation of the following evidence:
  a) the defendant remedied the defect before the first court appearance
  b) the registration for the vehicle is current during the period the offense was committed; and
  c) the registration insignia was attached to the car before the defendant's first court appearance.
- and the defendant pays an administrative fee of $10.00.

7. Obscured License Plates. (T.C. 502.409)

- if defendant presents satisfactory evidence that he/she remedied the defect before the first court appearance
- defendant must appear at the court office and IF an officer is available to inspect vehicle. If no officer is available you may either return to the office at a later time or you MUST appear at your appearance date listed at the bottom of your citation. For security reasons, clerks will NOT inspect defective equipment corrections.
- and the defendant pays an administrative fee of $10.00.

8. Change of Address or Name. (T.C.521.054)

- if defendant presents satisfactory evidence that he/she remedied the defect not later than the 20th working day after the date of the offense or before the defendant's court appearance, whichever is later;
- and the defendant pays an administrative fee of $20.00.

9. Equipment Violations. (T.C.547.004(c) and (d)).

- if the offense does not involve a commercial motor vehicle
- the defendant presents satisfactory evidence that he/she remedied the defect before the first court appearance
- defendant must appear at the court office and IF an officer is available to inspect vehicle. If no officer is available you may either return to the office at a later time or you MUST appear at your appearance date listed at the bottom of your citation. For security reasons, clerks will NOT inspect defective equipment corrections.
- and the defendant pays an administrative fee of $10.00.

10. Expired Vessel Certificate. (Parks & Wildlife Code 31.127(f))

- If the certificate of number has not been expired for more than 60 days the clerk may process a dismissal if the defendant presents satisfactory evidence that he/she remedied the defect not later than the 10th working day after the date of the offense
- and the defendant pays an administrative fee of $10.00.

11. Handicap Violations - Expired Disabled Parking Placard(T.C. 681.016)

- if defendant presents satisfactory evidence that he/she remedied the defect not later than the 20th working day after the date of the offense
- if the placard was not expired for more than 60 days
- and the defendant pays an administrative fee of $20.00

STANDING ORDER NO. 2:
DISMISSALS WITHOUT FEE

The Court Clerks are authorized to process the dismissal of the following offenses upon showing the requisite proof.

1. **Proof of Financial Responsibility (Transp. Code, § 601.193)**

   a. Proof of financial responsibility, such as a valid insurance card or insurance policy, upon verification by Court Clerk;

   Note: Insurance policies must cover those who use the vehicle with express or implied permission of the named insured; therefore, even if an individual has a no drivers' license offense, that individual may be covered if he/she was using the insured vehicle with the express or implied permission of the named insured. Transp. Code, §601.076

1. **No Driver's License (Transp. Code, §521.021)**

   a. Upon presentation of a driver's license, valid on the date of the offense.

STANDING ORDER NO. 3:
MOTIONS FOR CONTINUANCE & EX PARTE COMMUNICATIONS

Motions for Continuance

A. Written motions are required, unless the attorney for the defense or the state is before the court on the date of court whereupon a verbal motion may be made.

B. The court, as a matter of policy, will grant one continuance per party without good cause shown.

C. Subsequent requests for continuance will be on good cause shown, which may include but not be limited to:

   1. Pre-existing court dates, with appropriate documentation regarding when notified of the conflicting court date.
   2. Pre-scheduled vacation dates with no refunds available
   3. Conflicting subpoenas for witnesses
   4. Conflicting training schedules for witnesses

D. Motions for continuance shall be filed as soon as practicable before the court date, based upon when party requesting the continuance determines a conflict exists. Motions received the day of or day before the scheduled court date will not be granted unless good cause is shown.

E. Motions untimely filed, without good cause shown, may be denied by the court. Motions denied, and subsequent failure to appear may have the prosecution request that a failure to appear charge be filed, a warrant executed and a bond for new court setting

required. A cash bond will be required if the failure to appear occurred on a surety or attorney bond.

Ex Parte Communications

The Court hereby adopts the Canon 6 (c) (2), Code of Judicial Conduct, as follows:

(2) A justice of the peace or a municipal court judge, except as authorized by law, shall not directly or indirectly initiate, permit, nor consider ex parte or other communications concerning the merits of a pending judicial proceeding. This subsection does not prohibit communications concerning:

a. uncontested administrative matters,
b. uncontested procedural matters,
c. magistrate duties and functions,
d. determining where jurisdiction of an impending claim or dispute may lie,
e. determining whether a claim or dispute might more appropriately be resolved in some other judicial or non-judicial forum,
f. mitigating circumstances following a plea of nolo contendere or guilty for a fine-only offense, or
g. any other matters where ex parte communications are contemplated or authorized by law.

STANDING ORDER NO. 4:
JUVENILE AND PARENTAL OBLIGATION: STATUTORY WARNING

Every Juvenile under the age of 17 shall be provided with this notice.

JUVENILE AND PARENTAL OBLIGATION STATUTORY WARNING

In accordance with Art. 45.057 of the Texas Code of Criminal Procedure, you are hereby advised as follows:

(h) A child and parent required to appear before the court have an obligation to provide the court in writing with the current address and residence of the child. The obligation does not end when the child reaches age 17. On or before the seventh day after the date the child or parent changes residence, the child or parent shall notify the court of the current address in the manner directed by the court. A violation of this subsection may result in arrest and is a Class C misdemeanor. The obligation to provide notice terminates on discharge and satisfaction of the judgment or final disposition not requiring a finding of guilt.

(i) If an appellate court accepts an appeal for a trial de novo, the child and parent shall provide the notice under Subsection (h) to the appellate court.

Upon a failure to appear by a juvenile, the following notice shall be sent to the juvenile.

WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 17TH BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

STANDING ORDER NO. 5:
DEFERRED DISPOSITION

PERSONS WITH CDL'S DO NOT QUALIFY, AND MAY NOT TAKE, DEFERRED DISPOSITION. ANY JUDGMENT PROCESSED IN ERROR WILL BE RESCINDED AND THE DEFENDANT NOTIFIED OF A NEW COURT DATE.

The Clerk of the Court may process a request for deferred disposition for a moving violation, upon a plea of guilty or no contest, provided:

- The offense did not involve an accident or injury
- Speeding was less than 25 mph over the posted speed limit
- And the individual does not qualify for DSC/MTC due to having taken the course in the preceding 12 months, does not have a valid TX Driver's License, is not active duty military and does not have proof of financial responsibility.

The term of the deferred disposition is 90 days, upon immediate full payment of the maximum fine allowed by law and all court costs as the bond for the special expense fee, may not receive any other tickets in the City for the period of the deferred, irrespective of conviction. A defendant may request 30 days to pay the window fine and all court costs as bond for the special expense fee if financially unable to pay at the time the deferred request is made. A Financial Statement may be requested to be completed with the clerk in order to obtain additional time to pay. A show cause date shall be provided in the event the defendant fails to comply and wishes to show good cause why sentence should not be imposed. If defendant fails to appear or fails to show good cause, sentence may be imposed, that includes the fine assessed.

Effective July 1, 2012 the special expense fee will be the maximum fine amount allowed by law on moving violations.

This does not apply to:

- Juveniles or CDL license holders
- School zone violations
- Construction zone violations
- Passing authorized emergency vehicle
- Offenses that are exempted from mandatory DSC/MTC
- Assault, disorderly conduct, theft, criminal mischief, alcohol or tobacco related

Persons within these categories that request deferred disposition, must be set for a pretrial before the prosecutor for recommendation. All non-moving violations, including but not limited to code violations, penal code violations, must be set for pretrial before the prosecution for recommendation.

STANDING ORDER NO. 6:
FILING WITH COURT

1. A plea of not guilty, guilty or no contest may be made by mail Art. 27.16(b), CCR and 45.013. The Court Clerk may process cases as follows:

   a. Upon a plea of not guilty, the individual will be set for a pretrial with the prosecutor to make any motions, have the procedures and options explained prior to the trial date. If the individual is represented by legal counsel, the matter will be set on the attorney docket.

   b. Upon a plea of guilty or no contest, and request for disposition, the case may be processed in accordance with the Court's standing order, set for pretrial or set for a first appearance before the court.

      1. Although electronic means of recording or filing documents may be permitted, CCP45.012(b)(2), the court will not accept electronic filings of the following:

         Appeal bonds
         27.14 letters of appeal

      2. All communications with the court such as, letters of representation, pleas, requests for disposition, and appeals, must be in writing, signed by an attorney in good standing. Written communications, other than mere transmittal correspondence, will not be accepted by non-attorneys for purposes of proceedings hereunder.

STANDING ORDER NO. 7:
DRIVING SAFETY COURSE (DSC) and
MOTORCYCLE TRAINING COURSE (MTC)

PERSONS WITH CDL'S DO NOT QUALIFY, AND MAY NOT TAKE, DEFENSIVE DRIVING. ANY JUDGMENT PROCESSED IN ERROR WILL BE RESCINDED AND THE DEFENDANT NOTIFIED OF A NEW COURT DATE.

A person qualifies for the mandatory DSC/MTC if the defendant:

1. requests DSC/MTC on or before the answer date;
2. pleads guilty or no contest to the charge;
3. has not taken DSC/MTC within the preceding 12 months from the date of the offense, for any reason.
4. has a valid Texas Driver's License (unless member of US Military on active duty)
5. has current proof of financial responsibility, (ie. valid insurance)
6. is charged with a moving violation, other than speeding 25 miles per hour or more over the posted speed limit.

However, the defendant is not entitled to mandatory DSC/MTC if charged with one of the following:

1. TC § 545.066: Passing a school bus;
2. TC § 550.022 accident involving damage to vehicle;
3. TC § 550.023, failure to give or render aid;
4. a serious traffic violation, TC §522.003(25)
   driving in excess over 15 m.p.h. over the speed limit;
   reckless driving;
   improper or erratic lane change;
   traffic violation resulting in fatal accident; or
   following to closely.
5. TC § 542.404, construction or maintenance work zone,
6. violation of § 522.011 (license or permit required); § 522.042 (commercial drivers license endorsement); § 522.015 (license or permit issued by other jurisdiction)

If no notice of the right to take DSC/MTC is contained on the citation issued, then the right to take DSC/MTC shall be extended until such time as the defendant is notified of that right. Further, the Court shall notify a defendant charged with a misdemeanor under Transp. Code, § 472.022 (obeying warning signs and barricades) or § 729.001(a)(3)(minor's violation of traffic laws) of the defendant's right to take DSC/MTC.

The defendant has 90 days to complete the DSC/MTC and submit to the Court a uniform Certificate of Completion (or verification with MTC), an Affidavit stating that the defendant is not taking a course under this section or has not completed a course under this section that is not shown on the person's driving record, and the person's driving record.

A show cause hearing date will be provided at the time the deferred judgment is entered for DSC/MTC. If a defendant fails to comply with the terms and conditions of the DSC/MTC deferred judgment, the court clerk shall send notice to the defendant of the failure to comply and require that the defendant appear at the time and place stated in the notice to show cause why the evidence was not timely submitted to the court.

If the defendant fails to appear at the show cause hearing, or appears but does not show good cause for the failure to comply, the court shall enter an adjudication of guilt and impose sentence. If good cause is shown, the Court may grant an extension to present the uniform certificate or verification of course completion. NO EXTENSION WILL BE GRANTED TO TAKE DSC OR MTC.

PERSONS WITH CDL'S OR WHO HELD A CDL AT THE TIME OF THE OFFENSE DO NOT QUALIFY, AND MAY NOT TAKE, DSC/MTC. ANY JUDGMENT PROCESSED IN ERROR WILL BE RESCINDED AND THE DEFENDANT NOTIFIED OF A NEW COURT DATE.

The law requires that persons that are under the age of 25, who receive moving violations and wish to keep it off their driving record, must take DSC.

The person may take:

a. The mandatory DSC if they meet the state law qualifications; or

b. May take deferred disposition with DSC, fee as the bond, if they don't meet the statutory requirements, upon pretrial with prosecutor.

Juveniles under the age of 17 must appear in court to exercise this option.

This order is intended to comply with the requirements of Art 45.0511, CCP, as amended, and shall be so enforced and interpreted.

STANDING ORDER NO. 8:
PAYMENT PLAN

Upon a plea of guilty or no contest, and waiver of jury/bench trial, the Court Clerk may process a payment plan upon the following terms:

1. Defendant may request 30 days to pay fine in full without a required initial payment.
2. Completion of a financial information statement. Subject to verification.
3. Interview may be conducted based on the information provided to determine eligibility to pay. Amount of payments may be determined by the clerk as deemed necessary based on defendant's financial situation.
4. Payment of the initial $50.00-$100.00 as determined by clerk.
5. Payments on the balance shall be monthly.

Amount Owed	Payment Period
$100.00	Due at time of request
Balance broken down over monthly payments	Defendant pays monthly as agreed

If defendant claims he/she cannot make the payments in accordance with this order, the Court Clerk may process the case work, indicating the plea of guilty or no contest, waiver of bench/jury trial, payment due within 30 days, and an indigent hearing set upon:

1. Indigent paperwork provided. Proof of all income, bills, debts and financial obligations must be presented at the time of the hearing.
2. Failure to appear at the indigent hearing, or full payment within 30 days as ordered, will result in a capias pro fine warrant issued.

In the event that a Defendant cannot make the payments in accordance with the Order, due to changed circumstances, provided they have come to the court before they have defaulted, the clerks are authorized to set the Defendant on an indigent docket, with the proper forms and instructions, to allow me the opportunity to assess the current financial situation of the defendant. In the interim, the Defendant is encouraged to make periodic payments in the amount he/she believes they can afford to make, to reduce the amount outstanding and provide the court with additional evidence of the amount they are able to pay, all of which will be taken into consideration at the time of the indigent hearing.

STANDING ORDER NO. 9:
FAILURE TO APPEAR/VOLUNTARY WRITTEN PROMISE TO APPEAR

If a defendant has failed to timely appear in court to properly dispose of his/her case, and subsequently appears in court, the Court Clerk is authorized to process the case as provided in these standing orders if the defendant:

1. Disposes of the failure to appear charge by a plea of guilty or no contest and full payment of the fine and court costs; or
2. Upon a plea of not guilty, posts an attorney, surety or cash bond and sets a court date on the failure to appear/voluntary written promise to appear charge.

STANDING ORDER NO. 10:
CONVICTION WITH PROSECUTION MOTION (WITH COURT COSTS)

Upon the Motion of the Prosecutor, and receipt of a plea of guilty or no contest the Court Clerk is authorized to process the conviction of the following offenses upon showing the requisite proof, with court costs.

Fail to Change Address on Drivers' License (Transp. Code, §521.054)

- Upon proof of change of address within 10 days of date of offense or before the defendant's court appearance, whichever is later

STANDING ORDER NO. 11:
PRE-TRIAL CONFERENCES

Any defendant requesting a jury trial, or as otherwise specified herein, must be set for a pre-trial conference with the prosecutor. The defendant must be advised that all pre-trial motions and discovery requests must be made at that time, before the Court.

Any defendant who requests a jury trial must be advised that failure to appear on the night of trial will cause the assessment against the defendant of the costs of impaneling the jury, unless good cause is shown to the Court, pursuant to Article 45.251 of the Texas Code of Criminal Procedure.

A pretrial with the prosecutor may be reset once without agreement of the prosecutor. Thereafter, resets will only be granted upon agreement of the prosecution, or for good cause shown to the Court.

STANDING ORDER NO. 12:
TIME SERVED/JAIL CREDIT

The Court may grant time served/jail credit for every 24 hours spent in jail on City citation or warrants. Defendant must be set for a court date and bring proof time served on city warrants.

STANDING ORDER NO. 13
CAPIAS PRO FINE WARRANTS

Upon Defendant's presentation of self at the Court Clerk's window, the clerks may process a modified judgment that reflects the following:

1. Paid in Full, upon receipt of full payment of the amount due and owing.
2. Defendant may pay half immediately and the balance within 30 days (may be eligible for monthly installments to be determined by clerk);
3. Warrants shall be recalled from active status and from Dispatch.
4. Turn themselves into jail for magistration.

STANDING ORDER NO. 14:
WARRANT PAYMENT PLAN

Upon a plea of guilty or no contest, and waiver of jury/bench trial, the Court Clerk may process a payment plan upon the following terms for alias warrants (Note: This does not apply to capias pro fine warrants):

1. Completion of a payment plan application/financial information statement.
2. All payment plans are subject to $25 TPP fee if not paid by the 31st day.
3. Defendant may pay half of total owed immediately.
4. Warrants shall be recalled from active status and from Dispatch.
5. Payments on the balance shall be spread over monthly payments of $100.00.

Amount Owed	Payment Period
Half of total owed.	Due at time of request
Balance broken down at a $100 a month until paid in full	Defendant pays monthly as agreed

If defendant claims he/she cannot make the payments in accordance with this order, the Court Clerk may process the case work, indicating the plea of guilty or no contest, waiver of bench/jury trial, payment due within 30 days, and an indigency hearing set upon:

1. Indigency paperwork provided. Proof of all income, bills, debts and financial obligations must be presented at the time of the hearing.
2. Failure to appear at the indigency hearing, or full payment within 30 days as ordered, will result in a capias pro fine warrant issued.

In the event that a Defendant cannot make the payments in accordance with the Order, due to changed circumstances, provided they have come to the court before they have defaulted, the clerks are authorized to set the Defendant on an indigency docket, with the proper forms and instructions, to allow me the opportunity to assess the current financial situation of the defendant. In the interim, the Defendant is encouraged to make periodic payments in the amount he/she believes they can afford to make, to reduce the amount outstanding and provide the court with additional evidence of the amount they are able to pay, all of which will be taken into consideration at the time of the indigency hearing.

STANDING ORDER NO. 15:
MODEL RULES OF DECORUM ADOPTED

All persons who appear before Court must adhere to the model rules of decorum which are hereby adopted. See Judge's Rule # 11.

STANDING ORDER NO. 16:
ADMONISHMENT REGARDING MISDEMEANOR ASSAULT FAMILY VIOLENCE

SB 1236 – Effective 9/1/09.

Requires that certain citations issued for a Class C misdemeanor contain a prominently printed admonishment stating the defendants convicted of certain offenses constituting family violence are prohibited from possessing or purchasing firearms and advising defendants with questions to consult with an attorney. Requires a court to issue the same admonishment to a defendant charged with a misdemeanor involving family violence before accepting a plea of guilty or no contest. Provides that the citation serves as this admonishment if the defendant is charged with a misdemeanor punishable by fine only. Removes the requirement under current law that the court must admonish a defendant at arraignment, prior to accepting a plea of guilty or no contest, regarding possession or purchase of a firearm if the defendant is convicted of a misdemeanor involving family violence. See Arts. 14.06(b); 26.13(a); and 27.14(e), Code of Crim. Proc.

STANDING ORDER NO. 17:
COURT RECORDS AND SECURITY

The Clerk of the Court is the custodian of all records pertaining to the Court and shall take reasonable steps to maintain the security of the records including, without limitation, securing records in a locked file, compartment, storage area or room when the Clerk of the Clerk's designee is away from the Court premises for an extended time. No records may be removed from the Clerk's office without oral or written permission from the Clerk, the Clerk's designee, a Judge of this Court, or upon other legal compulsion such as a subpoena. If copies of Court records are made, the Clerk of the Court shall be promptly advised so as not to cause confusion as to originality of records.

The Clerk of the Court shall advise the Presiding Judge as soon as reasonably possible after the occurrence of a Security Incident and assist in the preparation and filing of the required Texas Court Security Incident Report.

STANDING ORDER NO. 18:
JUDGE AND PROSECTOR STAMP

Both the Judge and the city Prosecutor will control and monitor usage of his/her stamp. Clerks will not use the stamp unless instructed so. Judge and Prosecutor are responsible for securing stamp. Judgment, Agreement, and any Orders are not considered "signed" until actual signature or stamp with their appropriate initials are attached to document. (See court Policy and Procedures Manual Section 5.14) **Daniels v. Stovall, 660 F. Supp. 301 (S.D. Tex. 1987)**

STANDING ORDER NO. 19:
OMNIBASE HOLDS

Violations that have been entered into the Department of Public Safety's Failure to Appear Program will remain in Omnibase system as active until all fees, fines, and costs have been paid. The clerks will electronically submit clearance into the Omnibase system upon final payment.

Signed, Ordered, and Amended on the 4th of June, 2013.

KATHY A. AUSTIN
Presiding Judge
City of Glenn Heights Municipal Court

Municipal Court Prosecutor:
Dana Huffman

Clerk of the Court/Court Administrator:
Larissa Ward

Deputy Court Clerk: