

City of Jonestown, Texas

MUNICIPAL COURT

COURT PROCEDURES

YOUR RIGHTS

PLEA INFORMATION

PAYMENT OPTIONS

This pamphlet is designed to provide information about criminal court proceedings. It is not a substitute for legal advice from a licensed attorney. If you have questions about your best course of action, what plea you should enter, your rights, or the consequence of a conviction of the offense for which you are charged, you should contact an attorney. Neither the clerk, judge, nor prosecutor can give you legal advice.

YOUR RIGHTS IN MUNICIPAL

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Your Rights

- Under the American system of justice, all persons are presumed to be innocent until proven guilty.
- The State must prove you guilty "beyond a reasonable doubt".

Your Rights Before Trial

Every criminal defendant has the right to remain silent and refuse to testify without consequences.

- You have the right to retain an attorney.
- **No attorney will be appointed for you.**
- You have the right to a jury trial.
- You may waive a jury trial and have a trial before the judge.

If you elect to represent yourself, no person other than a licensed attorney can assist you during a trial.

Your Rights at Trial

- To have notice of the complaint.
- To inspect the complaint before trial and have it read to you.
- To hear all testimony introduced against you.
- To cross examine witnesses who testify against you.
- To testify on your own behalf or refuse without consequences.
- To subpoena and call witnesses to testify on your behalf.

PLEAS

Unless you are entitled to a compliance dismissal, you must enter one of the following three pleas:

Plea of Not Guilty – A plea of not guilty means that you deny guilt and require the State to prove the charge. A plea of not guilty does not waive any of your rights. A plea of not guilty does not prevent a plea of guilty or no contest at a later time.

Plea of Guilty – By a plea of guilty, you admit that you committed the criminal offense charged.

Plea of Nolo Contendere (no contest) – A plea of nolo contendere means that you do not contest the State's charge against you.

The difference between a plea of guilty and nolo contendere is that the no contest plea may not later be used against you in a civil suit for damages. For example, in a civil suit arising from a traffic crash, a guilty plea can be used as evidence of your responsibility or fault.

If you plead guilty or nolo contendere, you will be found guilty and should be prepared to pay the fine. A plea of guilty or nolo contendere waives all the trial rights discussed earlier. If you are unable to pay the entire fine and costs, you should be prepared to document and explain your financial situation.

OPTIONS TO HANDLE YOUR CITATION

Driving Safety Course (Defensive Driving)

For moving violations, you may be able to have a charge dismissed by taking a driving safety course. The dismissal will be reported to the Department of Public Safety.

The following violations Do NOT Qualify for a driver safety course dismissal:

Speeding 25 mph or more over the posted limit. ☹ Passing a stopped school bus. ☹ Moving violation within a posted construction zone while workers are present. ☹ Leaving the scene of an accident. ☹ Failure to stop and give information and render aid. ☹ Fleeing from police officer. ☹ Reckless driving. ☹ Holders of a commercial driver's license cannot by law have a charge dismissed by taking a driver safety course.

Person requesting a driving safety course must:

☹ Plead guilty or nolo contendere (no contest) and waive his/her right to a jury trial.

☹ Pay court cost of \$144.00.

☹ Present to the court a valid Texas Drivers' License or permit.

☹ Present to the court proof of financial responsibility. (Auto insurance id card)

☹ Swear by affidavit that you are not currently taking a driving safety course, nor have you taken a course in the last 12 months to dismiss another citation.

Deferred Disposition *

Deferred Disposition is a process by which a conviction can be avoided. The judge requires the defendant to adhere to certain terms. If a defendant successfully completes the terms, the case shall be dismissed by the Court and not reported as a conviction to Department of Public Safety.

You are not eligible if:

You hold a commercial driver's license or when an offense committed in a construction zone when workers were present is charged.

* Available to eligible defendants at the discretion of the trial judge.

Payment Options

You may pay your fine and court costs in cash, check, cashier's check, money order or by credit/debit card (with a processing fee).

Extension of Time to Pay If you need an extension of time to pay your fine and court costs, the state requires any remaining balance on the 31st day after the judgment has been entered be assessed a \$15 pay agreement fee.

If you are unable to pay your fine and court costs, notify the Judge and other arrangements to discharge your obligation will be made available to you.

COMPLIANCE DISMISSALS

Expired Motor Vehicle Registration: Must renew and provide proof to the Court on or before the appearance date Registration receipt of payment must reflect the “Late Penalty” fee to the County Tax Assessor – Collector. Proof of renewed registration must be received on or before the appearance date on citation and pay \$20.00 dismissal fee to the court.

No Liability Insurance / Failure to Maintain Financial Responsibility (FTMFR): Provide proof of insurance on the date of the citation. (No Dismissal Fee Required).

Failure to Display Driver’s License: Must show proof of valid driver’s license at time of offense on or before appearance date on citation and pay \$10.00 dismissal fee to the court.

Expired Driver’s License: Must renew and provide proof to the Court on or before the appearance date on citation and pay \$20.00 dismissal fee to the court.

Fail to Report Change of Address or Name: Must remedy and provide proof to the Court on or before the appearance date on citation and pay \$20.00 dismissal fee to the court.

Operating a Vehicle with Defective Equipment or in Unsafe Condition: Must be remedied and proof provided to the court on or before appearance date on citation and pay \$10.00 dismissal fee to the court.

Operating a Motor Vehicle without License Plates or with One Plate: Must remedy and provide proof to the Court on or before the appearance date on citation and pay \$10.00 dismissal fee to the court.

Violation of Driver’s License Restriction or Endorsement: Driver’s license endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before date of offense, DPS removes the endorsement or restriction, and proof provided to the Court on or before the appearance date on citation and pay \$10.00 dismissal fee to the court.

Displayed Altered, Unclean, or Obscured License Plates: Must be remedied and proof (Photograph of remedied license plate) provided to the Court on or before the appearance date on citation and pay \$10.00 dismissal fee to the court.

No Registration Insignia Registration for the vehicle must be current during the period offense was committed and Registration insignia was attached to the car before the ticket due date. (Registration Receipt & Photograph of attached Registration insignia) must be provided to the Court on or before the appearance date on citation and pay \$10.00 dismissal fee to the court.

Courtroom Standards

While your case is proceeding through the court system, please observe the following standards:

No weapons are permitted in the Municipal Court building ☞ No recording devices permitted in the courtroom ☞ Refrain from talking on cell phone in the courtroom ☞ Sit quietly in the courtroom whenever court is in session ☞ Reading newspapers in the courtroom, particularly if this causes a distraction, is not allowed ☞ When addressing the Judge, do not lean on the bench ☞ No food or drink is allowed in the courtroom ☞ Smoking is prohibited by law in all areas of City buildings ☞ Avoid bringing small children to court. If you must, please monitor their behavior so they remain quiet at all times. Parents may be asked to leave the courtroom if their child becomes noisy or unruly ☞ Please wear suitable clothing to court. It is inappropriate to enter the courtroom unless you are wearing at least a T-shirt, pants or skirt and shoes ☞ Hats should be removed before entering the courtroom.