

FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1

4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 1	§	TOWN OF FLOWER MOUND
	§	
ADOPTION OF ORDERS	§	DENTON COUNTY, TEXAS

ADOPTION OF JUDICIAL ORDERS

It is the responsibility of the Presiding Judge to ensure that the Town of Flower Mound Municipal Court of Record Number 1 operates under Judicial Orders which are in conformity with federal, state, and local law. In that regard, the Court hereby promulgates the following Judicial Orders.

The Judicial Orders shall be consecutively numbered. For example, this Order is enumerated as “No.1”. Once amended, an Order shall be given an alphabetical extension. For example, if this Order is amended, it will be re-numbered as “No. 1(a)”. The effective date of the amendment shall be noted within the revised Order.

The Judicial Orders may be altered, amended, deleted or otherwise changed by the Presiding Judge to conform to any changes in the law or policy of the Court.

The operation of the Court shall be governed by these Orders.

The following Orders are signed and made effective this 1st day of January, 2011.

[original signed by Judge Bertrand]

Greg Bertrand
Presiding Judge

FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1

4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 2	§	TOWN OF FLOWER MOUND
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COURT ROOM DECORUM	§	DENTON COUNTY, TEXAS

RULES OF COURT ROOM DECORUM

I. ENABLING JUDICIAL ORDER

Under the inherent power and duty of all Texas courts as codified in §21.002 of the Texas Government Code, the following Rules of Court Room Decorum shall apply and govern all proceedings before the Town of Flower Mound Municipal Court Number 1 in Denton County, Texas.

II. FORMAL OPENING

Each daily session of the Court shall be brought by announcement of the Bailiff, Clerk, or other officer of the Court requiring all to rise as the Judge takes the bench.

III. CONDUCT REQUIRED OF ALL COURT ATTENDEES

- A. No smoking or use of tobacco products.
- B. No reading of newspapers or magazines.
- C. No propping of feet or sitting on tables, benches, or railings.
- D. No loud noises or talking.
- E. No gum chewing.
- F. No food or beverages (the Judge may permit water).
- G. No gestures, facial expressions, or sounds intended to indicating approval or disapproval of any court room business.
- H. No leaning on the platform attached to the Judge's bench.
- I. No inappropriate attire. The Court may establish a dress code in this regard.

IV. CONDUCT REQUIRED OF COUNSEL AND PRO SE DEFENDANTS

- A. Attorneys shall observe the letter and spirit of all canons of ethics, including those concerning improper ex parte communications with the Judge and with those dealing with discussion of cases with representatives of the media.
- B. Attorneys shall advise their clients and witnesses of these Rules.
- C. Pro se defendants shall confirm their behavior to all provisions applicable to attorneys.

- D. Counsel and pro se defendants shall be dressed appropriately while in attendance of the Court.
- E. All parties shall be prompt in arriving for Court and in attending to Court business.
- F. Once a party is appearing before the Court, he or she shall not leave the courtroom without permission from the Judge.
- G. The State shall be seated at the counsel table nearer to the jury box.
- H. All remarks of counsel and pro se defendants shall be addressed to the Court in a formal manner.
- I. The Court and parties shall address each other and members of the court staff, jury, and witnesses without familiarity. The use of first names shall be avoided.
- J. All objections, arguments, and other comments shall be directed to the Judge or, if appropriate, the jury, and not to opposing counsel.
- K. Objections shall be in proper legal form. Argument will not be entertained upon an objection except with invitation from the Judge.
- L. When addressing the Judge, counsel and pro se defendants shall rise and remain standing at their positions at counsel table.
- M. Counsel and pro se defendants shall remain seated at the counsel tables at all times except:
 - 1. when the Judge enters and leaves the courtroom;
 - 2. when addressing the Judge or Jury;
 - 3. whenever it may be proper to handle documents, exhibits, or other evidence (and then only after seeking permission from the Judge);
 - 4. when making an objection to the opposing party.
- N. Counsel and pro se defendants shall not approach the bench, the witness stand, the illustration board, or otherwise remove themselves from counsel table except with permission from the Judge.
- O. Counsel and pro se defendants shall not lean on the bench, sit on rails or tables, or appear to engage the Court in a confidential manner.
- P. The Court may enforce these Rules by appropriate action or sanctions.
- Q. The Court may amend these Rules or adopt additional Rules.
- R. The Town of Flower Mound's prosecutors who are licensed to carry concealed handguns and intend to do so in the courtroom shall report this intention to the Bailiff prior to entering the courtroom with a handgun. The Bailiff shall then immediately pass this information on to the judge presiding over that day's proceedings.

V. BAILIFFS

- A. The Bailiff shall be present at all times when Court is in session unless excused by the Judge. No duty shall be assigned to the Bailiff without prior approval of the Judge.
- B. The Bailiff shall enforce all Rules and carry out all other duties assigned by the Judge.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 3	§	TOWN OF FLOWER MOUND
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PROSECUTIONS	§	DENTON COUNTY, TEXAS

All prosecutions in this Court shall be conducted as provided by Article 45.201 of the Texas Code of Criminal Procedure.

It is the primary duty of a municipal prosecutor not to convict, but to see that justice is done.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 4	§	TOWN OF FLOWER MOUND
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COMPLAINTS	§	DENTON COUNTY, TEXAS

§45.018 Texas Code of Criminal Procedure

A complaint is a sworn allegation charging the accused with the commission of the offense.

A defendant is entitled to at least one days' notice of a complaint filed against him before any proceeding commences in the prosecution of that complaint.

A defendant may waive the right to such notice.

The requirements of a complaint are set forth in Article 45.019 of the Texas Code of Criminal Procedure.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 5	§	TOWN OF FLOWER MOUND
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DOCKET	§	DENTON COUNTY, TEXAS

§45.017 Code of Criminal Procedure

The clerk of the court shall keep a docket for each criminal case which shall contain:

- The style and file number;
- The nature of the offense charged;
- The plea offered by the defendant;
- Date and return of any warrant that was issued;
- Jury verdict and date of verdict, if applicable;
- Judgment and sentence of the Court and date issued;
- Motion for new trial and decision thereon, if applicable; and
- Appeal and date of appeal, if applicable.

The information in the docket may be processed and stored electronically.

Unless the docket is posted on the Internet, the docket must be posted in a designated public place in the courthouse not less than 48 hours before a docket setting.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 6	§	TOWN OF FLOWER MOUND
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SERVICE OF PROCESS	§	DENTON COUNTY, TEXAS

Service of process shall be conducted as provided by Article 45.202 of the Texas Code of Criminal Procedure.

Summons shall be served by a peace officer or marshal.

Summons may be served anywhere in the county(ies) in which the Town of Flower Mound is situated.

Requests for summons must be in writing in the form provided by the Court or a substantially similar form. Subpoena requests must be submitted to the court clerks as least 14 days prior to trial.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 7(a)	§	TOWN OF FLOWER MOUND
	§	
JURY TRIALS	§	DENTON COUNTY, TEXAS

Jury Trial Procedures §30.00013 of the Texas Government Code

Ordinances, rules and procedures concerning a trial by jury, including the summoning of jurors, shall substantially conform to Chapter 45 of the Texas Code of Criminal Procedure.

Specifically, this Court shall conduct jury trials in accordance with Articles 45.027 through 45.036 of the Texas Code of Criminal Procedure.

Waivers of Jury Trial §45.025 Texas Code of Criminal Procedure

An accused may waive trial by jury.

Waiver must be in writing.

Failure to Appear for Jury Trial §45.026 Texas Code of Criminal Procedure

Defendant may be ordered to pay costs incurred for impaneling jury.

Postponement of Jury Service §62.0142 Texas Government Code

(a) A person summoned for jury service may request a postponement of the person's initial appearance for jury service. The person may request the postponement by contacting the clerk of the court in person or in writing before the date on which the person is summoned to appear.

(b) On receipt of a request under Subsection (a), the clerk of the court shall grant the person a postponement if:

(1) the person has not been granted a postponement in that county during the one-year period preceding the date on which the person is summoned to appear; and

(2) the person and the clerk determine a substitute date on which the person will appear for jury service that is not later than six months after the date on which the person was originally summoned to appear.

(c) A person who receives a postponement under Subsection (b) may request a subsequent postponement in the manner described by Subsection (a). The clerk of the court may approve the subsequent postponement only because of an extreme emergency that could not have been anticipated, such as a death in the person's family, sudden serious illness suffered by the person, or a natural disaster or national emergency in which the person is personally involved. Before the clerk may grant the subsequent postponement, the person and the clerk must determine a substitute date on which the person will appear for jury service that is not later than six months after the date on which the person was to appear after the postponement under Subsection (b).

If a defendant enters a plea of no contest or guilty and waives jury trial on the actual day of jury trial, it is likely that the Court will assess a jury trial fee.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 8	§	TOWN OF FLOWER MOUND
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PLEADINGS/MOTIONS	§	DENTON COUNTY, TEXAS

All pleadings and motions must be in writing unless otherwise permitted by these Judicial Orders.

All pleadings and motions must be served on the opposing party contemporaneously with them being filed with the court clerk.

For cases set for trial, all pleadings and motions (other than State's Motions to Amend the Complaint) must be filed at least seven (7) days prior to the trial date. Failure to file pleadings and motions timely will be deemed a waiver of the issue(s) raised in such pleading or motion. The Court recognizes that Motions to Suppress may be carried with trial by raising objection to the admission of allegedly illegally obtained evidence or by requesting a jury instruction under §38.23 CCP.

The Court encourages a movant (a party filing a Motion) to provide a form Order along with all Motions filed wherein the Court can indicate whether the Motion is GRANTED or DENIED.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 9	§	TOWN OF FLOWER MOUND
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PROCEDURE + EVIDENCE	§	DENTON COUNTY, TEXAS

Procedure §45.002 Code of Criminal Procedure (CCP)

Criminal proceedings in this Court shall follow the procedures set forth in Chapter 45 of the Texas Code of Criminal Procedure.

If Chapter 45 CCP does not provide a rule of procedure applicable to a given situation, the Judge shall apply the other general provisions of the Texas Code of Criminal Procedure.

Evidence §45.011 CCP

The rules of evidence that govern the trials of criminal actions in district court apply to a proceeding in this Court.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 10 (a)	§	TOWN OF FLOWER MOUND
	§	
APPEARANCES	§	DENTON COUNTY, TEXAS

By attorney §45.020 Texas Code of Criminal Procedure (CCP)

A defendant has the right to appear by counsel. If a defendant has retained counsel on a particular case, that attorney remains as the attorney of record for the defendant on that case until the Judge permits the withdrawal of the attorney or until the case is disposed of by a dismissal or plea and resulting judgment, deferred adjudication or defensive driving. If the case is disposed of by a trial, the attorney remains the attorney of record until the time for appeal has been exhausted.

If an attorney-of-record requests another attorney to appear for him or her at any setting, the attorney-of-record must put this fact in writing. The written consent must be presented to the court prior to or contemporaneously with the appearance of the substituting attorney. It is not necessary that the written consent be typed or formal.

Charge against Minor/Appearance of Parent §45.0215 CCP

Defendant younger than 17 and not emancipated:

1. Plea must be made in open court.
2. Parent or guardian or managing conservator (MC) must be present with the minor child. If the child is represented by counsel, the child and parent must appear along with the child's attorney at a juvenile docket.

If unable to located parent, guardian, or MC, Court may proceed.

If defendant resides in county other than county where alleged offense occurred, this Court may grant defendant right to enter a plea before a judge in county in which defendant resides.

The court shall endorse on the summons issued to a parent an order to appear personally at a hearing with the child. The summons must include a warning that the failure of the parent to appear may result in arrest and is a Class C misdemeanor.

By written defense Motion, an attorney may request to appear for a minor at ONE attorney docket for purposes of discussing the minor's case with the prosecutor. All such Motions must be approved by the Court.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 11	§	TOWN OF FLOWER MOUND
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FILING BY MAIL “mail box rule”	§	DENTON COUNTY, TEXAS

§45.013 Texas Code of Criminal Procedure

A document is timely filed if deposited with the US Post Office, first class, postage paid, properly addressed to this Court on or before the date the document is required to be filed AND the clerk received the document not later than the 10th day after the date the document is required to be filed.

“Day” does not include Saturday, Sunday or legal holiday.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 12	§	TOWN OF FLOWER MOUND
	§	
CONTINUANCES	§	DENTON COUNTY, TEXAS

EXCEPT IN THE EVENT A CASE IS SET FOR TRIAL, the State's or a defendant's first request for continuance (either pro se or by counsel) shall be granted and processed by the clerks without written approval by the Judge so long as the request is received by the clerks no later than the date and time of the court appearance. Any additional requests for continuances must be filed at least seven days prior to the hearing sought to be continued and forwarded to the Judge for a ruling.

In the event that a case is set for trial, any motion for continuance must be received by the clerk's office not later than seven (7) days prior to the date of trial in order to be considered for approval. If such motion is not received timely, it is DENIED by operation of this Judicial Order unless an express Order is made otherwise. This Order does not expressly GRANT a timely-filed motion for continuance. Such a motion must be forwarded to the Judge for a ruling.

All requests for continuances must be in writing and must state the name of the Defendant. Effort should be made to also list the cause number for each case sought to be continued. Faxed copies are acceptable.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 13	§	TOWN OF FLOWER MOUND
	§	
PLEAS	§	DENTON COUNTY, TEXAS

Defendant's Plea §45.023 Code of Criminal Procedure (CCP)

A defendant may plead

Guilty or not guilty;

No contest; or

Enter a special plea of double jeopardy as described by §27.05 CCP.

Defendant's Refusal to Plead §45.024 CCP

Judge shall enter a plea of "not guilty"

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
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No: 14	§	TOWN OF FLOWER MOUND
	§	
JUDGMENTS	§	DENTON COUNTY, TEXAS

§45.051 Code of Criminal Procedure

The judgment and sentence shall be that Defendant pay the amount of the fine and costs to the State.

The Judge may direct the Defendant to

1. pay
the entire fine and costs when sentence is pronounced;
the entire fine and costs at some later date; or
make payments.
2. make restitution if applicable.

The Judge may order the Defendant to satisfy any other sanction allowed by law.

The Judge must make any assault/family violence findings as required by the pleadings and/or evidence.

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JUDICIAL ORDER § **MUNICIPAL COURT NO. 1**
§
No: 15 § **TOWN OF FLOWER MOUND**
§
WARRANT FEE COLLECTION § **DENTON COUNTY, TEXAS**

Warrant fees shall be collected on any case for which a warrant has been issued AND a judgment has been imposed. This Order applies to cases disposed of in any of the following ways:

1. Entry of “no contest” or “guilty” plea and agreement to pay fine; or
2. Conviction after jury trial or judge trial.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 16	§	TOWN OF FLOWER MOUND
OVER-PAYMENTS	§	
PARTIAL PAYMENTS and	§	
INSUFFICIENT FUND CHECKS	§	DENTON COUNTY, TEXAS

OVER-PAYMENTS

Over-payments shall be accepted so long as the amount paid is within the amount of the fine, court costs, and warrant fees that are allowed by law. If the payment exceeds that which is allowed by law, any amount over the window fine plus court costs and warrant fees, if applicable, shall be refunded.

PARTIAL PAYMENTS

Any payment received which falls short of the window fine and warrant fee shall be forwarded to the Judge for consideration.

The Court may

1. accept the payment as “payment in full” and reduce the judgment amount; or
2. request that the court clerks send notice to the defendant that he must pay the remaining balance within thirty (30) days of the receipt of the partial payment.

INSUFFICIENT FUND CHECKS

If presented to pay a judgment, the case may be processed for capias warrant.

If presented for deferred adjudication or defensive driving fees, a show cause shall be set. At the show cause hearing, the Judge may allow the defendant to make payment by cash (including any NSF fee) in order to “reinstate” her deferred adjudication or defensive driving order.

If presented as part of a dismissal, the clerks may send a written demand for the payment of the dismissal fee along with any NSF fee.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 17	§	TOWN OF FLOWER MOUND
	§	
FTA's and VWPTA's	§	DENTON COUNTY, TEXAS

Failure to Appear §38.10 of the Penal Code

(a) A person lawfully released from custody, with or without bail, on condition that he subsequently appear commits an offense if he intentionally or knowingly fails to appear in accordance with the terms of his release.

(b) It is a defense to prosecution under this section that the appearance was incident to community supervision, parole, or an intermittent sentence.

(c) It is a defense to prosecution under this section that the actor had a reasonable excuse for his failure to appear in accordance with the terms of his release.

Failure to Appear for Show Cause Hearing §45.0511(j) Code of Criminal Procedure

If is an offense for a defendant to “fail to appear” for a “Defensive Driving Show Cause” docket.

Violating Written Promise to Appear §543.009 of the Transportation Code

Applies to offenses under the Transportation Code.

Occurs when a defendant fails to appear after promising to do so by signing her citation.

A defendant may be found to have committed this offense regardless of the disposition of the charge on which the person was arrested.

Fine Schedule for FTA's and VWPTA's

<u>DAYS LATE</u>	<u>FINE and COST AMOUNT</u>
0-10 days late	\$160
11-25 days late	\$185
26-35 days late	\$210
36-60 days late	\$235
60+ days late	\$285

The above schedule does not apply if the FTA or VWPTA has gone into warrant, in which case the Defendant's only option at the window is to post bond or pay the full fine, court costs, and warrant fees.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 18a	§	TOWN OF FLOWER MOUND
COMMUNITY SERVICE,	§	
EXENTIONS, PAYMENT PLANS§	§	
AND INDIGENCY	§	DENTON COUNTY, TEXAS

Community Service in Satisfaction of Fine or Costs
§45.049 Code of Criminal Procedure

Applies to Defendant who has failed to pay assessed fine and/or court costs OR a defendant who is found by the Court to have insufficient resources or income to pay the same.

Judge shall specify the number of community service hours Defendant is to perform to satisfy obligation.

Defendant may decide to pay fine and/or court costs instead of performing community service.

The community service must be done for a governmental entity or a nonprofit organization that provides services to the general public that enhance social welfare and general well-being of the community.

The Defendant must secure her own community service hours. The Judge nor court staff shall not assign a Defendant to perform work at any particular community service provider.

Defendant may not be ordered to perform more than 16 hours of community service per week unless the Judge determines that additional hours would not cause a hardship on the Defendant or his dependents.

A defendant shall receive Ten Dollars (\$10.00) credit per community service hour performed toward satisfaction of defendant's fine and court costs; however, such credit may not exceed the total fine and costs owed by defendant. . If a defendant wishes to combine his/her judgment by a combination of community service and payment, that defendant must obtain the Court's approval.

Extensions

When a fine is imposed against a defendant, the defendant shall be ordered to pay such fine within 30 days of the date the judgment is signed. At any time on or before the due date of the fine, a defendant may personally appear at the payment window of the municipal court during normal business hours to request and automatically obtain one thirty (30)-day extension for payment of the judgment. Any additional extensions of time shall require the defendant to file a written request for such extension setting forth good cause. Such request will be forwarded to the judge for approval.

A one-time, \$25 extension fee will be added to each case for which a defendant has not paid his/her total fine and costs within 30 days of the date of the judgment.

Payment Plan

A defendant may request a payment plan to pay a judgment (conviction) at any time his or her case is not in warrant. An initial payment of at least \$75 must be made to initiate a payment agreement. Payments of no less than \$75 per month must be paid thereafter. If a defendant has more than one case, he must pay at least \$75 towards each judgment for which he seeks a payment agreement. If a Defendant cannot comply with these terms at the window, she may request a court date to request more lenient terms or to establish indigency.

Indigency

§43.091 Code of Criminal Procedure

The Judge may waive payment of a fine or cost imposed on a defendant who defaults in payment if the court determines that

1. the defendant is indigent; and
2. any alternative method of discharging the fine or cost (e.g., community service) would impose an undue hardship on the defendant.

Any claim of indigence shall be brought to the Judge in open court with the opportunity for the State to be present.

The burden is on the Defendant to demonstrate the above criteria. The State may question the defendant concerning that criteria and may present its own evidence thereupon.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 19	§	TOWN OF FLOWER MOUND
CAPIAS PRO FINES,	§	
COMMITMENT AND	§	
JAIL TIME CREDIT	§	DENTON COUNTY, TEXAS

Capias Pro Fines §45.045 Code of Criminal Procedure (CCP)

If a Defendant fails to satisfy a judgment according to its terms, the Court may order a capias pro fine for the Defendant's arrest.

The capias pro fine shall

1. state the amount of the judgment and sentence; and
2. command the appropriate peace officer to bring the Defendant before the Court or place the Defendant in jail until the Defendant can be brought before the Court.

Commitment §45.046 CCP

After a judgment and sentence is entered against a Defendant and the Defendant has defaulted in the discharge of the judgment, the Judge may order the Defendant confined in jail until discharged by law if the Judge makes a written determination that either:

A. Non-indigent findings:

1. The defendant is not indigent and
2. The defendant intentionally failed to make a good faith effort to discharge the judgment.

B. Indigent findings:

1. The defendant is indigent and
2. The defendant has failed to make a good faith effort to discharge the judgment without experiencing any undue hardship.

A certified copy of the judgment, sentence, and order is sufficient to authorize such confinement.

Jail Time Credit §45.048 CCP

A Defendant jailed due to failure to pay fine and courts costs shall be discharged upon a showing that the Defendant:

1. is too poor to pay the fine and costs; or
2. has remained in jail a sufficient length of time to satisfy the fine and costs.

The Judge has discretion to specify a period of time that is not less than 8 hours nor more than 24 hours as the period for which the Defendant must remain in jail to satisfy not less than \$50 of the fine and court costs.

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JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 20c	§	TOWN OF FLOWER MOUND
	§	
DISMISSALS	§	DENTON COUNTY, TEXAS

I. EFFECT OF WARRANT ON DISMISSAL ELIGIBILITY

If the Defendant is otherwise eligible for a dismissal “at the window” as provided by this Standing Motion and Order but the case is in warrant, the clerks are hereby authorized, via this Standing Order, to pull/clear the warrant and process that case for dismissal.

II. TYPES OF DISMISSALS

A. “No Insurance” cases

Transportation Code §601.193

*Defendant must produce one of the forms of proof of financial responsibility set forth in §601.053 of the Transportation Code (reprinted below for convenience).

*Document must be verified.

*If verified, Court shall dismiss the charge without the collection of any administrative fee.

Other than “no insurance” cases wherein the Defendant is attempting to prove the affirmative defense set forth below, “no insurance” cases may be processed for dismissal at the window by virtue of this Standing Motion and Order.

§ 601.053. Evidence of Financial Responsibility

(a) As a condition of operating in this state a motor vehicle to which Section 601.051 applies, the operator of the vehicle on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting:

- (1) a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D or a photocopy of the policy;
- (2) a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle;
- (3) an insurance binder that confirms the operator is in compliance with this chapter;
- (4) a surety bond certificate issued under Section 601.121;
- (5) a certificate of a deposit with the comptroller covering the vehicle issued under Section 601.122;
- (6) a copy of a certificate of a deposit with the appropriate county judge covering the vehicle issued under Section 601.123; or
- (7) a certificate of self-insurance covering the vehicle issued under Section 601.124 or a photocopy of the certificate.

Transportation Code §601.194 -- It is a defense to a “no insurance” charge that the motor vehicle operated by the defendant:

1. was in the possession of the defendant for the sole purpose of maintenance or repair; and
2. was not owned in whole or in part by the defendant.

If the defendant can provide sufficient proof *in open court* of the above affirmative defense, the case shall be dismissed without the collection of any administrative fee.

B. Offenses Occurring before January 01, 2008

All of the following dismissals, other than those for expired DL, may be processed at the clerk’s window by virtue of this Standing Motion and Standing Order.

EXPIRED INSPECTION §548.605 Transportation Code

*\$10 dismissal fee

*defect remedied within 10 business days after date of offense

*inspection has not been expired for more than 60 days

EXPIRED REGISTRATION §502.407 Transportation Code

*\$10 dismissal fee

*defect remedied within 10 business days after date of offense

*Defendant has paid the delinquent registration fee as required by §502.176 of the Transportation Code and provides proof by showing her payment receipt.

EXPIRED DRIVER’S LICENSE §521.026 Transportation Code

*Discretionary with Court, the Judge *may* grant a dismissal.

*Defect remedied within 10 working days.

*\$10 administrative fee charged.

DRIVING WITHOUT LICENSE IN POSSESSION §521.025 Transportation Code

A defendant has an affirmative defense to this charge if the defendant produces in court a driver’s license:

1. issued to that person;
2. appropriate for the type of vehicle operated; and
3. valid at the time of the issuance of the citation.

If a defendant can provide sufficient proof of the above affirmative defense, the case shall be dismissed without the collection of any administrative fee. If the defendant is seeking such a dismissal at the window, he must make a written request for that dismissal thereby submitting to the Court his eligibility for dismissal. The clerks may then dismiss the case at the window.

C. Offenses occurring on or after January 01, 2008

Offense	Statute	Length of Time to Comply	Other Required Conditions	Amount of Fee
Operate Motor Vehicle without License Plates or with One Plate	Section 502.404, Transportation Code	Before defendant's first court appearance.	<ul style="list-style-type: none"> •Registration for the vehicle must be current during period offense was committed; and •Registration insignia was attached to the car before the defendant's first court appearance. •Court may dismiss. 	\$10
Expired Motor Vehicle Registration	Section 502.407(b), Transportation Code	20 working days after the offense or before the defendant's first court appearance, whichever is later.	<ul style="list-style-type: none"> •Defendant must show proof of payment of late registration fee to county assessor-collector. •Court may dismiss. 	\$20 (**Window Dismissal**)
Display Altered, Unclean, or Obscured License Plates	Section 502.409, Transportation Code	Before the defendant's first court appearance.	<ul style="list-style-type: none"> •None. •Court may dismiss. 	\$10
Fail to Display Driver's License	Section 521.025, Transportation Code	None.	<ul style="list-style-type: none"> •Defendant must show proof of valid driver's license at time of offense; and •Prosecutor must make motion to dismiss. 	\$10 (**Window Dismissal**)
Expired Driver's License	Section 521.026, Transportation Code	20 working days after the offense or before the defendant's first court appearance, whichever is later.	<ul style="list-style-type: none"> •None. •Court may dismiss. 	\$20 (**Window Dismissal**)
Fail to Report Change of Address or Name	Section 521.054, Transportation Code	20 working days after the date of the offense.	<ul style="list-style-type: none"> •None. • Court may dismiss. 	\$20 (**Window Dismissal**)
Violate Driver's License Restriction or Endorsement	Section 521.221, Transportation Code	Before the defendant's first court appearance.	<ul style="list-style-type: none"> •Driver's license endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before the date of the offense, or in error and that is established by the defendant; and • The Department of Public Safety removes the restriction or endorsement before the defendant's first court appearance. •Court may dismiss. 	\$10
Operate Vehicle with Defective Required Equipment (or in unsafe condition)*	Section 547.004, Transportation Code	Before the defendant's first court appearance.	<ul style="list-style-type: none"> •Does not apply if the offense involves a commercial motor vehicle. •Court may dismiss. 	\$10
Expired Inspection (Less than 60 days)	Section 548.605(b), Transportation Code	20 working days after the offense or before the defendant's first court appearance, whichever is later.	<ul style="list-style-type: none"> •Court shall dismiss. 	\$20 (**Window Dismissal**)
Expired Inspection (More than 60 days)	Section 548.605(b), Transportation Code	20 working days after the offense or before the defendant's first court appearance, whichever is later.	<ul style="list-style-type: none"> •Court may dismiss. 	No Fee allowed.
Expired Certificate of Number	Section 31.127, Parks and Wildlife Code	10 working days after the offense.	<ul style="list-style-type: none"> •Certificate of number cannot be expired more than 60 days. Court may dismiss. 	\$10 (**Window Dismissal**)

D. “Disable Parking Placard” cases

Sec. 681.013. DISMISSAL OF CHARGE; ADMINISTRATIVE FEE. (a) In this section, "working day" means any day other than a Saturday, a Sunday, or a holiday on which county offices are closed.

(b) The court shall:

(1) dismiss a charge for an offense under Section 681.011(b)(1) if:

(A) the vehicle displayed a disabled parking placard that was not valid as expired;

(B) the defendant remedies the defect by renewing the expired disabled parking placard within 20 working days from the date of the offense or before the defendant's first court appearance date, whichever is later; and

(C) the disabled parking placard has not been expired for more than 60 days; and

(2) assess an administrative fee not to exceed \$20 when the charge has been remedied.

(c) Notwithstanding Subsection (b)(1)(C), the court may dismiss a charge of unlawfully parking a vehicle in a space designated specifically for persons with disabilities, if at the time of the offense the defendant's vehicle displays a disabled parking placard that has been expired for more than 60 days.

Transportation Code 681.011(b)(1) states that “a person commits an offense if the person stands a vehicle on which license plates issued under §504.201 or §504.202 are not displayed and a disabled parking placard is not displayed in a parking space or area designated specifically for individuals with disabilities by a political subdivision.”

****These “compliance dismissal” cases are eligible for dismissal at the court window based on this Standing Motion and Order.**

For purposes of this Order, “first court appearance” means the appearance date that is defined on the actual citation.

AGREED TO:

[original signed by Chase Griffith]

Prosecutor for the State of Texas

SO ORDERED:

Effective this 1st day of January, 2011.

[original signed by Judge Bertrand]

Judge Bertrand, Presiding Judge

TOWN OF FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1
4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER § **MUNICIPAL COURT NO. 1**
§
No: 21a § **TOWN OF FLOWER MOUND**
§
DEFERRED DISPOSITIONS § **DENTON COUNTY, TEXAS**

“REGULAR DEFERRED” §45.051 Code of Criminal Procedure (CCP)

Ineligibility

A person who (1) holds a commercial driver’s license or (2) held a commercial driver’s license when the offense was committed is NOT eligible for deferred disposition for a violation of a state law or local ordinance relating to motor vehicle control, other than a parking violation.

A person who has received a citation for an offense which occurred in a construction zone with workers present is NOT eligible for deferred disposition.

Alcoholic Beverage Code Offenses – a person under 21 years of age is not entitled to be granted Deferred Disposition for a charge of public intoxication by minor, minor in possession of alcohol, consumption of alcohol by a minor, minor driving under the influence of alcohol, minor purchasing alcohol, minor attempting to purchase alcohol, and/or misrepresentation of age by minor if he/she has been convicted or placed on Deferred Disposition for such a charge within the last two years. The relevant dates for computing the two year period are the date of the first offense and the date of the second offense. If the first charge resulted in an acquittal at trial, the defendant is eligible for deferred disposition on the second charge.

Procedure:

Defendant enters a plea of “no contest”.

Defendant pays a special expense fee (which shall include court costs plus no more than the maximum fine allowed). The Court shall consider the Defendant’s possible indigent status when assessing such a fee.

The deferred period may not exceed 180 days.

A defendant is not eligible if he/she is on deferred adjudication probation for any other Class “C” matter in any jurisdiction or has been granted deferred adjudication probation in this Court during the year previous to defendant’s current request for deferred. The

prosecutor, with the Court's approval, or the Judge may waive one or both of these restrictions.

During the deferral period, the Judge may order the Defendant to:

- Post a bond in the amount of the fine to secure payment of that fine in the event of default;
- Pay restitution in an amount not to exceed the fine assessed;
- Submit to counseling or drug, alcohol, or other diagnostic testing;
- Participate in a treatment or education program; and/or
- Comply with other reasonable conditions.

Deferred Disposition for Defendant's Under Age 25:

- Applies to "moving violations";
- Drivers under age 25 at time of offense;
- Must complete and provide proof of Driver's Safety Course within the first 90 days of the deferral period;
- Drivers with a provisional license are not eligible for deferred disposition in the Town of Flower Mound Municipal Court of Record Number One; and
- If the defendant does not complete DSC by the conclusion of the deferral period, the judge shall impose the fine assessed.

Successful Completion:

At the end of the deferral period, if the Defendant presents satisfactory evidence that he/she has complied with the requirements imposed, the Judge shall dismiss the case.

If a case is dismissed by deferred, there is no final conviction and the complaint may not be used against the Defendant for any reason.

Records relating to a complaint dismissed by deferred may be expunged pursuant to §55.01 CCP.

Unsuccessful Completion:

At the end of the deferral period, at a show cause hearing scheduled by the court, if the Defendant does not present satisfactory evidence that he has complied with the requirements imposed, the Court has the option to:

1. Find that the defendant "substantially complied" with the terms of the deferred disposition and dismiss the case;
2. Allow the defendant an extension of time to complete the terms of the deferred disposition; or
3. Impose the fine assessed or impose a lesser fine. A final conviction will be entered against the Defendant in this event.

Deferred “At the Window”

If a Defendant does not wish to come to Court to speak to the Prosecutor or Judge about her case, she may request deferred “at the window”.

The following procedures and policies apply to deferred “at the window”:

Defendant enters a plea of “no contest”.

Defendant pays special expense fee equal to “window fine”. Persons claiming indigency must come before the court and cannot obtain deferred “at the window.”

Deferred period is 120 days, during which time the Defendant may not received any traffic-related citations for 90 days.

Deferred “at the window” may be requested only for

1. traffic-related offenses – *other than those involving a school bus or speeds in excess of 25 miles over the speed limit or cases in which an accident occurred*; or
2. expired or no driver’s license, expired inspection or registration; or
3. seatbelt cases.

It shall be a further condition of the deferred order that, during the first 90 days of the deferral period, the Defendant shall not receive a citation for an offense similar to the offense for which the Defendant is currently seeking dismissal by deferred.

All other requests for deferred shall be made in open court.

EFFECT OF WARRANT OR FTA OR VWPTA ON “DEFERRED AT WINDOW”

If the Defendant is otherwise eligible for deferred adjudication at the window as provided above but has an open warrant or an FTA or VWPTA, his/her options in obtaining deferred adjudication on the underlying charge are as follows:

FTA or VWPTA

1. Clear the FTA or VWPTA by paying that charge (along with any warrant fee) in full per the fee schedule adopted herein; or
2. Posting bond (if applicable) on the FTA or VWPTA and setting that case for a hearing before the Judge.

If either of the above conditions are fulfilled, the clerks shall process the underlying case for deferred adjudication.

WARRANT ON UNDERLYING CASE

The deferred fee is increased to the maximum allowable fine or increased by \$50, whichever is less.

Upon collecting the full amount of the increased deferred fees, the clerk may pull the warrant for purposes of having the judge clear the same.

“No Insurance” cases.

Deferred adjudication requests for “no insurance” cases shall be made to the Judge in open court; will be granted only after careful consideration and scrutiny; and will not be granted unless the Defendant has paid all restitution to the victim, if any. It shall be a further condition to any “no insurance” deferred order that the Defendant maintain insurance during the deferral period.

“TEEN COURT DEFERRED” §45.052 CCP

Defendant must be under the age of 18 or enrolled full time in a secondary school program leading toward a high school diploma.

Deferred period may not exceed 180 days.

Defendant pleads “no contest” or “guilty” in open court with parent, guardian or managing conservator.

Defendant makes an oral or written request to attend Teen Court.

Defendant must not have successfully completed a teen court program in the two years preceding the date of the alleged offense for which the Defendant is now requesting to attend Teen Court.

Fee is \$20 (\$10 as court costs and \$10 to program). Fee is non-refundable. Fee may be waived at discretion of Judge.

Defendant must complete teen court not later than 90th day after he/she is ordered to attend the program or the last day of the deferral period, whichever is earlier.

Judge shall dismiss the charge if the Defendant presents satisfactory evidence of successful completion of the program.

A charge dismissed by Teen Court may not be part of a Defendant’s criminal record or driving record; however, if charge was for a traffic offense, the Court shall report to the Department of Public Safety that the Defendant successfully completed Teen Court and the date of completion for inclusion in the Defendant’s driving record.

TOWN OF FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1
4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER § **MUNICIPAL COURT NO. 1**
§
No: 22 § **TOWN OF FLOWER MOUND**
§
DEFENSIVE DRIVING § **DENTON COUNTY, TEXAS**

§45.0511 Code of Criminal Procedure

Not applicable to commercial motor vehicle cases.

Not applicable to “Accident Involving Damage to Vehicle” and “Duty to Give Information and Render Aid” cases (Transportation Code [TC] §550.022 and §550.023).

Not applicable to:

Passing a school bus TC §545.066;
Reckless driving TC §545.401;
Fleeing or attempting to allude police officer; or
Speeding 25 miles per hour or more over speed limit or a speed of 95 miles per hour or more.

The Court may dismiss only one charge for each completion of a course.

Defendant shall successfully complete a driving safety course or motorcycle operator training court, as appropriate, approved by the Texas Education Agency.

Defendant may not have taken such a course for the dismissal of a ticket within the preceding 12 months from the offense date. Defendant must file with the court an affidavit to this effect.

Defendant must enter a plea of “no contest”.

Defendant must make an oral or written request for driving safety course.

At the time of the request, the Defendant must provide:

1. Valid Texas driver’s license or is a member of the United States military forces serving on active duty or the spouse or dependent child of such a member. (If the defendant does not have a valid Texas DL or permit and is a member of the US military serving on active duty, or the spouse or dependent child of such a member; an affidavit

stating that the defendant was not taking a DSC or motorcycle safety course, as appropriate, in another state on the date the request to take the course was made and had not completed such a course within the 12 months preceding the date of the request);

2. Proof of insurance in defendant's name; and
3. Court costs plus \$10.

Court will enter a judgment on the Defendant's plea but will defer imposition of the judgment for 90 days.

Successful Completion

Defendant takes an approved course within 90 days of request.

Defendant provides proof of course completion within 90 days of request.

Defendant provides certified copy of driving record (demonstrating Defendant's eligibility for defensive driving dismissal) within 90 days of request.

Defendant provides affidavit of eligibility within 90 days of request.

If successful completion, Court shall remove the judgment and dismiss the charge.

The above fact and date of completion of course shall be reported to the Texas Department of Public Safety for inclusion in the Defendant's driving record.

A charge dismissed under this provision may not be part of a persons driving record for any other purpose or used against him for any other purpose.

Unsuccessful Completion

Court shall notify Defendant of failure.

Court shall set a show cause hearing.

If the Defendant fails to appear, Court may impose final judgment.

If the Defendant appears, Court may, upon showing of good cause, grant the Defendant an extension to comply with requirements.

If Defendant appears and does not show good cause for an extension to comply with requirements, final judgment shall be imposed.

TOWN OF FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1
4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 23	§	TOWN OF FLOWER MOUND
	§	
CASH BOND FORFEITURE	§	DENTON COUNTY, TEXAS

Forfeiture of Cash Bond in Satisfaction of Fine
§45.044 Code of Criminal Procedure

(a) The judge may enter a judgment of conviction and forfeit a cash bond posted by the defendant in satisfaction of the defendant's fine and cost if the defendant:

- (1) has entered a written and signed plea of “no contest” or “guilty” and a waiver of jury trial; and
- (2) fails to appear according to the terms of the defendant's release.

(b) A justice or judge who enters a judgment of conviction and forfeiture under Subsection (a) of this article shall immediately notify the defendant in writing, by regular mail addressed to the defendant at the defendant's last known address, that:

- (1) a judgment of conviction and forfeiture of bond was entered against the defendant on a date certain and the forfeiture satisfies the defendant's fine and costs in the case; and
- (2) the defendant has a right to a new trial in the case if the defendant applies for the new trial not later than the 10th day after the date of judgment and forfeiture.

(c) The defendant may file a motion for a new trial within the period provided by Subsection (b) of this article, and the Court shall grant the motion if the motion is made within that period. On the new trial, the court shall permit the defendant to withdraw the previously entered plea of “no contest” or “guilty” and waiver of jury trial.

TOWN OF FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1
4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER § **MUNICIPAL COURT NO. 1**
§
No: 24 § **TOWN OF FLOWER MOUND**
§
ABC CODE VIOLATIONS(a) § **DENTON COUNTY, TEXAS**

MINORS AND ALCOHOL OFFENSES
CHAPTER 106 of the ALCOHOLIC BEVERAGE CODE

§ 106.01. Definition

“Minor” means a person under 21 years of age.

§ 106.02. Purchase of Alcohol by a Minor

(a) A minor commits an offense if the minor purchases an alcoholic beverage. A minor does not commit an offense if the minor purchases an alcoholic beverage under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this code.

(b) An offense under this section is punishable as provided by Section 106.071.

§ 106.025. Attempt to Purchase Alcohol by a Minor

(a) A minor commits an offense if, with specific intent to commit an offense under Section 106.02 of this code, the minor does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

(b) An offense under this section is punishable as provided by Section 106.071.

§ 106.04. Consumption of Alcohol by a Minor

(a) A minor commits an offense if he consumes an alcoholic beverage.

(b) It is an affirmative defense to prosecution under this section that the alcoholic beverage was consumed in the visible presence of the minor's adult parent, guardian, or spouse.

(c) An offense under this section is punishable as provided by Section 106.071.

(d) A minor who commits an offense under this section and who has been previously convicted twice or more of offenses under this section is not eligible for deferred disposition. For the purposes of this subsection:

(1) an adjudication under Title 3, Family Code, that the minor engaged in conduct described by this section is considered a conviction of an offense under this section; and

(2) an order of deferred disposition for an offense alleged under this section is considered a conviction of an offense under this section.

§ 106.041. Driving Or Operating Watercraft Under the Influence of Alcohol by Minor

(a) A minor commits an offense if the minor operates a motor vehicle in a public place, or a watercraft, while having any detectable amount of alcohol in the minor's system.

(b) In addition to any fine and any order issued under Section 106.115, the court shall order a minor convicted of an offense under this section to perform community service for:

(1) not less than 20 or more than 40 hours, if the minor has not been previously convicted of an offense under this section; or

(2) not less than 40 or more than 60 hours, if the minor has been previously convicted of an offense under this section.

(c) Community service ordered under this section must be related to education about or prevention of misuse of alcohol.

(d) A minor who commits an offense under this section and who has been previously convicted twice or more of offenses under this section is not eligible for deferred disposition.

(e) For the purpose of determining whether a minor has been previously convicted of an offense under this section:

(1) an adjudication under Title 3, Family Code, that the minor engaged in conduct described by this section is considered a conviction under this section; and

(2) an order of deferred disposition for an offense alleged under this section is considered a conviction of an offense under this section.

(f) A peace officer who is charging a minor with committing an offense under this section is not required to take the minor into custody but may issue a citation to the minor that contains written notice of the time and place the minor must appear before a magistrate, the name and address of the minor charged, and the offense charged.

(g) In this section:

- (1) "Child" has the meaning assigned by Section 51.02, Family Code.
- (2) "Motor vehicle" has the meaning assigned by Section 32.34(a), Penal Code.
- (3) "Public place" has the meaning assigned by Section 1.07, Penal Code.
- (4) "Watercraft" has the meaning assigned by Section 49.01, Penal Code.

§ 106.05. Possession of Alcohol by a Minor

(a) Except as provided in Subsection (b) of this section, a minor commits an offense if he possesses an alcoholic beverage.

(b) A minor may possess an alcoholic beverage:

- (1) while in the course and scope of the minor's employment if the minor is an employee of a licensee or permittee and the employment is not prohibited by this code;
- (2) if the minor is in the visible presence of his adult parent, guardian, or spouse, or other adult to whom the minor has been committed by a court; or
- (3) if the minor is under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this code.

(c) An offense under this section is punishable as provided by Section 106.071.

§ 106.07. Misrepresentation of Age by a Minor

(a) A minor commits an offense if he falsely states that he is 21 years of age or older or presents any document that indicates he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages.

(b) An offense under this section is punishable as provided by Section 106.071.

§ 106.071. Punishment for Alcohol-Related Offense by Minor

(a) This section applies to an offense under Section 106.02, 106.025, 106.04, 106.05, or 106.07.

(b) Except as provided by Subsection (c), an offense to which this section applies is a Class C misdemeanor.

(c) If it is shown at the trial of the defendant that the defendant is a minor who is not a child and who has been previously convicted at least twice of an offense to which this section applies, the offense is punishable by:

(1) a fine of not less than \$250 or more than \$2,000;

(2) confinement in jail for a term not to exceed 180 days; or

(3) both the fine and confinement.

(d) In addition to any fine and any order issued under Section 106.115:

(1) the court shall order a minor placed on deferred disposition for or convicted of an offense to which this section applies to perform community service for:

(A) not less than eight or more than 12 hours, if the minor has not been previously convicted of an offense to which this section applies; or

(B) not less than 20 or more than 40 hours, if the minor has been previously convicted once of an offense to which this section applies; and

(2) the court shall order the Department of Public Safety to suspend the driver's license or permit of a minor convicted of an offense to which this section applies or, if the minor does not have a driver's license or permit, to deny the issuance of a driver's license or permit for:

(A) 30 days, if the minor has not been previously convicted of an offense to which this section applies;

(B) 60 days, if the minor has been previously convicted once of an offense to which this section applies; or

(C) 180 days, if the minor has been previously convicted twice or more of an offense to which this section applies.

(e) Community service ordered under this section must be related to education about or prevention of misuse of alcohol if programs or services providing that education are available in the community in which the court is located. If programs or services providing that education are not available, the court may order community service that it considers appropriate for rehabilitative purposes.

(f) In this section

(1) a prior adjudication under Title 3, Family Code, that the minor engaged in conduct described by this section is considered a conviction; and

(2) a prior order of deferred disposition for an offense alleged under this section is considered a conviction.

(g) In this section, "child" has the meaning assigned by Section 51.02, Family Code.

(h) A driver's license suspension under this section takes effect on the 11th day after the date the minor is convicted.

(i) A defendant who is not a child and who has been previously convicted at least twice of an offense to which this section applies is not eligible to receive a deferred disposition or deferred adjudication.

§ 106.10. Plea of Guilty by Minor

No minor may plead "guilty" or "no contest" to an offense under this chapter except in open court before a judge.

§ 106.11. Parent or Guardian at Trial—repealed during 2005 regular legislative session.

§ 106.115. Attendance at Alcohol Awareness Course; License Suspension

(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to attend an alcohol awareness program approved by the Texas Commission on Alcohol and Drug Abuse. On conviction of a minor of an offense under one or more of those sections, the court, in addition to assessing a fine as provided by those sections, shall require a defendant who has not been previously convicted of an offense under one of those sections to attend the alcohol awareness program. If the defendant has been previously convicted once or more of an offense under one or more of those sections, the court may require the defendant to attend the alcohol awareness program. If the defendant is younger than 18 years of age, the court may require the parent or guardian of the defendant to attend the program with the defendant. The Texas Commission on Alcohol and Drug Abuse:

(1) is responsible for the administration of the certification of approved alcohol awareness programs;

(2) may charge a nonrefundable application fee for:

(A) initial certification of the approval; or

(B) renewal of the certification;

(3) shall adopt rules regarding alcohol awareness programs approved under this section; and

(4) shall monitor, coordinate, and provide training to a person who provides an alcohol awareness program.

(b) When requested, an alcohol awareness program may be taught in languages other than English.

(c) The court shall require the defendant to present to the court, within 90 days of the date of final conviction, evidence in the form prescribed by the court that the defendant, as ordered by the court, has satisfactorily completed an alcohol awareness program or performed the required hours of community service. For good cause the court may extend this period by not more than 90 days. If the defendant presents the required evidence within the prescribed period, the court may reduce the assessed fine to an amount equal to no less than one-half of the amount of the initial fine.

(d) If the defendant does not present the required evidence within the prescribed period, the court:

(1) shall order the Department of Public Safety to

(A) suspend the defendant's driver's license or permit for a period not to exceed six months or, if the defendant does not have a license or permit, to deny the issuance of a license or permit to the defendant for that period; or

(B) if the defendant has been previously convicted of an offense under one or more of the sections listed in Subsection (a), suspend the defendant's driver's license or permit for a period not to exceed one year or, if the defendant does not have a license or permit, to deny the issuance of a license or permit to the defendant for that period; and

(2) may order the defendant or the parent, managing conservator, or guardian of the defendant to do any act or refrain from doing any act if the court determines that doing the act or refraining from doing the act will increase the likelihood that the defendant will present evidence to the court that the defendant has satisfactorily completed an alcohol awareness program or performed the required hours of community service.

(e) The Department of Public Safety shall send notice of the suspension or prohibition order issued under Subsection (d) by first class mail to the defendant. The notice must include the date of the suspension or prohibition order, the reason for the suspension or prohibition, and the period covered by the suspension or prohibition.

§ 106.116. Reports of Court to Commission

Unless the clerk is otherwise required to include the information in a report submitted under Section 101.09, the clerk of a court, including a justice court, municipal court, or juvenile court, shall furnish to the commission on request a notice of a conviction of an

offense under this chapter or an adjudication under Title 3, Family Code, for conduct that constitutes an offense under this chapter. The report must be in the form prescribed by the commission.

§ 106.117. Report of Court to Department of Public Safety

(a) Each court, including a justice court, municipal court, or juvenile court, shall furnish to the Department of Public Safety a notice of each:

(1) adjudication under Title 3, Family Code, for conduct that constitutes an offense under this chapter;

(2) conviction of an offense under this chapter;

(3) order of deferred disposition for an offense alleged under this chapter; and

(4) acquittal of an offense under Section 106.041.

(b) The notice must be in a form prescribed by the Department of Public Safety and must contain the driver's license number of the defendant, if the defendant holds a driver's license.

(c) The Department of Public Safety shall maintain appropriate records of information in the notices and shall provide the information to law enforcement agencies and courts as necessary to enable those agencies and courts to carry out their official duties. The information is admissible in any action in which it is relevant. A person who holds a driver's license having the same number that is contained in a record maintained under this section is presumed to be the person to whom the record relates. The presumption may be rebutted only by evidence presented under oath.

(d) The information maintained under this section is confidential and may not be disclosed except as provided by this section. A provision of Chapter 58, Family Code, or other law limiting collection or reporting of information on a juvenile or other minor or requiring destruction of that information does not apply to information reported and maintained under this section.

§ 106.12. Expungement of Conviction of a Minor

(a) Any person convicted of not more than one violation of this code while a minor, on attaining the age of 21 years, may apply to the court in which he was convicted to have the conviction expunged.

(b) The application shall contain the applicant's sworn statement that he was not convicted of any violation of this code while a minor other than the one he seeks to have expunged.

(c) If the court finds that the applicant was not convicted of any other violation of this code while he was a minor, the court shall order the conviction, together with all complaints, verdicts, sentences, and other documents relating to the offense, to be expunged from the applicant's record. After entry of the order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose.

(d) The court shall require an individual who files an application under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies or orders of expunction under this article.

TOWN OF FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1

4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 25	§	TOWN OF FLOWER MOUND
	§	
TOBACCO USE BY MINORS	§	DENTON COUNTY, TEXAS

Chapter 161 Health and Safety Code

Possession, consumption or accepting a tobacco product or misrepresenting age to do the same by a person under 18 years of age.

Upon conviction, Court shall require Defendant to attend a tobacco awareness program.

Court may require parent or guardian to attend with the Defendant.

If program not readily available, Court may order Defendant to complete 8-12 hours of tobacco-related community service.

Rehabilitation: Proof of program or community service completion, whichever has been ordered, must be presented to the Court within 90 days of conviction.

Driver’s license suspension: If the defendant does not provide proof of compliance as required by the Rehabilitation provision set forth directly above, the Court shall order the Department of Public Safety to suspend or deny issuance of any driver’s license or permit to the Defendant for a period of up to 180 days.

Expungement:

On application of Defendant.

If Court finds Defendant complied with the Rehabilitation provision set forth above, court shall Order the conviction, complaint, verdict, sentence or other document relating to the offense to be expunged. The conviction may then not be shown or made know for any purpose.

The Court shall charge a fee in the amount of \$30 to defray the cost of notifying state agencies or orders of expungement under this section.

TOWN OF FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1
4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 26	§	TOWN OF FLOWER MOUND
	§	
CERTAIN EXPUNCTIONS	§	DENTON COUNTY, TEXAS

Expunction of Certain Conviction Records of Children
Art. 45.0216 Code of Criminal Procedure (CCP)

- (a) "Child" has the meaning assigned by Section 51.02, Family Code.
- (b) A person convicted of not more than one offense described by Section 8.07(a)(4) or (5), Penal Code, [set forth below] while the person was a child may, on or after the person's 17th birthday, apply to the court in which the child was convicted to have the conviction expunged as provided by this article.
- (c) The person must make a written request to have the records expunged. The request must be under oath.
- (d) The request must contain the person's statement that the person was not convicted while the person was a child of any offense described by Section 8.07(a)(4) or (5), Penal Code, other than the offense the person seeks to have expunged.
- (e) The judge shall inform the person and any parent in open court of the person's expunction rights and provide them with a copy of this article.
- (f) If the court finds that the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child, the court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record. After entry of the order, the person is released from all disabilities resulting from the conviction and the conviction may not be shown or made known for any purpose.
- (g) This Order does not apply to any offense otherwise covered by:
 - (1) Chapter 106, Alcoholic Beverage Code;
 - (2) Chapter 161, Health and Safety Code; or
 - (3) Section 25.094, Education Code.

(h) Records of a person under 17 years of age relating to a complaint dismissed as provided by Article 45.051 or 45.052 CCP may be expunged under this article.

(i) The justice or municipal court shall require a person who requests expungement under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies or orders of expungement under this article.

(j) The procedures for expunction provided under this article are separate and distinct from the expunction procedures under Chapter 55 CCP.

Age Affecting Criminal Responsibility §8.07 Penal Code

(a) A person may not be prosecuted for or convicted of any offense that the person committed when younger than 15 years of age except:

(4) a misdemeanor punishable by fine only other than public intoxication;

(5) a violation of a penal ordinance of a political subdivision;

TOWN OF FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1
4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 27	§	TOWN OF FLOWER MOUND
GOOD STANDING OF	§	
SURETY/ATTORNEY BONDS	§	DENTON COUNTY, TEXAS

It is the policy of the Court to accept properly drafted attorney bonds or surety bonds. However, no attorney bond or surety bond may be posted for any defendant by an attorney or surety whose privilege to post bond has been suspended by the proper Denton County authority. All surety and attorney bonds must contain original signatures of the Defendant and all sureties/attorneys. No photocopies, reproductions or facsimile copies will be accepted by the Court. It is also requested that any such bonds have a pre-printed place for the bond to be approved and accepted by the Judge.

An attorney may execute a bond or act as a surety for another person in any county in this state if the attorney:

- 1). Is licensed to practice law in Texas; and
- 2). At the time the bond is executed or the person acts as a surety, files a notice of appearance as counsel of record in the criminal case for which the bond was executed or surety provided (Notice) or submits proof that the person has previously filed such Notice.
- 3). A person executing a bail bond or acting as a surety under this section is not relieved or liability on the bond solely because the person is later replaced as attorney of record in the criminal case.

Texas Occupations Code §1704.163.

This Court may take other action as allowed by law to assure that all attorney and surety bonds are properly executed and accepted for filing in this Court.

TOWN OF FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1

4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER

§

MUNICIPAL COURT NO. 1

No: 28

§

TOWN OF FLOWER MOUND

NEW TRIAL

§

DENTON COUNTY, TEXAS

Article 30.00014 (c) of the Texas Government Code

Must be in Writing.

Must be filed not later than the 10th day after the date on which the judgment is rendered.

The Court may for good cause extend the time for filing, but the extension may not exceed 90 days from the original filing deadline.

If the Court does not act on the motion before the expiration of 30 days allowed for determination of such motion, the motion is overruled by operation of law.

Not more than one motion for new trial shall be granted to a defendant in the same case. §45.039 Code of Criminal Procedure (CCP).

In no case shall the state be entitled to a new trial. § 45.040 Texas CCP

TOWN OF FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1
4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER § **MUNICIPAL COURT NO. 1**
 §
No: 29 § **TOWN OF FLOWER MOUND**
 §
APPEAL PROCESS § **DENTON COUNTY, TEXAS**

The TOWN OF FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1 is a statutory court of record as defined by law. Chapter 30 of the Texas Government Code sets for the appeal process for Municipal Courts of Record. See §30.00014 of the Texas Government Code. A copy of the relevant Government Code sections pertaining to appeals is attached to this Judicial Order and hereinafter referred to as “the Attachment”.

A copy of this Judicial Order and the Attachment may be provided to any person upon request; however, the distribution of this Order and Attachment shall not constitute legal advice. Neither the prosecutor, court clerks or other staff, nor the Presiding Judge or any of her alternate judges may provide legal advice to any defendant before this Court.

Any attempt by a Defendant to perfect the appeal process shall be forward to a Judge of this Court for his or her consideration and ruling.

Appeal Attachment

Note: the 2005 Legislature made a non-substantive change to the rules. The word “transcript” was replaced with “clerk’s record” and the phrase “statement of facts” was replaced with “reporter’s record”.

§ 30.00014. Appeal

(a) A defendant has the right of appeal from a judgment or conviction in a municipal court of record. The state has the right to appeal as provided by Article 44.01, Code of Criminal Procedure. The county criminal courts or county criminal courts of appeal in the county in which the municipality is located or the municipal courts of appeal have jurisdiction of appeals from a municipal court of record. If there is no county criminal court, county criminal court of appeal, or municipal court of appeal, the county courts at law have jurisdiction of an appeal.

(b) The appellate court shall determine each appeal from a municipal court of record conviction and each appeal from the state on the basis of the errors that are set forth in the appellant's motion for new trial and that are presented in the clerk’s record and reporter’s

record prepared from the proceedings leading to the conviction or appeal. An appeal from the municipal court of record may not be by trial de novo.

(c) To perfect an appeal, the appellant must file a written motion for new trial with the municipal clerk not later than the 10th day after the date on which judgment is rendered. The motion must set forth the points of error of which the appellant complains. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court may for good cause extend the time for filing or amending, but the extension may not exceed 90 days from the original filing deadline. If the court does not act on the motion before the expiration of the 30 days allowed for determination of the motion, the original or amended motion is overruled by operation of law.

(d) To perfect an appeal, the appellant must also give notice of the appeal. If the appellant requests a hearing on the motion for new trial, the appellant may give the notice of appeal orally in open court on the overruling of the motion. If there is no hearing, the appellant must give a written notice of appeal and must file the notice with the court not later than the 10th day after the date on which the motion is overruled. The court may for good cause extend that time period, but the extension may not exceed 90 days from the original filing deadline.

(e) If the defendant is in custody, the appeal is perfected when the notice of appeal is given as provided by Article 44.13, Code of Criminal Procedure.

(f) A municipality shall by ordinance establish a clerk's record preparation fee in the amount of \$25. The clerk's record preparation fee does not include the fee for an actual clerk's record of the proceedings. The clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the defendant.

(g) The defendant shall pay the clerk's record preparation fee and the fee for an actual clerk's record of the proceedings.

§ 30.00015. Appeal Bond

(a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.

(b) The appeal bond must be in the amount of \$100 or double the amount of the fines and costs adjudged against the defendant, whichever is greater.

(c) The bond must:

- (1) state that the defendant was convicted in the case and has appealed; and
- (2) be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

§ 30.00016. Record on Appeal

The record on appeal must substantially conform to the provisions relating to the preparation of a record on appeal in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.

§ 30.00017. Clerk's record

The clerk's record must substantially conform to the provisions relating to the preparation of a clerk's record in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.

§ 30.00018. Bills of Exception

Bills of exception must substantially conform to the provisions relating to the preparation of bills of exception in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.

§ 30.00019. Reporter's record

(a) A reporter's record included in the record on appeal must substantially conform to the provisions relating to the preparation of a reporter's record in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.

(b) The appellant shall pay for the reporter's record.

§ 30.00020. Transfer of Record

(a) Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file with the municipal clerk:

- (1) the reporter's record;
 - (2) a written description of material to be included in the clerk's record in addition to the required material; and
 - (3) any material to be included in the clerk's record that is not in the custody of the clerk.
- (b) On completion of the record, the municipal judge shall approve the record in the manner provided for record completion, approval, and notification in the court of appeals.

(c) After the court approves the record, the clerk shall promptly send the record to the appellate court clerk for filing. The appellate court clerk shall notify the defendant and the prosecuting attorney that the record has been filed.

§ 30.00021. Brief on Appeal

(a) An appellant's brief on appeal from a municipal court of record must present points of error in the manner required by law for a brief on appeal to the court of appeals.

(b) The appellant must file the brief with the appellate court clerk not later than the 15th day after the date on which the clerk's record and reporter's record are filed with that clerk. The appellant or the appellant's attorney must certify that the brief has been properly mailed to the appellee.

(c) The appellee must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the appellant's brief is filed.

(d) Each party, on filing the party's brief with the appellate court clerk, shall deliver a copy of the brief to the opposing party and to the municipal judge.

(e) The record and the briefs on appeal shall be limited as far as possible to the questions relied on for reversal.

§ 30.00022. New Trial

The trial court shall decide from the briefs of the parties whether the appellant should be permitted to withdraw the notice of appeal and be granted a new trial by the court. The court may grant a new trial at any time before the record is filed with the appellate court.

§ 30.00023. Court Rules

(a) Except as modified by this subchapter, the Code of Criminal Procedure and the Texas Rules of Appellate Procedure govern the trial of cases before the municipal courts of record. The courts may make and enforce all rules of practice and procedure necessary to expedite the trial of cases before the courts that are not inconsistent with law.

(b) The appellate courts may make and enforce all rules of practice and procedure that are not inconsistent with law and that are necessary to expedite the dispatch of appeals from the municipal courts of record.

§ 30.00024. Disposition on Appeal

(a) According to the law and the nature of the case, the appellate court may:

(1) affirm the judgment of the municipal court of record;

(2) reverse and remand for a new trial;

(3) reverse and dismiss the case; or

(4) reform and correct the judgment.

(b) Unless the matter was made an issue in the trial court or it affirmatively appears to the contrary from the clerk's record or the reporter's record, the appellate court shall presume that:

(1) venue was proven in the trial court;

(2) the jury, if any, was properly impaneled and sworn;

(3) the defendant was arraigned and pleaded to the complaint; and

(4) the municipal judge certified the charge before it was read to the jury.

(c) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The court shall set forth the reasons for its decision. The appellate court clerk shall mail copies of the decision to the parties and to the municipal judge as soon as the decision is rendered.

(d) The appellate court may determine the rules for oral argument. The parties may submit the case on the record and briefs without oral argument.

§ 30.00025. Certificate of Appellate Proceedings

(a) When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificate to the municipal clerk. The municipal clerk shall file the certificate with the papers in the case and note the certificate on the case docket.

(b) If the municipal court of record judgment is affirmed, to enforce the judgment the court may:

(1) forfeit the bond of the defendant;

(2) issue a writ of capias for the defendant;

(3) issue an execution against the defendant's property;

(4) order a refund for the defendant's costs; or

(5) conduct an indigency hearing at the court's discretion.

§ 30.00026. Effect of Order of New Trial

If the appellate court awards a new trial to the appellant, the case stands as if a new trial had been granted by the municipal court of record.

§ 30.00027. Appeals to Court of Appeals

(a) The appellant has the right to appeal to the court of appeals if the fine assessed against the defendant exceeds \$100 and if the judgment is affirmed by the appellate court.

(b) The provisions of the Code of Criminal Procedure relating to direct appeals from a county or a district court to the court of appeals apply to the appeal, except that:

(1) the record and briefs on appeal in the appellate court constitute the record and briefs on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise; and

(2) the record and briefs shall be filed directly with the court of appeals.

(3) state that the defendant was convicted in the case and has appealed; and

(4) be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1

4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 30	§	TOWN OF FLOWER MOUND
	§	
JAIL MAGISTRATIONS	§	DENTON COUNTY, TEXAS

Jail magistrations pursuant to Section 15.17 of the Texas Code of Criminal Procedure shall be conducted on a daily basis by the on-call judge.

It is the ultimate responsibility of the on-call judge to see that the procedures set forth below are met.

Regarding indigency procedures, while the procedures set forth below do allow for the judge to delegate the Court Appointed Attorney Application Process (“Process”), the current form promulgated by Denton County requires the applicant to swear to the veracity of the information contained in the Court Appointed Attorney Application (“Application”). The Police Department and the Municipal Court are not responsible for providing personnel to assist with the Process nor a Notary Public to perform the “swearing” function. Thus, until further Orders, it is the responsibility of the on-call judge to complete the Process up to the point of faxing the Application to the County. The Police Department has agreed to assume the responsibility of faxing all Applications to the County.

Should the on-call judge not be able to magistrate each and every jailed person on the day of his/her duty and that judge is not the on-call judge for the following day, it is the on-call judge’s responsibility to personally inform his/her successor judge of that fact. This responsibility may NOT be delegated.

Art. 15.17 Code of Criminal Procedure. Duties of arresting officer and magistrate

(a) ...The person making the arrest or the person having custody of the person arrested shall without unnecessary delay, but not later than 48 hours after the person is arrested, take the person arrested or have him taken before some magistrate of the county where the accused was arrested or, if necessary to provide more expeditiously to the person arrested the warnings described by this article, before a magistrate in a county bordering the county in which the arrest was made. The arrested person may be taken before the magistrate in person or the image of the arrested person may be broadcast by closed circuit television to the magistrate. The magistrate shall inform in clear language the person arrested, either in person or by closed circuit television, of the accusation against him and of any affidavit filed therewith, of his right to retain counsel, of his right to remain silent, of his right to have an attorney present during any interview with peace

officers or attorneys representing the state, of his right to terminate the interview at any time, and of his right to have an examining trial. The magistrate shall also inform the person arrested of the person's right to request the appointment of counsel if the person cannot afford counsel. The magistrate shall inform the person arrested of the procedures for requesting appointment of counsel. If the person does not speak and understand the English language or is deaf, the magistrate shall inform the person in a manner consistent with Articles 38.30 and 38.31, as appropriate. The magistrate shall ensure that reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the person at the same time. If the person arrested is indigent and requests appointment of counsel and if the magistrate is authorized under Article 26.04 to appoint counsel for indigent defendants in the county, the magistrate shall appoint counsel in accordance with Article 1.051. If the magistrate is not authorized to appoint counsel, the magistrate shall without unnecessary delay, but not later than 24 hours after the person arrested requests appointment of counsel, transmit, or cause to be transmitted to the court or to the courts' designee authorized under Article 26.04 to appoint counsel in the county, the forms requesting the appointment of counsel. The magistrate shall also inform the person arrested that he is not required to make a statement and that any statement made by him may be used against him. The magistrate shall allow the person arrested reasonable time and opportunity to consult counsel and shall, after determining whether the person is currently on bail for a separate criminal offense, admit the person arrested to bail if allowed by law. A closed circuit television system may not be used under this subsection unless the system provides for a two-way communication of image and sound between the arrested person and the magistrate. A recording of the communication between the arrested person and the magistrate shall be made. The recording shall be preserved until the earlier of the following dates: (1) the date on which the pretrial hearing ends; or (2) the 91st day after the date on which the recording is made if the person is charged with a misdemeanor or the 120th day after the date on which the recording is made if the person is charged with a felony. The counsel for the defendant may obtain a copy of the recording on payment of a reasonable amount to cover costs of reproduction.

(b) After an accused charged with a misdemeanor punishable by fine only is taken before a magistrate under Subsection (a) of this article and the magistrate has identified the accused with certainty, the magistrate may release the accused without bond and order the accused to appear at a later date for arraignment in the county court or statutory county court. The order must state in writing the time, date, and place of the arraignment, and the magistrate must sign the order. The accused shall receive a copy of the order on release. If an accused fails to appear as required by the order, the judge of the court in which the accused is required to appear shall issue a warrant for the arrest of the accused. If the accused is arrested and brought before the judge, the judge may admit the accused to bail, and in admitting the accused to bail, the judge should set as the amount of bail an amount double that generally set for the offense for which the accused was arrested. This subsection does not apply to an accused who has previously been convicted of a felony or a misdemeanor other than a misdemeanor punishable by fine only.

(c) When a deaf accused is taken before a magistrate under this article or Article 14.06 of this Code, an interpreter appointed by the magistrate qualified and sworn as provided in Article 38.31 of this Code shall interpret the warning required by those articles in a language that the accused can understand, including but not limited to sign language.

(d) If a magistrate determines that a person brought before the magistrate after an arrest authorized by Article 14.051 of this code was arrested unlawfully, the magistrate shall release the person from custody. If the magistrate determines that the arrest was lawful, the person arrested is considered a fugitive from justice for the purposes of Article 51.13 of this code, and the disposition of the person is controlled by that article.

(e) In each case in which a person arrested is taken before a magistrate as required by Subsection (a), a record shall be made of:

(1) the magistrate informing the person of the person's right to request appointment of counsel;

(2) the magistrate asking the person whether the person wants to request appointment of counsel; and

(3) whether the person requested appointment of counsel.

(f) A record required under Subsection (e) may consist of written forms, electronic recordings, or other documentation as authorized by procedures adopted in the county under Article 26.04(a).

Art. 17.033 of the Code of Criminal Procedure. Release on Bond of Certain Persons Arrested Without a Warrant

(a) Except as provided by Subsection (c), a person who is arrested without a warrant and who is detained in jail must be released on bond, in an amount not to exceed \$5,000, not later than the 24th hour after the person's arrest if the person was arrested for a misdemeanor and a magistrate has not determined whether probable cause exists to believe that the person committed the offense. If the person is unable to obtain a surety for the bond or unable to deposit money in the amount of the bond, the person must be released on personal bond.

(b) Except as provided by Subsection (c), a person who is arrested without a warrant and who is detained in jail must be released on bond, in an amount not to exceed \$10,000, not later than the 48th hour after the person's arrest if the person was arrested for a felony and a magistrate has not determined whether probable cause exists to believe that the person committed the offense. If the person is unable to obtain a surety for the bond or unable to deposit money in the amount of the bond, the person must be released on personal bond.

(c) On the filing of an application by the attorney representing the state, a magistrate may postpone the release of a person under Subsection (a) or (b) for not more than 72 hours

after the person's arrest. An application filed under this subsection must state the reason a magistrate has not determined whether probable cause exists to believe that the person committed the offense for which the person was arrested.

FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1

4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER

§

MUNICIPAL COURT NO. 1

No: 31

§

TOWN OF FLOWER MOUND

**ACKNOWLEDGEMENT
OF JUDICIAL ORDERS**

§

§

§

DENTON COUNTY, TEXAS

ACKNOWLEDGEMENT OF JUDICIAL ORDERS

Rescinded effective January 1, 2011

FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1

4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 32	§	TOWN OF FLOWER MOUND
	§	
BOND FORFEITURE	§	DENTON COUNTY, TEXAS

I. The procedure for initiating a bond forfeiture proceeding is as follows:

SURETY BOND FORFEITURE

A. FAILURE TO APPEAL

1. Day of Appearance

Judge calls case, if no answer

Bailiff calls name of D at courthouse door

If D does not appear after a reasonable time, Prosecutor moves for:

Bond forfeiture

Judgment Nisi and

Alias Capias warrant

Bailiff prepares and swears to statement that D failed to answer or appeal (called an “attestation” and filed in bond forfeiture case)

2. Optional “Failure to Appear” Charge

Separate offense under §38.10 of the Texas Penal Code

Fine is up to \$500

Judge may consider Attestation in lieu of PC affidavit and issue warrant

Failure to appear complaint sworn to be clerk or bailiff

3. Issuance of Capias

Issued for underlying charge

May require cash bond

B. INITIATING THE FORFEITURE

1. Judgment nisi: states the State recovers the amount of money the D and/or surety are bound by and that the judgment shall be made final unless good cause shown as to why the D did not appear

2. Judgment nisi then entered on a “scire facias” docket

C. THE SCIRE FACIAS DOCKET

1. This docket is a special civil docket for bond forfeiture cases.
2. Style is "State of Texas, Plaintiff vs. Principal and/or Sureties" as defendants
3. A distinct cause number (different from criminal cause number) is assigned to the case

D. NOTIFICATION OF BOND FORFEITURE LAWSUIT

1. **DEFENDANT:** not necessary to give notice unless he furnished address on bond, and, if so, may send notice by regular mail.
Notice includes: citation attached to a copy of the judgment nisi.

2. **SURETIES**

- a. **CITATION**

Citation is the notice telling person he has been sued and must appear and answer before the court to show good cause why the judgment nisi should not be made final.

Attach copy of judgment of forfeiture entered by the court, a copy of the forfeited bond, and a copy of any power of attorney attached to the forfeited bond.

Citation requested by State and prepared by clerks.

- b. **SERVICE OF CITATION**

Sureties are entitled to notice by service of citation.

Service is in the manner provided for civil actions. (Rule 106 of the Rules of Civil Procedure)

Personal service (by city police officers is ok)

Service by publication (in newspaper)

Alternative service; or

Service by mail.

Per this standing order, service by mail shall be the manner in which service is first attempted.

Service by Mail:

Return Receipt Requested, restricted delivery to addressee

Copy of judgment attached to citation.
If surety is a corporation, serve registered agent.
Use current list of bonding companies produced by the
Denton County Bail Bond Board to obtain names and
addresses of their agents and attorneys.

Successful service by mail: return of green card signed by addressee.
Unsuccessful service by mail: not so-signed. Use other form of service.

c. **WAIVER OF SERVICE**

The surety may waive service of citation by filing a written waiver
with the clerk of the court.

E. ANSWER TO THE BOND FORFEITURE LAWSUIT

1. The answer is the formal, written statement of the defendant
acknowledging the existence of the suit and the intent of the defendant to
defend herself (rather than allow a default judgment to be entered).
2. The answer must be filed no later than 10:00 a.m. on the Monday
following the expiration of 20 days after service of citation.
 - a. To compute time: note day of service, start counting on next day,
count 20 days, jump to next Monday that is not a holiday.
 - b. Mail box rule applies, i.e., post-marked by answer date, received in
10 days
3. An Answer filed before service of citation or a personal appearance before
the same dispenses with necessity of service of citation.

F. SETTING THE CASE

Must give notice to all parties.

Notice must not be less than 45 days of the first trial setting.

If case reset, do not need to give 45 days notice.

II. The Statutes and Rules supporting this standing order are as follows:

**Code of Criminal Procedure CHAPTER TWENTY-TWO—
FORFEITURE OF BAIL**

Art. 22.01. Bail forfeited, when

When a defendant is bound by bail to appear and fails to appear in any court in which such case may be pending and at any time when his personal appearance is required under this Code, or by any court or magistrate, a forfeiture of his bail and a judicial declaration of such forfeiture shall be taken in the manner provided in Article 22.02 of this Code and entered by such court.

Art. 22.02. Manner of taking a forfeiture

Bail bonds and personal bonds are forfeited in the following manner: The name of the defendant shall be called distinctly at the courthouse door, and if the defendant does not appear within a reasonable time after such call is made, judgment shall be entered that the State of Texas recover of the defendant the amount of money in which he is bound, and of his sureties, if any, the amount of money in which they are respectively bound, which judgment shall state that the same will be made final, unless good cause be shown why the defendant did not appear.

Art. 22.021. Forfeiture after violating treatment condition

On its own motion or the motion of the attorney for the state, the magistrate who set a defendant's bond or before whom a prosecution is pending may issue a warrant for the arrest of the defendant for a violation of a condition of the defendant's bond under Article 17.40 of this code. If, at a hearing, the magistrate determines that the defendant violated the condition without sufficient cause, the magistrate shall forfeit the defendant's bond and enter a final judgement of forfeiture. Citation shall be issued as provided by this chapter, except that the citation is sufficient if it is in the form provided for citations in civil cases.

Art. 22.03. Citation to Sureties

(a) Upon entry of judgment, a citation shall issue forthwith notifying the sureties of the defendant, if any, that the bond has been forfeited, and requiring them to appear and show cause why the judgment of forfeiture should not be made final.

(b) A citation to a surety who is an individual shall be served to the individual at the address shown on the face of the bond.

(c) A citation to a surety that is a corporation or other entity shall be served to the attorney designated for service of process by the corporation or entity under Chapter 804, Insurance Code.

(d) By filing the waiver or designation in writing with the clerk of the court, a surety may waive service of citation or may designate a person other than the surety or the surety's attorney to receive service of citation under this article. The waiver or

designation is effective until a written revocation is filed with the clerk.

Art. 22.04. Requisites of Citation

A citation shall be sufficient if it be in the form provided for citations in civil cases in such court; provided, however, that a copy of the judgment of forfeiture entered by the court, a copy of the forfeited bond, and a copy of any power of attorney attached to the forfeited bond shall be attached to the citation and the citation shall notify the parties cited to appear and show cause why the judgment of forfeiture should not be made final.

Art. 22.05. Citations as in Civil Actions

If service of citation is not waived under Article 22.03, a surety is entitled to notice by service of citation, the length of time and in the manner required in civil actions; and the officer executing the citation shall return the same as in civil actions. It shall not be necessary to give notice to the defendant unless he has furnished his address on the bond, in which event notice to the defendant shall be deposited in the United States mail directed to the defendant at the address shown on the bond.

Art. 22.06. Citation by publication

Where the surety is a nonresident of the State, or where he is a transient person, or where his residence is unknown, the district or county attorney may, upon application in writing to the county clerk, stating the facts, obtain a citation to be served by publication; and the same shall be served by a publication and returned as in civil actions.

Art. 22.07. Cost of publication

When service of citation is made by publication, the county in which the forfeiture has been taken shall pay the costs thereof, to be taxed as costs in the case.

Art. 22.08. Service out of the state

Service of a certified copy of the citation upon any absent or non-resident surety may be made outside of the limits of this State by any person competent to make oath of the fact; and the affidavit of such person, stating the facts of such service, shall be a sufficient return.

Art. 22.09. When surety is dead

If the surety is dead at the time the forfeiture is taken, the forfeiture shall nevertheless be valid. The final judgment shall not be rendered where a surety has died, either before or after the forfeiture has been taken, unless his executor, administrator or heirs, as the case may be, have been cited to appear and show cause why the judgment should not be made final, in the same manner as provided in the case of the surety.

Art. 22.10. Scire facias docket

When a forfeiture has been declared upon a bond, the court or clerk shall docket the case upon the scire facias or upon the civil docket, in the name of the State of Texas, as plaintiff, and the principal and his sureties, if any, as defendants; and, except as otherwise provided by this chapter, the proceedings had therein shall be governed by the same rules governing other civil suits.

Art. 22.11. Sureties may answer

After the forfeiture of the bond, if the sureties, if any, have been duly notified, the sureties, if any, may answer in writing and show cause why the defendant did not appear, which answer may be filed within the time limited for answering in other civil actions.

Art. 22.12. Proceedings not set aside for defect of form

The bond, the judgment declaring the forfeiture, the citation and the return thereupon, shall not be set aside because of any defect of form; but such defect of form may, at any time, be amended under the direction of the court.

Art. 22.125. Powers of the Court

After a judicial declaration of forfeiture is entered, the court may proceed with the trial required by Article 22.14 of this code. The court may exonerate the defendant and his sureties, if any, from liability on the forfeiture, remit the amount of the forfeiture, or set aside the forfeiture only as expressly provided by this chapter. The court may approve any proposed settlement of the liability on the forfeiture that is agreed to by the state and by the defendant or the defendant's sureties, if any.

Art. 22.13. Causes which will exonerate

The following causes, and no other, will exonerate the defendant and his sureties, if any, from liability upon the forfeiture taken:

1. That the bond is, for any cause, not a valid and binding undertaking in law. If it be valid and binding as to the principal, and one or more of his sureties, if any, they shall not be exonerated from liability because of its being invalid and not binding as to another surety or sureties, if any. If it be invalid and not binding as to the principal, each of the sureties, if any, shall be exonerated from liability. If it be valid and binding as to the principal, but not so as to the sureties, if any, the principal shall not be exonerated, but the sureties, if any, shall be.
2. The death of the principal before the forfeiture was taken.
3. The sickness of the principal or some uncontrollable circumstance which prevented his appearance at court, and it must, in every such case, be shown that his failure to appear

arose from no fault on his part. The causes mentioned in this subdivision shall not be deemed sufficient to exonerate the principal and his sureties, if any, unless such principal appear before final judgment on the bond to answer the accusation against him, or show sufficient cause for not so appearing.

4. Failure to present an indictment or information at the first term of the court which may be held after the principal has been admitted to bail, in case where the party was bound over before indictment or information, and the prosecution has not been continued by order of the court.

Art. 22.14. Judgment final

When, upon a trial of the issues presented, no sufficient cause is shown for the failure of the principal to appear, the judgment shall be made final against him and his sureties, if any, for the amount in which they are respectively bound; and the same shall be collected by execution as in civil actions. Separate executions shall issue against each party for the amount adjudged against him. The costs shall be equally divided between the sureties, if there be more than one.

Art. 22.15. Judgment final by default

When the sureties have been duly cited and fail to answer, and the principal also fails to answer within the time limited for answering in other civil actions, the court shall enter judgment final by default.

Art. 22.16. Remittitur after forfeiture

(a) After forfeiture of a bond and before the expiration of the time limits set by Subsection (c) of this article, the court shall, on written motion, remit to the surety the amount of the bond after deducting the costs of court, any reasonable costs to the county for the return of the principal, and the interest accrued on the bond amount as provided by Subsection (e) of this article if:

- (1) the principal is incarcerated in the county in which the prosecution is pending;
- (2) the principal is incarcerated in another jurisdiction and the incarceration is verified as provided by Subsection (b) of this article;
- (3) the principal is released on new bail in the case;
- (4) the principal is deceased; or
- (5) the case for which bond was given is dismissed.

(b) For the purposes of Subsection (a)(2) of this article, a surety may request confirmation of the incarceration of his principal by written request to the law

enforcement agency of the county where prosecution is pending. A law enforcement agency in this state that receives a request for verification shall notify the court in which prosecution is pending and the surety whether or not the principal is or has been incarcerated in another jurisdiction and the date of the incarceration.

(c) A final judgment may be entered against a bond not earlier than:

(1) nine months after the date the forfeiture was entered, if the offense for which the bond was given is a misdemeanor; or

(2) 18 months after the date the forfeiture was entered, if the offense for which the bond was given is a felony.

(d) After the expiration of the time limits set by Subsection (c) of this article and before the entry of a final judgment against the bond, the court in its discretion may remit to the surety all or part of the amount of the bond after deducting the costs of court, any reasonable costs to the county for the return of the principal, and the interest accrued on the bond amount as provided by Subsection (e) of this article.

(e) For the purposes of this article, interest accrues on the bond amount from the date of forfeiture in the same manner and at the same rate as provided for the accrual of prejudgment interest in civil cases.

Art. 22.17. Special bill of review

(a) Not later than two years after the date a final judgment is entered in a bond forfeiture proceeding, the surety on the bond may file with the court a special bill of review. A special bill of review may include a request, on equitable grounds, that the final judgment be reformed and that all or part of the bond amount be remitted to the surety, after deducting the costs of court, any reasonable costs to the county for the return of the principal, and the interest accrued on the bond amount from the date of forfeiture. The court in its discretion may grant or deny the bill in whole or in part.

(b) For the purposes of this article, interest accrues on the bond amount from the date of:

(1) forfeiture to the date of final judgment in the same manner and at the same rate as provided for the accrual of prejudgment interest in civil cases; and

(2) final judgment to the date of the order for remittitur at the same rate as provided for the accrual of postjudgment interest in civil cases.

Art. 22.18. Limitation

An action by the state to forfeit a bail bond under this chapter must be brought not later than the fourth anniversary of the date the principal fails to appear in court.

Code of Criminal Procedure CHAPTER TWENTY-THREE—THE CAPIAS

Art. 23.01. Definition of a "capias"

A "capias" is a writ issued by the court or clerk, and directed "To any peace officer of the State of Texas", commanding him to arrest a person accused of an offense and bring him before that court immediately, or on a day or at a term stated in the writ.

Art. 23.02. Its requisites

A capias shall be held sufficient if it have the following requisites:

1. That it run in the name of "The State of Texas";
2. That it name the person whose arrest is ordered, or if unknown, describe him;
3. That it specify the offense of which the defendant is accused, and it appear thereby that he is accused of some offense against the penal laws of the State;
4. That it name the court to which and the time when it is returnable; and
5. That it be dated and attested officially by the authority issuing the same.

Art. 23.03. Capias or summons in felony

(a) A capias shall be issued by the district clerk upon each indictment for felony presented, after bail has been set or denied by the judge of the court. Upon the request of the attorney representing the State, a summons shall be issued by the district clerk. The capias or summons shall be delivered by the clerk or mailed to the sheriff of the county where the defendant resides or is to be found. A capias or summons need not issue for a defendant in custody or under bond.

(b) Upon the request of the attorney representing the State a summons instead of a capias shall issue. If a defendant fails to appear in response to the summons a capias shall issue.

(c) Summons. The summons shall be in the same form as the capias except that it shall summon the defendant to appear before the proper court at a stated time and place. The summons shall be served upon a defendant by delivering a copy to him personally, or by leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by mailing it to the defendant's last known address.

(d) A summons issued to any person must clearly and prominently state in English and in Spanish the following:

"It is an offense for a person to intentionally influence or coerce a witness to testify falsely or to elude legal process. It is also a felony offense to harm or threaten to harm a

witness or prospective witness in retaliation for or on account of the service of the person as a witness or to prevent or delay the person's service as a witness to a crime."

Art. 23.04. In misdemeanor case

In misdemeanor cases the capias or summons shall issue from a court having jurisdiction of the case. The summons shall be issued only upon request of the attorney representing the State and shall follow the same form and procedure as in a felony case.

Art. 23.05. Capias after forfeiture

(a) Where a forfeiture of bail is declared, a capias shall be immediately issued for the arrest of the defendant, and when arrested, in its discretion, the court may require the defendant, in order to be released from custody, to deposit with the custodian of funds of the court in which the prosecution is pending current money of the United States in the amount of the new bond as set by the court, in lieu of a surety bond, unless the forfeiture taken has been set aside under the third subdivision of Article 22.13 of this code, in which case the defendant and his sureties shall remain bound under the same bail.

(b) A capias issued under this article may be executed by a peace officer or by a private investigator licensed under Chapter 1702, Occupations Code.

Art. 23.06. New bail in felony case

When a defendant who has been arrested for a felony under a capias has previously given bail to answer said charge, his sureties, if any, shall be released by such arrest, and he shall be required to give new bail.

Art. 23.07. Capias does not lose its force

A capias shall not lose its force if not executed and returned at the time fixed in the writ, but may be executed at any time afterward, and return made. All proceedings under such capias shall be as valid as if the same had been executed and returned within the time specified in the writ.

Art. 23.08. Reasons for retaining capias

When the capias is not returned at the time fixed in the writ, the officer holding it shall notify the court from whence it was issued, in writing, of his reasons for retaining it.

Art. 23.09. Capias to several counties

Capiases for a defendant may be issued to as many counties as the district or county attorney may direct.

Art. 23.10. Bail in felony

In cases of arrest for felony in the county where the prosecution is pending, during a term of court, the officer making the arrest may take bail as provided in Article 17.21.

Art. 23.11. Sheriff may take bail in felony

In cases of arrest for felony less than capital, made during vacation or made in another county than the one in which the prosecution is pending, the sheriff may take bail; in such cases the amount of the bail bond shall be the same as is endorsed upon the capias; and if no amount be endorsed on the capias, the sheriff shall require a reasonable amount of bail. If it be made to appear by affidavit, made by any district attorney, county attorney, or the sheriff approving the bail bond, to a judge of the Court of Criminal Appeals, a justice of a court of appeals, or to a judge of the district or county court, that the bail taken in any case after indictment is insufficient in amount, or that the sureties are not good for the amount, or that the bond is for any reason defective or insufficient, such judge shall issue a warrant of arrest and require of the defendant sufficient bond, according to the nature of the case.

Art. 23.12. Court shall fix bail in felony

In felony cases which are bailable, the court shall, before adjourning, fix and enter upon the minutes the amount of the bail to be required in each case. The clerk shall endorse upon the capias the amount of bail required. In case of neglect to so comply with this Article, the arrest of the defendant, and the bail taken by the sheriff, shall be as legal as if there had been no such omission.

Art. 23.13. Who may arrest under capias

A capias may be executed by any peace officer. In felony cases, the defendant must be delivered immediately to the sheriff of the county where the arrest is made together, with the writ under which he was taken.

Art. 23.14. Bail in misdemeanor

Any officer making an arrest under a capias in a misdemeanor may in term time or vacation take a bail bond of the defendant.

Art. 23.15. Arrest in capital cases

Where an arrest is made under a capias in a capital case, the sheriff shall confine the defendant in jail, and the capias shall, for that purpose, be a sufficient commitment. This Article is applicable when the arrest is made in the county where the prosecution is pending.

Art. 23.16. Arrest in capital case in another county

In each capital case where a defendant is arrested under a capias in a county other than that in which the case is pending, the sheriff who arrests or to whom the defendant is delivered, shall convey him immediately to the county from which the capias issued and deliver him to the sheriff of such county.

Art. 23.17. Return of bail and capias

When an arrest has been made and a bail taken, such bond, together with the capias, shall be returned forthwith to the proper court.

Art. 23.18. Return of capias

The return of the capias shall be made to the court from which it is issued. If it has been executed, the return shall state what disposition has been made of the defendant. If it has not been executed, the cause of the failure to execute it shall be fully stated. If the defendant has not been found, the return shall further show what efforts have been made by the officer to find him, and what information he has as to the defendant's whereabouts.

FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1

4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 33	§	TOWN OF FLOWER MOUND
	§	
PC AFFIDAVITS/WARRANTS	§	DENTON COUNTY, TEXAS

CCP Article 15.26 – Pertaining to Arrest Warrants

An executed arrest warrant and the supporting affidavit are public information.

Immediately after execution, the magistrate’s clerk shall make a copy of the warrant and affidavit available for public inspection in the clerk’s office during regular business hours. A copy may be had of the same upon payment of the copying costs.

The procedure for the copying of on-sight PC affidavits is as follows:

The arraigning judge will establish procedures whereby a copy of the PC affidavit is made and delivered to the office of the chief clerk of the municipal court.

The procedure for copying of at-large warrants/PC affidavits is as follows:

- a. The requesting officer shall deliver a copy of the signed PC affidavit and un-executed warrant to the chief clerk of the municipal court.
- b. Once the warrant is executed, the police department shall immediately deliver a copy of the executed warrant to the chief clerk of the municipal court.

FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1

4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER

§

MUNICIPAL COURT NO. 1

No: 34

§

TOWN OF FLOWER MOUND

SOLICITING W/O PERMIT

§

DENTON COUNTY, TEXAS

Rescinded on October 08, 2009.

FLOWER MOUND MUNICIPAL COURT OF RECORD NO. 1

4150 Kirkpatrick LN, Flower Mound, TX 75028 phone 972/874-3370 fax 972/874-3379

JUDICIAL ORDER	§	MUNICIPAL COURT NO. 1
	§	
No: 35	§	TOWN OF FLOWER MOUND
	§	
JUDICIAL CONDUCT	§	DENTON COUNTY, TEXAS

All Judges shall abide by the Code of Judicial Conduct, the State Bar of Texas Rules of Professional Conduct, and these Judicial Orders.

In addition, all Judges shall become familiar with the Town's Jail Policies and Procedures Manual and attempt to abide by the rules therein when performing judicial functions within the jail.

No Judge who also maintains a private law practice may accept as a client any member of the Town Council or any of the following Town employees: Employees of the Police Department, Municipal Court, and Code Enforcement or any Town employee who might come into contact with the Judge in the Judge's performance of his/her judicial responsibilities (conducting court, signing warrants and probable cause affidavits, etc.).

ACKNOWLEDGEMENT OF JUDICIAL ORDERS

All judges, prosecutors, and clerks for the Town of Flower Mound shall read the then-current Judicial Orders; take all steps necessary to understand them; promise to uphold the same to the best of their ability; and sign a document to that effect.

Acknowledgement: “I acknowledge that I have read the current Judicial Orders; I have taken steps necessary to understand the same; and I promise to uphold the Orders to the best of my ability.”

Signed this _____ day of _____, 20____.

_____ [signature]

_____ [printed name]

_____ [capacity]