

STANDING ORDERS OF THE JUSTICE OF THE PEACE COURTS



PRECINCT ONE

PRECINCT TWO

PRECINCT THREE

PRECINCT FOUR

The Nacogdoches County, Texas Justice of the Peace Courts, Precinct One, Precinct Two, Precinct Three and Precinct Four have established the below Standing Orders. The Orders are to be used by the offices of the Nacogdoches County, Texas Justice of the Peace as guidelines for the Justice of the Peace, Court Clerks of the Justice Courts, and the public when Class C Misdemeanors or Traffic Citations are brought before the Court.

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Standing Order No. 1: Payment Methods

The Courts acceptable payment methods are personal check, company check, attorney's firm check, cash, money order, cashier's check and credit/debit card. Payments made with a credit/debit card will be processed through a third-party company Portal of either Pay Texas, (a 5% convenience fee of the total payment) or through Official Payments, (a \$5.95 convenience fee per every \$500.00)

STANDING ORDER NO. 2: COMPLIANCE DISMISSALS WITH ADMINISTRATIVE FEES (TRAFFIC OR CRIMINAL CASES)

The Court Clerks are authorized to process the dismissal of the following offenses, upon payment of the specified administrative fee, if the specified evidence is presented. The Court Clerks must keep a copy of the evidence presented for the court's file in order for the dismissal to be processed.

Any remedy requiring the viewing of a vehicle as part of satisfactory evidence will be performed by a Court Clerks. If a Constable or Peace Officer is present at the court's office and can inspect the vehicle for compliance, then the Court Clerks may proceed with the dismissal procedures.

1. Expired inspection/Failure to Display Inspection (Trans. Code 548.605(b))
 - If defendant presents satisfactory evidence (a passing inspection report for the vehicle identified on the ticket/citation) that he/she remedied the defect within 20 working days of the date of the offense or before the defendant's court appearance, whichever is later, by obtaining a current inspection certificate, and
 - The defendant pays an administrative fee of \$20.
2. Expired Registration/License Plate (Trans. Code 502.407(b))
 - If defendant presents satisfactory evidence (tax office receipt for renewal of registration for the vehicle described on the ticket/citation) that he/she remedied the defect within 20 working days of the date of the offense or before the defendant's court appearance, whichever is later; and
 - The defendant presents evidence of payment of the late fee for registration with the appropriate tax office as required in Trans. Code 503-407(b)) and Trans. Code 502.045
 - The defendant pays an administrative fee of \$20.

3. Expired Driver's License (Trans. Code 521.026)

- If defendant presents satisfactory evidence (Paper Copy of Driver's License Renewal issued from the Texas Department of Public Safety) that He/she renewed his/her driver's license within 20 working days of the date of the offense or before the defendant's court appearance, whichever is later, and
- The defendant pays an administrative fee of \$20.

4. Fail to Display Driver's License (Trans. Code 521.025)

- Upon presentation of a Texas Drivers' License that was: Issued to that person, appropriate for the type of vehicle operated, and valid at the time of the arrest/ticket/citation for the offense; and
- The defendant pays an administrative fee of \$10.

5. Failure to Display License Plate (Trans. Code 504.943)

- Defendant remedies the defect before his/her first court appearance, and
- Registration for the vehicle is current during the period the offense was committed (proven by a valid tax office receipt indicating the period of inspection for the vehicle described on the ticket/citation), and
- Upon verification by a Court Clerk or Peace Officer that the defendant has remedied the defect (two license plates are appropriately affixed to the vehicle) at the Court's location; and
- The defendant pays an administrative fee of \$10.

6. Obscured License Plates (Trans. Code 504.944)

- If defendant remedies defect before his/her first court appearance, and
- The remedy is confirmed by a Peace Officer at the Court's location; and
- The defendant pays an administrative fee of \$10.

7. Change of Address or Name (Trans. Code 521.054)

- If the defendant presents satisfactory evidence (paper copy of driver's license issued by Texas Department of Public Safety) that he/she remedied the defect not later than 20 working days after the date of the offense or before the defendant's court appearance, whichever is later; and
- The defendant pays an administrative fee of \$20.

8. Equipment Violations (Trans. Code 547.004 (c) and (d))

- If the offense does not apply to a commercial motor vehicle • If the defendant presents satisfactory evidence that he/she remedied the defect before the first court appearance and
- Upon verification by a Peace Officer that the defendant has remedied the defect at the Court's location, and
- The defendant pays an administrative fee of \$10.

9. Expired Disabled Parking Placard (Trans. Code 681.013)

- If the defendant presents satisfactory evidence (a tax office receipt) that he/she renewed the disabled parking placard not later than 20 working days or by the appearance date on the ticket/citation, whichever is later, and
- The defendant pays an administrative fee of \$20.

10. Any other violation that has a statutorily premised dismissal with a fee

- If the defendant complies with the Texas statute with regard to remedies and
- The defendant provides any satisfactory evidence necessary to substantiate a remedy
- If applicable or necessary, the remedy has been verified by a Peace Officer at the Court's location, and
- Pays an administrative fee of \$10, or the administrative fee indicated in the Texas statute if \$10 is not appropriate.

STANDING ORDER NO. 3: DISMISSALS WITHOUT A FEE
(TRAFFIC OR CRIMINAL CASES)

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

1. Proof of Financial Responsibility [No Insurance] (Trans. Code 601.193)

- If the defendant provides proof of financial responsibility, such as a valid insurance card or insurance policy to the Court Clerk and
- The Court Clerk is able to verify with the proof of financial responsibility with the issuing company, agent or department.

2. No Driver's License (Trans. Code 521.021)

- A person who is charged with No Driver's License may request a Pre Trial hearing to allow the State's Prosecutor (ADA) the opportunity to review any defense to prosecution (for instance, if the defendant has proof of a valid license for the date of the offense and type of vehicle that was being operated).

3. No Hunter's Safety Course (Parks and Wildlife Code Sec. 62.014)

- (k) If the commission requires a person to possess a certificate issued under this section and if the person is charged with a Class C Parks and Wildlife Code misdemeanor for failing to possess the required certificate, the person may present to the court not later than the 10th day after the date of the alleged offense an oral request or written motion to take a hunter safety training course.
- (l) If a person requests a hunter safety training course as provided by Subsection (d) of this section, the court shall defer proceedings and allow the person 90 days to present written evidence that, after being charged with failure to possess the certificate, the person has successfully completed a hunter safety training course approved by the department. If a person successfully completes the course and the evidence presented is accepted by the court, the court shall dismiss the charge.

STANDING ORDER NO. 4: DRIVING SAFETY COURSE OR MOTORCYCLE OPERATOR COURSE REQUESTS (TRAFFIC CASES)

The Court Clerks are authorized to process request for Driving Safety Course or Motorcycle Operator Course, including accepting written pleas, drafting Court Orders, and collecting fees. Orders for Driving Safety Course are valid only after the Judge signs the Order. Any order processed in error will be rescinded and the defendant will be notified of a new court date.

Only persons who meet the requirements under Texas Criminal Code of Procedures (CCP) 45.0511 will be granted a deferred disposition to take a driving safety or motorcycle operator/s course. Commercial Driver's license holder will not, under any circumstances, be allowed this disposition for a moving violation. Defendant who are younger than 25 years of age who have not taken a driver's safety or motorcycle operator's course for the dismissal of a moving violation with in the preceding 12 months will be granted this disposition if a request for dismissal is made.

After a defendant enters a plea of guilty or no contest by the appearance date on his/her ticket or 1 week past the due date and he/she makes a request for dismissal after driving safety or motorcycle operator's course completion, they will require:

1. Proof of valid Texas Driver's License (unless proof of active duty military),
2. Current proof of financial responsibility (i.e. valid insurance that indicates the defendant as a driver on the policy), and
3. A fee of \$146.00 for all court costs in order to process the request.

Defendants who fail to comply with the terms of the Order for this disposition will be docketed for Show Cause Hearing. Failure to comply with the terms, without good cause, will result in assessment of the fine balance on the case and final conviction of offense.

Compliance with the Court's Order for this disposition will result in dismissal of the charge.

STANDING ORDER NO. 5: DEFERRED DISPOSITION
(TRAFFIC OR CRIMINAL CASES)

Only persons qualified under Criminal Code of Procedure (CCP) 45.051 will be granted an Order for Deferred Disposition upon a plea of guilty or no contest and a request for dismissal under this disposition. Commercial Driver's License holders will not, under any circumstance, be allowed to have a deferred disposition for a moving violation. Orders processed in error will be rescinded and the defendant will be notified of a new court date.

Violations of the Penal Code, Alcohol & Beverage Code, Parks & Wildlife Code, or any type of class c misdemeanor offense where the assessed fine is more than \$200 (*other than Failure to Maintain Financial Responsibility), will not be granted a deferred disposition outside of a courtroom setting where the prosecutor for the state is present. Therefore, defendants who would like deferred disposition for an offense as describe above will be docketed for a Pre-Trial Conference.

**The offense of Failure to Maintain Financial Responsibility (No Insurance) has specialized deferral terms.*

For traffic offenses where, Deferred Disposition is allowed the Court has standard deferred disposition terms, as follows:

90-Day Deferral:

- Defendant enters plea of guilty or no contest and requests Deferred Disposition
- Defendant shows proof of valid driver's license
- Defendant remits the payment assessed by the Court to start the Deferral.
- Defendant agrees to abiding by the laws of the State of Texas for the 90-day period.

Judge Approved Deferred Fees

- The Justice of the Peace may assess a \$100.00 Deferral Fee.

**Deferred disposition for the offense of Failure to Maintain Financial Responsibility (No Insurance):*

- Defendant enters plea of guilty or no contest and requests Deferred Disposition
- Defendant shows proof of valid driver's license • Defendant remits proof of current valid financial responsibility (i.e. an insurance card indicating the defendant as a driver on the policy)
- Defendant remits payment assessed by the Court in the case to start the Deferred Disposition.
- Defendant refrains from receiving any violations of the law for a 3-month period
- During the 3-month period, the defendant is required to maintain continuous financial responsibility (insurance) without any lapse in coverage and submit proof of to the Court at the date assigned by the Court showing for the entire 3month period.

**STANDING ORDER NO. 6: PLEA OF GUILTY OR NO CONTEST, WAIVER
OF BENCH/JURY TRIAL, AND PAYMENT OF FINE
(TRAFFIC OR CRIMINAL CASES)**

Defendants should submit a plea in writing to the court in person or by mail.

If you were not provided a plea form at the time of issuance of the violation citation, you may:

1. Go to <https://www.co.nacogdoches.tx.us/countyoffices/justiceofthepeace.asp> , select the Court assigned in your violation to locate a plea form for that Court; or
2. Contact the assigned Court by phone and request a plea form be mailed to you; or
3. Appear in person before the assigned Court and request a plea form.

Upon a plea of guilty or no contest, the court may accept court costs and fine in full. If a defendant is unable to remit the payment in full, he/she may appear at the assigned Court or mail a request for a payment plan. (See Standing Order No. 7 for information regarding payment plans).

Submission of the court costs and fine without a written plea (CCP 27.1(c)) will result in a plea of no contest to be entered on the case.

Payment of the court costs and fine results in a conviction for the charged offense.

STANDING ORDER NO. 7: PAYMENT PLAN (TRAFFIC OR CRIMINAL CASES)

Upon a plea of guilty or no contest, a waiver of jury/bench trial, the Court Clerk may process a request for a payment plan as follows:

- The Defendant Contacts the assigned Court and request partial payments. Upon the request for partial payments, the Court will advise you to contact our centrally located Collections Department at: (in person) Nacogdoches County Collections Department 203 West Main Street, Nacogdoches, Texas 75961, or (phone) 936-560-7875. The Nacogdoches Collections Dept will submit you the proper documents to apply for partial payments and set a payment schedule and forward to the Court. Defendant will submit their payments to the assigned Court.
- Defendant may ask the Court for an extension of time to pay in full. Each case is looked at by the Court and determination is based on the case before the Court and circumstances surrounding the request.
- A defendant may elect to have his/her Payment Ability Information reviewed for an alternative payment plan or other options for discharge of the fine/court costs. Texas Administrative Code, Chapter 175 governs.

STANDING ORDER NO. 7.1: STANDARD OPTION FOR COMMUNITY SERVICE IN LIEU OF FINE AND COSTS FOR T.A.C., CHAPTER 175.3(a)(6)(D).

This Standing Order is set in accordance with the judicial discretion described in Texas Administrative Code 175.3(a)(6)(A).

Upon request that Court to take into consideration, should defendant possesses at least one of the three criteria found in Texas Administrative Code 175.3(a)(6)(A), and defendant completes sworn document of such, [Defendant is required to attend school under Sec 25.085 of the Texas Education Code; Defendant's household income is at or below 125% of the federal poverty level; the defendant receives government assistance in the form of food stamps, WIC, Medicaid, or CHIPS], then the defendant may be granted community service in lieu of the fine and costs, as long as the defendant agrees to this method for discharging the fine and costs owed. Upon request being agreed and granted, defendant will receive \$100.00 credit towards the fine and costs upon completion of each 8 hours served.

STANDING ORDER NO. 8: COMMUNITY SERVICE; INDIGENCE OR FINANCIAL INABILITY TO PAY (TRAFFIC OR CRIMINAL CASES)

Defendants who are not qualified for a Payment Plan as described in Standing Order No. 7 due to indigence or financial inability may be eligible for the non-monetary option of community service in lieu of the fine and court costs owed on a case.

Defendants who are determined by the court to be indigent or financial unable to pay without undue hardship, may be granted community service in lieu of the court costs and fine, or any portion of thereof. As a standard, for every \$100 owed, the court will assess 8 hours of community service.

Community service is a method by which court costs and a fine may be discharged. An Order Granting Community Service In lieu of Court Costs and Fine results in a conviction of the charge offense.

At any time during the term of the Order for Community Service, the defendant may opt to:

- Pay the fine and court cost balance in full, or
- Remit partially completed community service hours with a payment to satisfy the remaining balance of the fine and costs owed.

STANDING ORDER NO. 9: PRETRIAL CONFERENCE
(TRAFFIC OR CRIMINAL CASES)

Pre-Trial Conferences are scheduled once per month for each court as listed:

- Precinct One-the first Thursday of each month
- Precinct Two-the second Thursday of each month
- Precinct Three-the third Thursday of each month
- Precinct Four-the forth Thursday of each month

Dockets are set according to availability. The court may schedule a Pre-Trial date on the assigned date above. If a conflict on the court's schedule exists, defendants may request one reset of their Pre-Trial setting.

If a fine is assessed at a Pre-Trial Conference and the defendant is unable to make the required payment, the court shall initiate the process for a payment plan or indigence consideration. If court costs and/or a fee are assessed at a Pre-Trial Conference and the defendant cannot remit the required payment, an extension for the minimum amount of time needed as indicated by the defendant, shall be allowed for the defendant to remit the required payment. Due dates that are extended as premised by this Standing Order will be noted on the applicable Court Order and initialed by the Clerk of the Court or Judge and also by the defendant.

STANDING ORDER NO. 10: TIME SERVED/JAIL CREDIT
(TRAFFIC OR CRIMINAL CASES)

In satisfaction of fines and court costs, the court may grant time served/jail credit. Defendants, who have not already entered a plea, must first enter a plea on the charged offense. Upon a plea of guilty or no contest, the defendant may make a written request for time served/jail time. If the defendant was not incarcerated at the NACOGDOCHES County Law Enforcement Center located in the Nacogdoches County Sheriffs Department, the request must be accompanied by documentation that shows the following:

1. Which facility the defendant was jailed
2. The period of incarceration (date the defendant was booked into jail and date the defendant was released)

One the request has been received by the court; it will be presented to the Justice of the Peace Judge for approval. Once approved, the Court will process the request. The

Incarceration period for which the defendant requests jail time/credit served must be dated on or after the issuance date of this court's warrant (if issued). Time served/jail credit is typically granted at a rate of \$100 credit for every day of incarceration.

STANDING ORDER NO. 11: CAPIAS PRO FINE WARRANTS
(TRAFFIC OR CRIMINAL CASES)

Court Clerks may accept payment in full for outstanding capias pro fine warrants. A defendant may also request a Payment Plan to satisfy the case balance. Alternatively, a defendant may request information on non-monetary options that may be available to satisfy the case balance in full, Including options for community service or a waiver in part or full. Defendants, who have a block or hold on their driver's license renewal via the OMNI system, will not be removed from the block or hold until the judgment is satisfied in full.

STANDING ORDER NO. 12: OMNIBASE HOLD AND THIRD-PARTY COLLECTIONS
(TRAFFIC OR CRIMINAL CASES)

Cases that proceed to a warrant status will be referred to the Department of Public Safety's Failure to Appear Program (Omnibase system). A fee of \$10.00 will be added to each case that is referred. Upon payment in full of the case balance, the Court Clerk will electronically submit a clearance of the case into the Omnibase system.

All cases with a defendant over the age of 17 at the time of the case's filing may be referred to a third-party collection agency (GHS) if the court costs and fine balance is not paid.

A collection agency fee in the amount of 30% of the total unpaid balance will be added to the case balance of each case referred to the collection agency. (Government Code 103.021(21); CCPO 103.0031). The Court Clerk will electronically notify the third-party collection agency of any case in which:

1. The outstanding judgment (fine/court costs) has been satisfied
2. An otherwise proper disposition has occurred, or
3. An appearance relieving the defendant's failure to appear has occurred.

Once a collection agency fee has been assessed on a case, the fee must be paid or discharged by some other lawful manner (community service, indigency waiver, dismissal, etc.).

STANDING ORDER NO. 13: COPY FEES AND REQUEST FOR COPIES

The court will assess a copy fee of 10 cents per page for a regular copy of documents. (Admin Code 70.3) The court will provide one free copy of a Court Order, Community Service Verification form per party and/or attorney. Additional copies will incur the 10 cents per page fee. Two-sided documents are considered two pages.

Plaintiffs in Civil Suits are required by Part V of the Texas Rules of Civil Procedure (TRCP) to provide an adequate number of copies of an Original Petition and any other accompanying documents for each defendant being served. The Court will make copies at a rate of 10 cents per page for copies needed to satisfy TRCP requirements. (TRCP 501.1(d))

Certified Copies are \$2.00 for the first page and 25 cents for each additional page. (Local Gov. Code 118.121)

A person or entity requesting a copy of a document should provide the request for copies in writing that should include:

- The case styling and case type or charge; or the unique cause or docket number; and,
- The name or specific description of the document which the person or entity seeks; and,
- Whether certified copies are requested

Requests by mail should contain the proper copy fee and a self-addressed, stamped envelope for the return of copies.

STANDING ORDER NO. 14: SELF ADDRESSED.

STAMPED ENVELOPES FOR RETURNS

A party requesting any documents/items be returned by mail must provide a self-addressed envelope with adequate postage for the requested return. Otherwise, requested document/items may be retrieved at the designated court office during business hours.

STANDING ORDER NO. 15: SERVICE OF CITATIONS (CIVIL CASES)

The Court Clerk, upon payment of the proper filing fee, will issue the required number of Citations in civil cases.

Court Clerks are not allowed to verify addresses behalf of the plaintiff. Please assure you have the correct Precinct/County/Justice Court for filing and service. Civil Petitions requesting service in Nacogdoches County, Texas will be processed and collection for service is assessed at \$90.00 per defendant and will be forward to the Constable of the Precinct where the petition is filed for service.

Upon requesting service outside of Nacogdoches County, you will need to provide the Court with the County, Precinct or Sheriffs Departments name and address for service and cost of their service. Payment by the Plaintiff for out of county service may be paid to the Justice Court upon filing, or you may request the petition be given to you to forward to the correct department for service. If payment is made to the Justice Court upon filing, please make your check, cashiers check, money order payable to the out of county department where service is to be made.

Eviction cases must be filed in the county and precinct in which the property subject to the suit is located (TRCP 510.3(b)) and the Citation will be served by the Constable of the proper Precinct. A service fee of \$90.00 per named defendant will be assessed in Eviction cases. If an Eviction case is filed in the wrong precinct, the service fees collected by the court will be refunded if the case is dismissed prior to the Constable attempting service of the Citation.

STANDING ORDER NO. 16: CIVIL CASE FILING FEES

The Court Clerk will receipt all filing fees. Once a case has been deemed filed, filing fees are nonrefundable.

STANDING ORDER NO. 17: ASSESSMENT AND RECEIPT OF CIVIL CASE FEES

The following fees will be assessed, as requested or applicable, and shall be receipted by the Court Clerk after payment in full is made:

Filing Fee: \$54.00

Writ Service Fee: \$225.00

Nacogdoches County Subpoena Service Fee: \$90.00 (along with \$10.00 cash attached)

Nacogdoches County Citation Service Fee: \$90.00

Service by Mail Fee: Variable amount according to US Postal rates

Abstract Fee: \$5.00 per issuance

Transcript Fee: \$10.00

Jury Fee: \$22.00

Certified Copy Fee: \$2.00 for first page, \$0.25 for each additional page

Regular Copy fee: \$0.10 per page

Other document issuance fee: \$1.00 for first page, \$0.25 for each additional page

Rent due on Appeal of an Eviction Judgment: (in a suit of Non-Payment of Rent when the defendant files an Affidavit of Inability to Pay): Amount required by Court's Order.

Cash Appeal Bonds: Amount required by Court's Order.

Standing Order NO. 18: Ex Parte Communication

The Judge will strictly adhere to Canon 6 (c)(2), Code of Judicial Conduct, as follows:

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

- (a) Uncontested administrative matters,
- (b) Uncontested procedural matters,
- (c) Magistrate duties and functions,
- (d) Determining where jurisdiction of an impending claim or dispute may lie,
- (e) Determining whether a claim or dispute might more appropriately be resolved in some other judicial or not-judicial forum,
- (f) Mitigating circumstances following a plea of nolo contendere or guilty for a fine-only offense, or
- (g) Any other matters where ex parte communications are contemplated or authorized by law.

A FORMER MENTIONED STANDING ORDERS ARE AMENDED, ENTERED, SIGNED AND ORDERED ON THIS 2ND DAY OF NOVEMBER, 2022.

Kerry Williamson

Hon. Kerry Williamson
Justice of the Peace, Precinct One
Nacogdoches County, Texas

Dorothy Tigner-Thompson

Hon. Dorothy Tigner-Thompson
Justice of the Peace, Pct. Two
Nacogdoches County, Texas

LeAnn Goerner

Hon. LeAnn Goerner
Justice of the Peace, Precinct Three
Nacogdoches County, Texas

Brian Moreau

Hon. Brian Moreau
Justice of the Peace, Pct. Four
Nacogdoches County, Texas