

TABLE OF CONTENTS
JP2 STANDING ORDERS

COMPLIANCE DISMISSAL:	PG. 1-7
CHILD SAFETY PASSENGER SEAT	PG. 1
DEFECTIVE EQUIPMENT	PG. 1
DISABLED PARKING PLACARD	PG. 2
DRIVER'S LICENSE RESTRICTION	PG. 2
DRIVER'S SAFETY PROGRAM	PG. 2
EXPIRED REGISTRATION	PG. 2
EXPIRED DRIVER LICENSE	PG. 3
EXPIRED LICENSE PLATE – W/O 2 LICENSE PLATE	PG. 3
FAIL TO CHANGE ADDRESS/NAME ON DRIVER'S LICENSE	PG. 3
FAIL TO DISPLAY DRIVER LICENSE	PG. 4
FAIL TO DISPLAY VALID REGISTRATION	PG. 4
FAIL TO MAINTAIN INSURANCE	PG. 4
MIP – TOBACCO	PG. 5
NO DRIVERS LICENSE	PG. 5
NO RABIES TAG	PG. 5
PARKING VIOLATION – RENTAL CAR	PG. 5
PARKING VIOLATION	PG. 5
WINDOW TINT VIOLATION	PG. 5
WRONG, FICTITIOUS, ALTERED OR OBSCURED INSIGNIA	PG. 6
WRONG, FICT., ALTERED OR OBSCURED LICENSE PLATE	PG. 6 & PG. 7
AMENDMENT AND REFILEING OF COMPLAINTS	PG. 8
BONDS, BOND SURRENDERS, BOND FORFEITURES	PG. 9-11
COMMUNITY SERVICE	PG. 12-13
CORRECTIONS OF COURT'S RECORDS	PG. 14
COURT SETTING	PG. 15-19
DEFERRED	PG. 20-23
DISCOVERY	PG. 24-25
DRIVERS SAFETY COURSE	PG. 26-28

EXTENSIONS	PG. 29
FINE AND PAYMENT OF FINES	PG. 30-31
INDIGENT HEARING	PG. 32
JAIL CREDIT	PG. 33
JUVENILE DEFENDANTS	PG. 34-37
PAYMENT PLANS	PG. 38-39
PHOTOGRAPHY, VIDEOGRAPHY & SOUND RECORDINGS	PG. 40
SUMMONS FOR JURY DUTY	PG. 41-42
RECORD REQUEST	PG. 43
THEFT	PG. 44
WARRANTS	PG. 45
REDUCTION IN FINES	PG. 46

STANDING ORDER COMPLIANCE DISMISSAL

COMES NOW The State of Texas by and through the County Attorney for Aransas County and makes this Standing Motion for the purpose of efficient processing and disposition of cases filed in the JP Court for Aransas County. In support of this motion, the State would show the Court the following:

I.

In general, dismissals of complaints are instigated by the State's attorney. Tex. Code of Crim. Pro. 32.02: State v. Howell (App. 5 Dist. 1993) 871 S.W.2d 237 (trial court does not generally have authority to dismiss case unless prosecutor requests dismissal.) For some offenses, a court must or may dismiss the case upon certain conditions, such as provision of proof of compliance with requirements for inspection or registration of vehicles. See e.g. Tex. Transportation Code 502.407(b): 548.605. Similarly, amendments to complaints are generally made upon motion by the prosecutor (although Texas Code of Criminal Procedure Art. 28.10 does not appear to preclude amendments to a charging instrument made on the court's own motion.)

Numerous routine matters are appropriate for dismissal or amendment in the normal course of business in the JP Court. With over 3,000 cases filed per year in the JP Court, it is difficult and inefficient for the State to make a written motion to dismiss or amend in each of the cases in which such action is either required by law or appropriate under the facts.

II.

In order to expedite the disposition of these routine matters, the State makes a standing motion to dismiss or amend complaints filed in the JP Court as follows, subject to any applicable compliance dismissal fees. In the event the proof does not comply with the requirements, at the request of the Defendant, the Clerk may set the case on the "No Contest" docket for hearing before the Court.

CHILD SAFETY PASSENGER SEAT

The State moves to dismiss any Child Passenger Safety Seat charge upon proof satisfactory to the Court that the defendant has met the elements of the defense to that charge listed in Texas Transportation Code Section 545.4121.

- Car seat installed within 15 working days from date of citation
- Vehicle inspected & picture taken by Clerk upon defendant bringing vehicle to 2840 HWY 35 N., Rockport, TX
- If out of town, defendant shall email or mail copy of the car seat receipt.
- If the car safety seat is installed within 15 working days from the date of citation

DEFECTIVE EQUIPMENT

The State moves to dismiss any complaint of defective equipment upon proof satisfactory to the Court that the defendant corrected the equipment. Sec. 547.004, TC (c)

- The date of compliance is before the Defendant's first court appearance and the offense did not involve a commercial motor vehicle.
- Vehicle inspected & picture taken by Clerk showing corrected upon defendant bringing vehicle to 2840 HWY. 35 N., Rockport, TX
- If out of town, defendant shall email or mail a picture or receipt of purchase.

DISABLED PARKING PLACARD

The State moves to dismiss any complaint of Parking- No Disability Placard or Plate upon proof satisfactory to the Court that defendant possessed or possesses a valid disability placard or license plates or was transporting a person who possessed or possesses a valid disability placard or plates. Sec. 681.013, TC

- The date of compliance is not more than 20 working days after the date of offense.
- The defendant remedies the defect by renewing the expired disabled parking placard.
- The disabled placard has not been expired for more than 60 days.
- If out of town, defendant shall email or mail copy of the placard.

DRIVERS LICENSE RESTRICTION

The State moves to dismiss any complaint of violation of driver's license restriction upon proof satisfactory to the Court that the restriction has been corrected. 521.221, TC (d)

- Must present temporary or valid driver's license w/out restriction or endorsement within 20 working days.
- A receipt issued by the TX DPS dated as of or before the defendant's first court appearance.

DRIVER'S SAFETY PROGRAM

The State moves to dismiss any complaint upon proof satisfactory to the Court that the defendant has paid the applicable costs and fees and successfully completed a driving safety program or deferred disposition. This request must be in writing on or before the appearance date on the citation.

- Court copy of certificate of completion.
- Certified Driving Record.

EXPIRED REGISTRATION

The State moves to dismiss any complaint involving expired registration or inspection upon proof satisfactory to the Court that the period of expiration was not longer than 60 days and the vehicle registration or inspection has been brought current. Sec 502.407(b), TC

- Must be the standard form generated by the County Tax Assessor's office stamped by the County Tax Assessor's office indicating the date & amount of payment w/in 20 working days of citation or;
- The new registration receipt form generated by the County Tax Assessor's office stamped by the County Tax Assessor's office indicating date & amount of payment.
- If out of town, defendant shall mail a copy of the receipt along with Plea form, and dismissal fee.

EXPIRED DRIVER LICENSE

The State moves to dismiss any complaint of Expired Driver's License upon proof satisfactory to the Court that the driver's license has been renewed. Sec 521.026, TC

- The temporary license was issued by the TX DPS indicating renewal of the license & the date renewed w/in 20 working days of the citation.
- If out of town, defendant shall mail a copy of the temporary license along with plea form and dismissal fee.

The State moves to dismiss.in the Court's discretion, all but one complaint of a driver's license violation when two or more alternative driver's license violations are filed for the same conduct.

EXPIRED LICENSE PLATE- W/O 2 LICENSE PLATE

The State moves to dismiss any complaint of expired license plates registration upon proof satisfactory to the Court that defendant presented valid registration. Sec. 502.407, TC, 504.943 (d).

- Must be the standard form generated by the County Tax Assessor's office stamped by the County Tax Assessor's office indicating the date & amount of payment before the Defendant's first court appearance or;
- The new registration receipt form generated by the County Tax Assessor's office stamped by the County Tax Assessor indicating the date and amount of payment.
- If out of town, defendant shall mail a copy of the receipt along with plea form and dismissal fee.

FAIL TO CHANGE ADDRESS/NAME ON DRIVER'S LICENSE

The State moves to dismiss any complaint of failure to change address/name on driver's license upon proof satisfactory to the Court that the driver's license has been corrected. Sec 521.054, TC (d)

- The temporary license or valid TX license indicating the name & address.
- The date of compliance is not more than 20 working days after the offense.

FAIL TO DISPLAY DRIVER LICENSE

The State moves to dismiss any complaint of Fail to Display Driver's License upon presentation to the Court of a driver's license valid at the time of citation. Sec 521.025 (d)

- A valid Texas driver's license that was valid at the time citation that is appropriate for the type of vehicle being operated.
- The clerk shall obtain a copy of the Defendant's driver's license.

FAIL TO DISPLAY VALID REGISTRATION

The State moves to dismiss any complaint of fail to display registration upon presentation to the Court the valid registration at the time of the citation. Sec 521.025 (d)

- Must present a valid registration when citation was issued.

The State moves to dismiss any charge of No Valid Inspection Certificate with an offense date on or after March 1, 2015.

FAIL TO MAINTAIN INSURANCE

The State moves to dismiss any complaint of Fail to Maintain Financial Responsibility upon proof satisfactory to the Court that at the time of the violation, defendant possessed sufficient financial responsibility as required by law. Sec. 601.193, TC

- Must be typewritten, company generated "Owner's Policy" of insurance coverage covering the day of the citation was issued as long as the proof contains the name of the defendant or the make, model of the vehicle, the Defendant was driving.
- Premium notices, payment receipts or handwritten documents are not "Acceptable Proof" of financial responsibility.
- Fleet Policies may be accepted by a Clerk for dismissal if the defendant presents valid proof consistent with the criteria above and indicia of authorization to drive the covered vehicle.
- All documents presented to the Court as Proof of Financial Responsibility shall be submitted for verification prior to dismissal, unless directed otherwise before the Court.
- If the Defendant presents acceptable proof for a case which a warrant has been issued, a Clerk shall attempt to immediately to verify the proof, if the proof shown to have been in effect at the time & date of the citation. The court shall dismiss the violation, however, if warrant has been submitted to Failure to Appear program, the clerk shall collect the \$ 30 for this program.

MIP - TOBACCO

The State moves to dismiss any complaint of Minor in Possession/Consumption of Tobacco upon proof satisfactory to the Court that the defendant has paid the applicable court costs and successfully completed a tobacco awareness program, provided that the defendant has not previously been convicted of the same offense.

NO DRIVERS LICENSE

The State moves to dismiss any complaint of No Driver License upon proof satisfactory to the Court that at the time of the violation as required by law Sec. 521.021, TC

- The clerk shall obtain a copy of the driver's license showing valid on the date of the citation.
 - Mexico license if valid qualifies.

NO RABIES TAG

The State moves to dismiss any complaint of Animal - No Rabies Vaccination upon proof satisfactory to the Court that the animal in question was or has been properly vaccinated.

- Must present a receipt from Veterinarian that animal in question has received vaccination.

PARKING VIOLATION- RENTAL CAR

The State moves to dismiss any parking violation filed against a rental car company when it is shown to the satisfaction of the Court that at the time of the offense the vehicle had been rented, and the company has provided documentation showing the rental period and the name and identifying information for the renter. The State further moves to refile the violation against the renter.

PARKING VIOLATION

The State moves to dismiss any complaint for a parking violation upon proof satisfactory to the Court that a person other than the defendant was responsible for the conduct at issue, when such other person has presented himself/herself to the Court and accepted responsibility, and further moves the Court to refile the case in the name of the person accepting responsibility.

WINDOW TINT VIOLATION

The State moves to dismiss any complaint of window tint violation upon proof satisfactory to the Court that defendant corrected the window tint. Sec. 647.613, TC

- If window tint is corrected or removed before the Defendant's first court appearance.

- Vehicle will be inspected by Clerk upon defendant bringing vehicle to 2840 HWY 35 N, Rockport, TX for inspection by the court to verify the vehicle meets the required percentage rate by law.
- Vehicle is out of town or out of state, defendant shall take a picture of the vehicle and mail to the court.

WRONG, FICTITIOUS, ALTERED, OR OBSCURED INSIGNIA

The State moves to dismiss any complaint of No Registration Insignia, Fail to Display License Plate, Obscured License Plate upon proof satisfactory to the Court that the defect has been remedied. Sec. 502.475, TC, 502.473(d)

- Must be the standard form generated by the County Tax Assessor's office stamped by the County Tax Assessor's office indicating the date & amount of payment or;
- The new registration receipt form generated by the County Tax Assessor's office stamped by the County Tax Assessor's office indicating date & amount of payment.

WRONG, FICTITIOUS, ALTERED OR OBSCURED LICENSE PLATE

The State moves to dismiss any complaint of wrong, fictitious, altered or obscured license upon proof satisfactory to the Court that defendant possessed or possesses a license or license plates. Sec. 504.945, TC (d)

- The standard form generated by the County Tax Assessor's office stamped by the County Tax Assessor's office indicating the date and amount of payment; or
- The new registration receipt form generated by the County Tax Assessor's office stamped by the County Tax Assessor indicating the date and amount of payment.
- The date of compliance is not more than 20 working days or before the Defendant's first court appearance.

The State moves to dismiss or void as a duplicate any complaint that is the result of filing the same case twice through clerical, officer or prosecutor error.

The State moves to amend any complaint upon proof satisfactory to the Court that a clerical error has been made by the Clerk's Office in accurately transcribed information from an officer's citation or a prosecutor's authorization into the Court's case management software.

The State moves to amend the complaint and any other records of the Court upon proof satisfactory to the Court that the defendant's name, date of birth or other identifying information is incorrect.

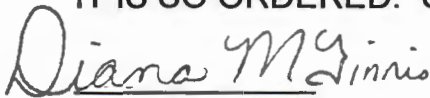
The State moves to dismiss any case that remains adjudicated more than ten (10) years from the date of the offense. The State further moves that if a charge of Violate Continuing Obligation to Appear has been filed based on a case that remains adjudicated more than ten (10) years from the date of the offense, the VCOA charge be dismissed as well.

The State moves to summon the defendant when an open complaint has been filed upon a prosecutor's authorization. pursuant to Texas Code of Criminal Procedure Article 23.04.

The State moves to file any citation presented to the Clerk for Failure to Maintain Financial Responsibility as a second offense, if the Clerk determines from a review of the Court's records that the defendant has been previously convicted of that offense within the two years preceding the current charge.

The State moves to dismiss any of the following charges when the defendant has presented proof satisfactory to the Court of compliance with Animal Management and Welfare Department's requirements to re-adopt an animal: Animal-at-Large; Animal - No Proof of Vaccination: Animal - No Proof of Vaccination Tag; Animal - Female in Heat.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY, 2023.

A handwritten signature in cursive script that reads "Diana McGinnis".

Diana McGinnis
Presiding Judge

STANDING ORDER

AMENDMENT AND REILING OF COMPLAINTS

On this date, the Court entered the following ORDER with respect to Amendment and Refiling of Complaints:

APPROPRIATE CIRCUMSTANCES FOR AMENDMENT OR REILING

Notwithstanding the form of the State's motion or the Court's order, the Clerk shall take the following action when presented with a motion and order to either amend a complaint or to dismiss and refile a complaint:

COMPLAINTS TO BE AMENDED.

The existing complaint shall be amended, with the case remaining under the same cause number, when the State requests:

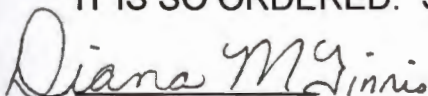
- A correction to the Defendant's name.
- A correction to the location of the offense.
- A correction to the date of the offense.
- A correction to any variable, such as an object or a name.
- The addition of an enhancement allegation.
- The addition of an allegation of family violence in an assault case; or
- Any other correction or addition not listed in below.

COMPLAINT TO BE DISMISSED AND REFILED.

The existing complaint shall be dismissed, with the case refiled under a new cause number, in the following circumstances:

- The State is alleging the offense was committed by a different person than the Defendant against whom the case was originally filed: or
- The State is alleging a different offense than was originally filed.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.



Diana McGinnis
Presiding Judge

STANDING ORDERS

BONDS, BOND SURRENDERS, BOND FORFEITURES

On this date, the Court entered the following ORDER with respect to bonds, bond surrenders and bond forfeitures:

SURETY BONDS

Surety bonds must comply with the requirements of Texas Code of Criminal Procedure Article 17.08 and be on a form promulgated by the Court. All bonds must include a Court date for the Defendant to appear in JP Court.

PERSONAL BONDS

Personal bonds must comply with the requirements of Texas Code of Criminal Procedure Article 17.04 and be on a form approved by the Court.

ATTORNEY BONDS

No attorney bond will be accepted by the Court unless it complies with the requirements of Texas Code of Criminal Procedure Article 17.08 and be on a form promulgated by the Court. All bonds must include a Court date for the Defendant to appear in the JP Court.

CASH BONDS

Cash bonds must comply with the requirements of Texas Code of Criminal Procedure Article 17.08 and be on a form approved by the Court. Any cash funds deposited shall be receipted for by the officer receiving the funds and the receipt provided to the Court to file in the records of the case.

AMOUNT OF BONDS

Bond will be set in each case an amount of the total due on the case.

APPLICATION OF CASH BONDS TO FINE AND COSTS

Upon request of the Defendant and/or order of the Court to apply a cash bond to Defendant's outstanding fines and costs, any remaining funds after such sums are paid shall be refunded as provided above. After the Defendant complies with the conditions of the defendant's bond any remainder will be refunded to:

- The person named in the receipt, or named in the bond form as the person who provided the funds, including the Defendant if the receipt was issued to the defendant; or
- The Defendant, if no other person is able to produce a receipt for the funds.

PROCEDURE FOR SURRENDER

A surety wishing to surrender a bond shall comply with the requirements of Texas Code of Criminal Procedure Article 17.19(a). The affidavit of surrender must contain the following information:

- The court and cause number of the case.
- The name of the Defendant.
- The offense with which the Defendant is charged.
- The date of the bond.
- The cause for the surrender.
- That notice of the surety's intention to surrender the principal has been given to the Defendant's attorney as required.

RESETTING OF BONDS AFTER FORFEITURE OR SURRENDER

Any Defendant who requests a court setting after a bail or appearance bond has been forfeited or surrendered shall first post a cash bond and then be set on the appearance docket or the trial docket, as appropriate, unless the Court in its discretion allows the resetting of a personal or surety bond.

CANCELLATION OF FORFEITURE ON DEFENDANTS APPEARING SAME DAY

If a Defendant appears on the same day that a bond was forfeited and the case is resolved by conviction, deferral or dismissal, the civil bond forfeiture case will not be filed, but the criminal case warrant fees may remain, at the discretion of the Court. If the Defendant appears on the same day that a bond was forfeited and maintains a plea of not guilty, the decision whether to process the civil bond forfeiture case or to reinstate the bond is at the discretion of the Court.

CONTINUATION OF BOND AFTER AMENDMENT OR REILING

If the case for which the bond has been made is amended or refiled, the bond continues to be valid and will follow the amended or refiled case, without the need for the defendant to post a new bond.

RELEASE FROM JAIL ON BOND PRIOR TO MAGISTRATION

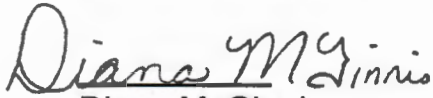
- A Defendant booked into jail on a capias warrant where the bond has been set may be released on a cash or surety bond in the amount of the total amount due on the case

prior to seeing the Judge in magistration. The bond will be returnable the next business day, or on a date provided by the Court in the case of holiday weekends.

For new offenses in which the Judge finds probable cause to hold the Defendant, the Judge will set bond at the next magistration.

For new offenses in which the Judge does not find probable cause, the Defendant is to be released without bond.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.

A handwritten signature in cursive script that reads "Diana McGinnis".

Diana McGinnis
Presiding Judge

STANDING ORDER COMMUNITY SERVICE

On this date, the Court entered the following ORDER with respect to Community Service:

CALCULATION OF COMMUNITY SERVICE HOURS:

Credit for community service will be calculated by the Clerk at the rate of \$150.00 per 8 hours worked, unless a different amount is ordered by the Court.

Hours calculated

The Clerk will calculate the amount of community service hours required by applying this formula to the total dollar amount of all judgments ordered to be satisfied by community service:

Total amount due divided by \$ 18.75 = number of hours required.

COMMUNITY SERVICE CREDIT

Verification

Once a Defendant turns in a time sheet showing community service hours worked, the Clerk will verify the hours with the agency at which the community service was performed. Upon verifying the hours, the Clerk will at that time apply the credit. If unable to verify the hours, the Clerk will notify the Judge for further orders.

How applied

Sufficient credit has been applied to satisfy a judgment, the case may be closed by the Clerk without further order by the Judge. If credit is insufficient to satisfy judgment, then the remaining balance on the case will be adjusted by the Clerk. If the Defendant has multiple cases with community service orders, then the credit shall first be applied to the case with the lowest balance.

Credit disputed.

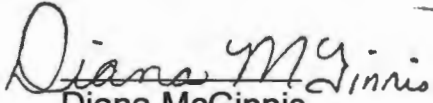
If the Defendant disputes the amount of credit awarded and cannot resolve that dispute through discussions with the Clerk, he/she must see the Judge to have the credit reviewed.

COMMUNITY SERVICE AGENCIES

The Clerk shall maintain a list of approved non-profit community service agencies. The Defendant must perform the community service at an agency on the approved list, unless

prior approval is given by the Clerk after consultation with the Judge, but all community service hours are subject to verification by the Clerk.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.

A handwritten signature in cursive script, reading "Diana McGinnis". The signature is written in dark ink and is positioned above the printed name and title.

Diana McGinnis
Presiding Judge

STANDING ORDER

CORRECTIONS OF COURT'S RECORDS

On this date, the Court entered the following ORDER with respect to Corrections of Court's Records:

CORRECTION OF ERROR IN COMPUTER RECORDS OR COMPLAINT

If, after the filing of a citation or complaint, the Clerk observes that the Court records of the Defendant's name or date of birth are incorrect based on a government-issued identification card or passport which has been presented to the Court by the Defendant, the Clerk may correct the computer records and/or the complaint in the case to reflect the correct information as contained in the identifying document. The Clerk shall make a comment indicating the correction that was made. If the Clerk has any question about whether the correction of the name or date of birth is appropriate, the Clerk shall refer the case to a Judge for further orders.

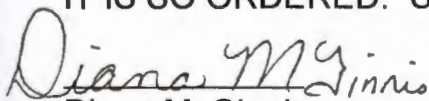
CORRECTION OF ERROR IN CASE AT WARRANT

In a case with an outstanding warrant, if the Clerk observes that the Court records of the Defendant's name or date of birth are incorrect based on a government-issued identification card or passport which has been presented to the Court by the Defendant, the Clerk may correct the computer records and/or the complaint in the case to reflect the correct information as contained in the identifying document. The Clerk shall cancel the warrant, remove the warrant fee, and correct the Court records including the warrant affidavit to reflect the correct information as contained in a government-issued identification card or passport on file and return the case to the Judge for issuance of a corrected warrant. The clerk shall make a comment indicating the correction was made. If the Clerk has any question about whether the correction of the name or date of its appropriate, the Clerk shall refer the case to a Judge for further orders.

COMBINATION OF JACKETS

If the Clerk observes that the Court has records belonging to one identifiable Defendant which are contained in separate "jackets" on the Odyssey computer software, the Clerk may consolidate or combine these jackets as appropriate to properly reflect all the violations under a single name, even if the original violations existed under different names of the same defendant. If the Clerk has any questions about whether to consolidate or combine jackets, the Clerk shall refer the case to a Judge for further orders.

IT IS SO ORDERED. Signed and Entered this 1st day of JANUARY 2023.


Diana McGinnis
Presiding Judge

STANDING ORDER COURT SETTING

On this date, the Court entered the following ORDER with respect to Court Settings:

DOCKET SETTINGS

Initial Setting

A Defendant, or his/her attorney, who makes an initial appearance in person, mail, email or fax any time prior to a warrant being issued on the case may obtain an appearance docket without the requirement of posting an appearance bond if there has not been a prior bond forfeiture. The Court in its discretion may require a bond on the case even if the Defendant or attorney has appeared timely.

FILING A PLEA WITH COURT

A plea of not guilty, guilty or no contest may be made in writing in person or by mail. Art. 27.16(b) and 45.013 TCCP.

- The Court Clerk may process cases as follows:
 - Upon a plea of not guilty, the individual will be set for a pretrial before the court and will meet with the prosecutor to make any motions, have the procedures and options explained prior to the trial date or time.
 - Upon a plea of guilty or no contest, and request for disposition, the case may be processed in accordance with the Court's standing order, set for Preliminary Hearing.
 - Upon a charge of Assault, the Defendant must appear in Open Court to submit their plea.
- All communications with the court such as, letters of representation, pleas, requests for disposition, and appeals, must be in writing, signed by the defendant or an attorney in good standing.

Bond Required

- A Defendant who has been booked in jail must post bond before release. Upon bond being posted the Defendant may receive a Summons Notice to Appear within 10 days.
- A Defendant not in jail whose case has an outstanding warrant must post \$ 150.00 bond before the case will be set on a trial or appearance docket.
- A Defendant not in jail whose case has an outstanding warrant, may refuse to pay the bond however the warrant will remain active until the defendant appears in court.

Continuances

Written motions are required in compliance with (Chapter 29 TCCP)

- 3 days ahead of the hearing a continuance must be in writing, unless the attorney for the defense or the state is before the court on the date of court whereupon a verbal motion may be made.
 - The court, as a matter of policy, will grant one continuance per party without good cause shown. Subsequent requests for continuance will be on good cause shown, which may include but not be limited to:
 - Pre-existing court dates, with appropriate documentation regarding when notified of the conflicting court date.
 - Vacation dates with no refunds available.
 - An attorney may reserve up to four weeks in any calendar year for vacation or continuing legal education by sending in a letter for each defendant represented to the Clerk at least ten (10) days prior to such designated dates, reserving weeks in which no hearings, dockets or trials are set as of the date of the letter. Once a letter is on file no hearings, docket or trials involving the identified defendants will be set during the reserved weeks.
 - Conflicting subpoenas for witnesses.
 - Conflicting training schedules for witnesses.
- Motions for continuance shall be filed as soon as practicable or at least 3 days before the court date, based upon when party requesting the continuance determines a conflict exists. Motions received the day of or day before the scheduled court date will not be granted unless good cause is shown.
- Motions untimely filed, without good cause shown, may be denied by the court. Motions denied, and subsequent failure to appear may have the prosecution request that a warrant be executed and a bond for new court setting required. A cash bond will be required if the failure to appear occurred on a surety or attorney bond.

Docket setting, order not required

A Defendant, or his/her attorney, who makes an initial appear in person, mail, email or fax prior to warrant being issued on the case may obtain an appearance docket setting from the Court Clerk without presenting the request to the Court for an order.

Failure to appear, new setting

If a Defendant fails to appear for a properly noticed court setting, he/she must post an appearance bond (cash or surety) to obtain another court date, unless expressly approved by the Court. If a Judge Nisi has been entered against the Defendant on that, any subsequent appearance bond shall be posted in cash, unless expressly approved by the Court.

Motions to Withdraw

The following requirements apply to motions to withdraw:

- Form of motion notice.
 - An attorney of record shall not be permitted to withdraw from any case without presenting a motion in writing and obtaining from the Court an order granting leave to withdraw. When withdrawal is made at the request of or on agreement of the Defendant, such motion shall be accompanied by the Defendant's written consent to such withdrawal or a certificate by another lawyer that he/she has

been employed to represent the Defendant in the case. In the event the Defendant has not consented, a copy of the motion to withdraw shall be mailed to the Defendant at his/her last known address by certified mail and regular first-class mail.

- Contents of motion.
 - Defendant's full name & date of birth.
 - Defendant's driver license or identification card number and state of issuance.
 - The case number and offense name of each charge from which the attorney wishes to withdraw.
- The reason the attorney wishes to withdraw; and
 - A list of current deadlines and settings.
 - The following must be also included in any motion to which the Defendant has not consented:
 - Defendant's last known address and telephone number.
 - A statement that a copy of the motion was delivered to the Defendant; and
 - A statement that the Defendant was notified in writing of his/her right to object to the motion.
- Time deadline.
 - A motion to withdraw must be filed at least 7 days prior to the next docket setting, or it will be denied as untimely. Notice of the motion must also be mailed to the Defendant at least 7 days prior to the docket setting.
- Notice to Defendant after motion granted.
 - After motion to withdraw is granted, the withdrawing attorney shall advise a Defendant who has not consented to the motion of the withdrawal by regular mail, stating any settings for trial or otherwise, and advising the defendant of the right to secure other counsel.
- You will not be released from any bond by withdrawing or substitution of council without approval of the court.

Motion to Substitute Counsel

A motion to substitute counsel must contain items of the preceding section and contain a statement that the Defendant approves the substitution. The motion must contain the signature of the attorney to be substituted along with her/her address, telephone, fax number and state bar number, or be accompanied by a letter or certificate of representation from that attorney.

Order required

If a motion for continuance is timely filed, and the opposing party is properly notified of the filing

- A party may obtain one continuance without agreement of the opposing party and without presenting the motion to the Court for an order:
 - Proved that the case has never been at warrant.
 - Additional continuances must be approved by the Court.
 - The length of continuance for a new appearance docket will not be more than 45 days.

- A motion for continuance to a docket more than 45 days away must present to the Court.
- A motion for continuance on a case that been at warrant or that is set on a trial docket must be present to the Court.
- If a motion to withdrawn have ever been filed in the case, any motion of continuance must be presented to the Court.

Out-of-Town Defendant

A pro se Defendant who lives outside of Aransas County and requests a trial setting by mail may receive a trial setting without first being set on a pro se appearance docket. The Docket Clerk will set the Defendant a special trial setting notice containing specific requirements with which the Defendant must comply in order to confirm the trial date. The Docket Clerk will also provide the Defendant with the Court's brochure entitled Your Rights at Trial.

Warrant Is Active

A Defendant, or his/her attorney, who makes an initial appearance in person, mail, email or fax while in warrant status must have a plea form on file. An attorney must present letter of representation. If the defendant pleads NG the defendant must post a bond.

Ex Parte Communications

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

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

- Uncontested administrative & procedural matters.
- Magistrate duties and functions.
- Determining where jurisdiction of an impending claim or dispute may lie.
- Determining whether a claim or dispute might more appropriately be resolved in some other judicial or non-judicial forum.
- Mitigating circumstances following a plea of nolo contendere or guilty for a fine-only offense, or any other matters where ex parte communications are contemplated or authorized by law.

Attorney appearance after pro se trial setting.

If an attorney appears on a case after the Defendant has set a trial the case may be continued if requested by the attorney, but the case will be reset on the next available trial date.

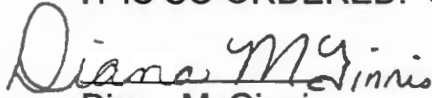
Defendant's Appearance at Trial and Pre-Trial Hearings

The Defendant or his Attorney must appear at all trial setting and pre-trial hearings, unless the case is resolved by plea, dismissal or continuance prior to the setting.

Show cause hearing

The court clerk shall send notice to the defendant If the defendant fails to comply with the terms and conditions of the Driver's Safety, Community Service, Deferral, or Payment Plan. and require that the defendant appear at the time and place stated in the notice to show cause why the evidence was not timely submitted to the court.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.

A handwritten signature in cursive script, appearing to read "Diana McGinnis".

Diana McGinnis
Presiding Judge

STANDING ORDER DEFERRED

On this date, the Court entered the following ORDER with respect to Deferred Disposition CP 45.051: The Court Clerks may process requests for Deferred Disposition from a Defendant, or attorney, at the Clerk's window & may complete the forms for the Courts signature, if the Defendant meets the eligibility requirements set forth below. Defendants not meeting said eligibility requirements may present their request for Deferred to the Court by setting the case on Court's docket.

PROCESSING A REQUEST FOR DEFERRED DISPOSITION AT THE CASHIER'S WINDOW

GENERAL PROVISIONS

Request deferred disposition while the case is in an approved status, as described below.

- Signs an application for deferred disposition and provides a current mailing address.
- Provides valid proof of a policy of financial responsibility naming the Defendant as a covered driver or vehicle as stated on the citation, if the deferred disposition is for the offense of Fail to Maintain Financial Responsibility.
- Provide a valid Driver's License within 90 days, if the deferred disposition is for the offense of Driving While License is Suspended/Invalid or No Driver's License.
- Does not hold and did not hold at the time of the offense a commercials driver's license or permit if the offense is classified by the state law or city ordinances as a violation involving another vehicle operation or control.
- Defendant is not currently on Deferred in any other jurisdiction.
- Defendant has not been granted Deferred in Aransas County within twelve (12) months of the date of the request.
- Length of Deferral Period shall be as follows:
 - 90 days –
 - No Liability Insurance, DWLI, No Driver's license
 - Multiple offenses on one citation
 - No Driver's license
 - 90 days - All other violations.

Moving Violations

If the defendant pays in full at the time of request all court costs and the special expense fee totaling \$ 334.00 or sets up a Limited Time Payment Plan (no more than 90 days); and/or the Defendant is at 25 years of age or if younger than 25 years of age agrees to complete a drivers safety course approved under Chapter 1001, Texas Education Code.

Non-Moving Violations

If the defendant pays in full at the time of request all court costs and the special expense fee totaling \$ 310.00 or sets up a Limited Time Payment Plan (no more than 90 days); and/or

MANDATORY SHOWS

The offenses designated as Mandatory Shows must appear in court to request a deferred disposition from the Judge. Defendant may only complete bottom portion of Plea for Notice of Hearing.

- Defendant is younger than 17 years of age.
- Provisional License or Occupational License.
- Involves an accident resulting in major property damage or personal injury such as death, hitting telephone pole, guard rail, or vehicle cannot operate on its own power.
- Involves passing a school bus or failing to obey school crossing guard.
- Occurred in a construction zone, workers present.
- Failure to leave information at scene of accident or leaving scene of accident.
- Involves speeding in excess of 25 mph or more over the posted speed limit or in excess of 95 mph.
- Involves Assault.
- Involves Public Intoxication & Possession of Drug Paraphernalia younger than 21 years of age.
- Involves a violation of Drug Offense, Pursuant to Section 3(b)4, PC.
- Involves a violation of Alcohol Beverage Code, Pursuant to Section 6(b), PC.
- Involves Driving under the Influence, Pursuant to Chapter 106.041 of the Texas Alcoholic Beverage Code.
- Involves Tobacco violation, Pursuant to Chapter 161 of the Texas Health & Safety Code.
- Involves Theft, Pursuant to Section 3(b)2, PC.
- All Personal Complaints.
- Required driving safety course: Defendant is younger than 25 years of age at the time of the offense must take a driving safety course approved under Chapter 1001, Texas Education Center as condition of deferred disposition for any violation classified as a moving violation under rules established by the TX DPS.

PROCESSING A REQUEST FOR DEFERRED DISPOSITION MADE ONLINE, EMAIL, MAIL OR FAX

The Clerk may process a request for deferred disposition made online, email, mail or fax under the same requirements as processing such a request at the window however not all request are approved by the Court. If the Defendant is denied the request by the Court. Clerk will mail a notice to Defendant and schedule a Preliminary hearing.

PROCESSING A REQUEST FOR DEFERRED DISPOSITION MADE BY ATTORNEY

An attorney for an adult Defendant may make a request for deferred disposition at the Cashier's window, mail, email, fax or through the Prosecutor's office. Request for deferred disposition made by attorneys are subject to the same requirements as Pro Se Defendants, except that cases designated as mandatory shows and Defendants with provisional license do not have to appear in court.

Deferred applications presented by attorneys need not contain the Defendant's signature but must contain a current address for the Defendant. The content and form of the deferred disposition application and order must be approved by the Court.

If the Defendant is a juvenile, the Defendant and a parent or guardian must appear along with the attorney in open court, pursuant to Article 45.0215 of the Texas Code of Criminal Procedure.

TRIAL COSTS TO REMAIN

Once trial costs have been added to a case, those costs will remain as part of the special expense fee even if the Defendant is later granted deferred disposition.

COMPLIANCE

The following requirements apply to proof of compliance with the terms deferred disposition:

General Procedure

The Clerk may accept proof of compliance with the terms of deferred disposition at the Cashier's window, mail, email or fax. After the Clerk receives proof of compliance, the Clerk will make appropriate comments on the case and submit the Judgement After Deferred for dismissal if the Defendant has complied with all conditions as ordered by the Court.

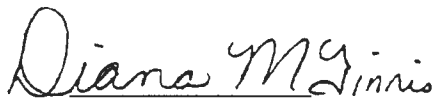
Motion to Revoke

If the Defendant fails to provide evidence of successful completion of the terms of the deferred disposition within the time period allowed, the Court will set the matter for a Show Cause hearing and the Clerk will send notice of the hearing date to the Defendant, and the Defendant's Attorney, if applicable .

Driving safety course and similar requirements

If a driving safety course, community service or other similar conditions are required by the Court as a condition of the deferred disposition, completion of such requirements on a date or dates outside the deferral period will not be accepted for compliance by the Clerk, the Court will set the matter for a Show Cause hearing. The Clerk will send notice of the hearing date to the Defendant, and the Defendant's Attorney, if applicable.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.

A handwritten signature in cursive script that reads "Diana McGinnis".

Diana McGinnis
Presiding Judge

STANDING ORDER DISCOVERY

In accordance with Article 39.14, Texas Code of Criminal Procedure, the following requirements apply to requests for discovery.

AFTER REQUEST, THE STATE SHALL PERMIT INSPECTION

The State shall, as soon as practicable following a timely request from the Defendant, produce and permit the inspection by or on behalf of the Defendant of all documents, items, or information responsive to Defendant's request which are in the possession, custody, or control of the State, or any person under contract with the State. The State is not required to permit inspection of its work product, or of material which is otherwise privileged. If the State withholds or redacts privileged material, it shall so inform the Defendant.

DUPLICATION TO BE ALLOWED EXCEPTION

The State shall permit electronic duplication, copying and photographing of the material requested, and may voluntarily provide such copies or electronic duplicates to the Defendant at its own expense, except that in the case of a pro se Defendant, the State is not required to allow electronic duplication of the material.

DEFENDANT NOT TO DISCLOSE MATERIAL

Except as provided in Article 39.14, the Defendant, an attorney representing the Defendant, or any agent of the Defendant may not disclose to a third party any documents, evidence, materials, or witness statements received from the State unless:

- The Court orders the disclosure upon a showing of good cause after notice and hearing after considering the security and privacy interests of any victim or witness; or
 - The documents, evidence, materials, or witness statements have already been publicly disclosed.
-

EXCULPATORY EVIDENCE TO BE PROVIDED

The State shall disclose to the Defendant any exculpatory, impeachment, or mitigating document, item, or information in the possession, custody, or control of the State that tends to negate the guilt of the Defendant or would tend to reduce the punishment for the offense charged.

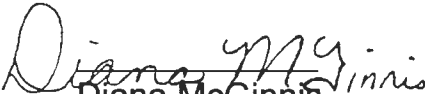
DUTY TO SUPPLEMENT

If at any time before, during, or after trial the State discovers any additional document, item, or information required to be disclosed under section 4 above, the State shall promptly disclose the existence of the document, item, or information to the Defendant or the Court.

EITHER PARTY MAY REQUEST HEARING

Either party may request and shall be entitled to a hearing on any dispute arising from discovery requests or discovery responses.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.


Diana McGinnis
Presiding Judge

STANDING ORDER

DRIVERS SAFETY COURSE

On this date, the Court entered the following ORDER with respect to dismissal of a case by means of a Driving Safety Course Program.

PROCESSING A REQUEST FOR DSC AT CASHIER'S WINDOW

GENERAL PROVISIONS

- Request DSC no later than the "Appearance Date" on the citation.
- Classified as a Moving Violation.
- Files with the Court a plea and signed Affidavit complying with all eligibility requirements. 45.0511(C)(3), CP.
- Provides valid proof of financial responsibility 45.0511(6), TC.
- Presents a valid Texas driver license/active military/occupational/permit that is not a commercial license or permit 45.0511(b), TC.
- \$ 144.00 to be paid within 10 days.
- Only available for one offense on a citation.
- If the defendant is out of state, they will need to complete a deferral.
 - \$ 144.00 Must complete driver's safety however no driver's record required
- Must complete within 3 months, no extensions given.

DEFENDANTS QUALIFY FOR THE DSC PROGRAM IF NONE OF THE FOLLOWING APPLY:

- Completed a course within 12 months 45.511, CP.
- Holds a Commercial Driver's License. Sec. 522.051 TC.
- Failure to leave information at the scene of an accident. 550.022, TC.
- Leaving scene of an accident after causing damage. Sec. 550.23 TC.
- Occurred in a construction zone or maintenance work zone when workers are present. Sec. 542.404, TC.
- Did not involve in an accident resulting in major property damage or personal injury such as death, hitting telephone pole or guard rail, or vehicle cannot operate on its own power. Sec. 550.21, 550.22, TC.
- Does not involve passing a school bus or failing to obey school crossing guard. Sec. 545.066, TC.
- Speeding cannot be 25 or more mph or in excess of 95 mph of the posted speed limit. Sec. 45.0511 CP.

PROCESSING A REQUEST FOR DSC MADE ONLINE. EMAIL. FAX OR BY MAIL

The Clerk may process a request for DSC made online, email or by mail if the Defendant presents the items listed above no later than 90th day after the DSC request is made.

The online request or by mail post marked must be on or before appearance date on citation.

The Clerk will mail out notice regarding request of DSC whether it was denied or approved by the Judge.

PROCESSING A REQUEST FOR DSC AT MADE BY ATTORNEY

An attorney for a Defendant may make a request for DSC at the Cashier's window. Subject to the same requirements as listed above for Pro Se Defendants.

TRIAL COSTS TO REMAIN

Once summons or trial fees have been added to a case, those fees will remain as cost to be paid even if the defendants are later granted DSC.

CASES WITH CERTAIN STATUSES REQUIRED TO APPEAR

Any Defendant younger than 17 years of age making a request in person, mail, email or fax for DSC must appear before the Judge.

COMPLIANCE

The following requirements apply to dismissal of the case upon proof of compliance.

- A certificate indicating timely completion of the driving safety course, which must be signed by the Defendant, indicate that it is the "court copy" and have no alterations, modifications and/or erasures; AND
- A driving record certified by the TX DPS which was issued after the offense date, indicates the Defendant's license status is Eligible and does not show that a driving safety course has been completed for dismissing a moving violation within the twelve (12) months preceding the date of current citation.
- If the Clerk receives sufficient proof of completion of the DSC, the Clerk will make appropriate comments on the case and submit a final judgment for dismissal if the Defendant has complied with all conditions as ordered by the Court.

DEFENDANT FAILS TO PROVIDE EVIDENCE OF SUCCESSFUL COMPLETION OF THE DSC WITHIN THE TIME ALLOWED.

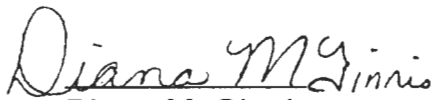
- Summon the Defendant to show cause why such evidence was not timely submitted.
- If the Defendant fails to appear, a final judgement shall be prepared for the Court's signature. A time payment fee shall not be assessed until the 10TH day after a final judgement has been entered by the Court.

INSURANCE REQUIREMENT

The following requirements apply to requirement of valid proof of financial responsibility:

- Concurrent FMFR violation. If the Defendant received a violation for Failure to Maintain Financial Responsibility (FMFR) at the same time as the violation for which the Defendant requested DSC and the FMFR violation is not dismissed upon proof of valid insurance, the Defendant is not eligible for DSC.
- No concurrent FMFR violation. If the Defendant did not receive a violation for FMFR at the same time as the violation for which the Defendant has requested DSC, then the Defendant is eligible for DSC upon showing proof of current valid insurance. The proof must list the Defendant as a covered driver or be a parent's policy for Defendant under the age of 19.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.



Diana McGinnis
Presiding Judge

STANDING ORDER EXTENSIONS

On this date, the Court entered the following ORDER with respect to extension of a case

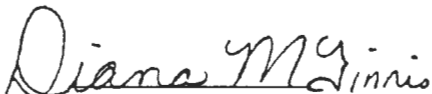
COURT DATE

- Defendant must complete a Plea form.
 - Must submit in writing why extension is needed & how long is the extension is needed. If more than 30 days submit letter to the Judge.
 - If the defendant has a deferral then an extension is not needed due to the fact, they will have a show cause hearing.
 - Once the extension has expired.
 - Notify the defendant and send the payment options.
 - If no response, then set the Defendant for a Show Cause Hearing.
-

PAYMENT EXTENSIONS

- Defendant must request in writing why an extension is needed and how long is the extension requested for. If more than 30 days submit letter to the Judge.
- Clerk will advise the Defendant that Community Service is an option for the payment extension.
- Once the extension has expired.
 - Notify def and send the payment options.
 - If no response, then set the Defendant for a Show Cause Hearing.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.


Diana McGinnis
Presiding Judge

STANDING ORDER

FINE AND PAYMENT OF FINES

On this date, the Court entered the following ORDER with respect to fines and payment of fines:

"WINDOW" FINES

The fines as set forth in the attached Fine Schedule shall be assessed at the Cashier's window upon a plea of guilty or no contest for the stated violations unless individually altered by the Court or imposed pursuant to jury verdict

PAYMENT OF FINES AT CASHIER'S WINDOW

General rule

The Clerk may accept payment of a fine, cost or fee at the Cashiers window in accordance with Texas Code of Criminal Procedure Article 27.14.

Plea entered before payment

If the case has not already been adjudicated (that is no judgment has been entered by the court), the Clerk must receive a plea of guilty/no contest in writing signed by Defendant or Defendant's Counsel before accepting payment of a fine, cost or fee.

- Credit/Debit Payments. Most major credit cards with the exception of American Express and debit cards will be accepted. Persons making payment shall be responsible for payment of all service fees or additional charges for use of debit or credit cards.
- Internet Payments. Payments may be made online at www.officialpayments.com with a credit or debit card. Persons making payment shall be responsible for payment of all service fees or additional charges for use of debit or credit cards via the internet.
- Personal Checks, Cashier's Checks, Credit Cards and Money Orders will be accepted for payment of fines and fees; provided however, that personal checks shall not be accepted for payment of warrants. Credit Card, Cashier's Check or Money Order are acceptable payment methods for a warrant.

VERIFICATION

Before accepting a plea of guilty/no contest the Clerk shall verify and record the identity of the defendant. A Government issued photo identification card, driver license or passport will be sufficient for this purpose.

PAYMENT OF FINES AFTER REMAND

If a Defendant has been remanded to custody for non-payment of fines, a personal check will not be accepted to pay any part of the balance due.

INSUFFICIENT AND STOP-PAY CHECKS, CREDIT AND DEBIT CARDS

The following requirements apply to NSF and stop-pay checks:

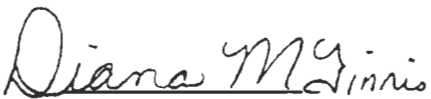
ALL CASES

Upon notice from the bank that payment was insufficient, or payment was stopped.

The Clerk will send a letter to the Defendant advising him/her that payment in the amount of the dishonored check is due within 10 days of the date of the letter.

If payment is not made, the Clerk will refer the case to the Judge for consideration.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.


Diana McGinnis
Presiding Judge

STANDING ORDER INDIGENT HEARING

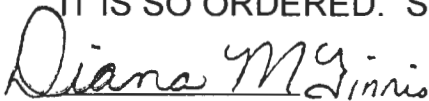
On this date, the Court entered the following ORDER with respect to Indigent Hearing.

All defendants who allege an inability to pay the fine(s) shall be ordered appear before the court to determine the Indigency of the defendant. The clerk shall provide the defendant with a Indigency Application and advise the defendant to bring to court sufficient documentation to establish Indigency and inability to discharge the fine through a payment plan.

The documents shall include the following:

- Past 2 years of Federal Income Tax Returns
- 3 most recent bank statements
- 3 most recent paycheck stubs
- Proof of government assistance
- Verification of disability or worker's compensation benefits, if applicable
- Unemployment insurance disposition and benefit amount, if applicable
- Address & telephone number of references who can verify financial information

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.



Diana McGinnis
Presiding Judge

STANDING ORDER

JAIL CREDIT

On this date, the Court entered the following ORDER with respect to Jail Credit: CCP Art 42.03 Sec. 2(a)

CALCULATION AMOUNT.

Credit for time a Defendant has served in the Aransas County jail without bonding will be calculated by the Clerk at \$150 per day, unless a different amount is ordered by the Court.

HOW CALCULATED.

Credit will be awarded consistent with the policies of the county jail, with a day's credit being given for any portion of the calendar day during which a Defendant is incarcerated. Credit is awarded from time of booking, and not from time of arrest.

CREDIT AFTER BONDING.

Credit may be awarded by the Court to a Defendant who has made bond, at a rate not less than \$150 per day.

WHO APPLIES CREDIT?

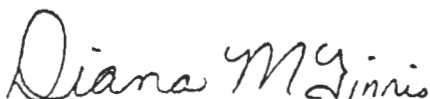
A Defendant who has served time in the Aransas County jail will be awarded jail credit as described above. If the Defendant is seen by the Judge while in custody, the Judge may award some or all the credit that has accrued; if such award is made, it will be reflected on the judgment, on the arraignment paperwork or in a docket entry.

If the Defendant is released by the Judge, the Defendant must report to the Municipal Court to set up a payment plan, the Clerk will at that time apply any jail credit previously awarded and any additional credit to which the defendant is entitled.

CREDIT TO BE APPLIED BEFORE CAPIAS

If the Defendant fails to appear as ordered, the capias balance due will be that amount remaining after all jail credit to which the Defendant is entitled has been applied.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.



Diana McGinnis
Presiding Judge

STANDING ORDER JUVENILE DEFENDANTS

COMES NOW The State of Texas, by and through the City Attorney for the City of Rockport, and makes this Standing Motion for the purpose of efficient processing and disposition of cases for Juveniles filed in the Municipal Court for the City of Rockport.

45.0215 CCP, UNDER 18:

- Must be in open court
 - Must complete bottom portion of plea only for Notice of Hearing
 - Parent required to appear with child 16 & under
 - Court must summon parent
 - Court may waive presence if unable to locate or compel parent's presence
-

ALCOHOL AWARENESS PROGRAM 45.057 CCP:

The defendant must appear with a parent or guardian for alcohol violations if under 21 years of age. If convicted of an alcohol offense, the court must order the Defendant to complete an alcohol awareness course and complete a period of community service. A period of driver's license suspension is also mandatory.

♣ Required on conviction or as a condition of deferred under 106.115 for the following offenses: |

- 106.02: Purchase of Alcohol by a Minor
- 106.025: Attempt to Purchase Alcohol by a Minor
- 106.04: Consumption of Alcohol by a Minor
- 106.041: Driving (or Boating) Under the Influence
- 106.05: Possession of Alcohol by a Minor
- 106.07: Misrepresentation of Age
- Alcohol Awareness or DADAP
- If completed: Court may reduce fine to half the amount assessed
- Failure to complete: Court can give another 90 days or Court must order DPS to suspend or deny issuance of DL for up to 6 months (1st) or 1 year (2nd)
- Must be approved by the Department of State Health Services (AAP) or TEA (DADAP). Information about programs can be found at www.dshs.state.tx.us/offenderred

EDUCATION CODE § 25.094(C)(3)

Max \$ 500 fine; In addition to fine, a court may order a sanction under 45.054 CCP:

- Attend school without unexcused absences
- Attend GED prep classes
- Attend special program
- At risk class
- Community service
- Tutorial program (many different ones)
- Suspend or Deny DL up to 1 year

HEALTH & SAFETY CODE § 161.252-253:

Max fine of \$ 250. The court will require completion of a tobacco awareness course in addition payment of court cost and fees. Upon conviction of a tobacco offense the following may apply:

- Driver's license suspension
- License to drive may be suspended or denied
 - Failure to appear in court for citation
 - Failure to pay or discharge fine and cost
 - Failure to take and present proof of completion of an alcohol or tobacco awareness course
 - Held in contempt violation the court's judgment
- Court shall suspend fine and order tobacco awareness program.
- Court dismisses charge on completion of course (1st or lowers fine on 2nd)
- Court costs still paid: If no course, then 8-12 hours of tobacco-related community service

TRAFFIC VIOLATION

- If the citation is a moving traffic violation
- Provide a valid Texas driver's license and financial RESPONSIBILITY (insurance)
- Have not taken a Driver Safety Course within the last 12 months prior to receiving your citation, you may, at your court appearance, request a driver safety course to have your citation dismissed without it appearing on your driving record.

METHODS OF DISCHARGING FINES

- Payment
- Community Service
- Formerly only for the indigent. Now available for juveniles
- Waiver upon indigence and hardship
- Discharge of fines

JUVENILE NOW ADULT: FTA 45.060 CCP

- At 17, court issues order to appear.
- Warning about continuing obligation to appear; failure to appear may result in warrant
- 16 & under order a show cause hearing
- 17 & over, received the notice, then show cause if they do not appear, then issue Capias
- Fails to appear after notice; prosecutor may file complaint for violation of continuing obligation to appear (VCOA) under 45.060, and Court may issue arrest warrant

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

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

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

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

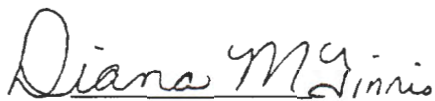
“Child”, “Minor”, “Juvenile” Terms defined by the various codes

- Family Code defines child as age 10 to 16
- Education Code defines child as age 6 (or younger than 6 if child has previously been enrolled in 1st grade) to 18
- Transportation Code defines minor as under the age of 17
- Alcoholic Beverage Code defines minor as under the age of 21
- Health and Safety Code defines minor as under the age of 21

TRUANT OFFENSE

- Receive a notice in the mail

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.

A handwritten signature in cursive script that reads "Diana McGinnis".

Diana McGinnis
Presiding Judge

STANDING ORDER PAYMENT PLANS

On this date, the Court entered the following ORDER with respect to payment plans:

PAYMENT PLANS AT CASHIER'S WINDOW

30-day Extension

The Clerk may process a request for a 30-day payment plan from a Defendant who appears at the Cashier's window and asserts an inability to immediately pay his/her fines and costs in full, provided that:

- The Defendant represents that full payment can be made within 30 days.
- The Defendant completes a 30-day payment plan which can be system-generated form so long as the Defendant signs the form and is advised of & agrees to appear in the event of non-compliance at the time of the request.
- No warrant for the arrest of the Defendant is pending at the time of the request.
- The Defendant has not previously defaulted on a payment plan ordered by the court.
- The balance of the fine shall be paid in full within 30 days of the request.
- The clerk shall not process an additional extension to pay the fine.

The Clerk shall advise the defendant that failure to comply with the payment plan will result in:

- An additional \$ 15.00 time-payment fee if paid after 30 days from request.
- No further extensions to pay the fine(s) shall be granted by the Clerk; Clerk must set case on the Courts "Show Cause Docket" for presiding Judge to review.
- Capias for failure to pay the fine, may be issued.
- Driver's license suspension order issued to the TX DPS.

LIMITED TIME PAYMENTS

The Clerk may process a request for a 30-day payment plan from a Defendant who appears at the Cashier's window and asserts an inability to immediately pay his/her fines and costs in full, provided that:

- A \$ 15.00 time payment will be added to each pending case after 30 days from request.
- The Defendant completes a 30-day payment plan which can system-generated form so long as the Defendant signs the form and is advised of & agrees to appear in the event of non-compliance at the time of the request.
- No warrant for the arrest of the Defendant is pending at the time of the request.
- The Clerk shall prepare the payments according to the following schedule:
 - Balance: \$ 0 up to \$ 500 will be \$ 50 – \$ 150 a month
 - Balance: \$ 501 up to \$ 1000 will be \$ 150 - \$ 199 a month
 - Balance: \$ 1000 or more will be \$ 200 a month

The Clerk shall advise the Defendant that if the Defendant fails to comply with the payment plan:

- An additional \$ 15.00 one-time payment fee will be added to each case which remains unpaid on the 31st day after judgment, pursuant to Texas Local Government Code Section 133.03.
- Any request for further extensions to pay the balance must be made to the Judge in writing.
- A Capias Pro Fine warrant may be issued on any balance that is not timely paid.
- A driver's license suspension order issued to the TX DPS.

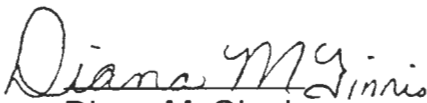
STANDARD PAYMENT PLAN

Upon the Judge's order to set a Standard Payment Plan, the Clerk will use the guidelines attached to the Standing Order to determine the length of the plan. The Clerk may set payments at such intervals and on such dates as best suit the Defendant's ability to pay.

COURT REVIEW OF DEFENDANT'S ABILITY TO PAY

All Defendants who allege an inability to pay the fine(s) in accordance with Payment Plan shall be ordered to appear before the court to determine the Indigency of the defendant. The clerk shall provide the defendant with an Indigent application and advise the Defendant to bring to court sufficient documentation to establish Indigency and Inability to discharge the fine through payment plan.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.


Diana McGinnis
Presiding Judge

STANDING ORDER

PHOTOGRAPHY. VIDEOGRAPHY AND SOUND RECORDINGS

On this date, the Court entered the following ORDER with respect to photography, videography and sound recordings.

PHOTOGRAPHY AND RECORDING PROHIBITED

Except for ceremonies and judicial investitures, the activities of photographing, televising, video transcribing, recording and broadcasting are prohibited in the courtrooms, hallways, chambers or any other interior area of the municipal court building unless expressly approved by the Court in advance.

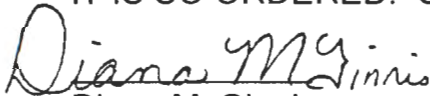
ENFORCEMENT OF ORDER

A bailiff or court warrant officer who observes a violation of this order shall enforce the order according to guidelines established by the Court.

EXCEPTION

This prohibition does not apply to such activities when conducted by or at the request of court personnel.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.


Diana McGinnis
Presiding Judge

STANDING ORDER

SUMMONS FOR JURY DUTY

On this date, the Court entered the following ORDER with respect to request for exemption, removal or postponement by persons summoned for Jury Service:

REQUESTS FOR EXEMPTION, REMOVAL OR POSTPONEMENT

The Clerk is authorized to take the following actions with respect to requests for exemption, removal or postponement by persons summoned for Jury Service.

Juror age 70 or older

If person 70 years of age or older requests to be exempted permanently, the person shall be removed from the pool after the Clerk has verified that the person's date of birth shows the person to be 70 or older. If person 70 years of age or older requests to be exempted temporarily, the person shall be excused from the panel without being reset.

Custody of child under 12

If a person requests an exemption because of legal custody of a child under 12 and service would leave the child without adequate supervision, and the person has listed one or more children under 12 on the Jury questionnaire, the person shall be excused without being reset.

Enrolled and Attending School

If a person requests an exemption because of school attendance, and the person has listed a recognizable school on the exemption form, the person shall be excused without being reset.

Employee of legislative branch of state government

If a person requests an exemption because of employment in the legislative branch of state government, the person shall be excused without being reset.

Primary caregiver of disabled individual

If a person requests an exemption as the primary the person caregiver of a disabled individual, the person shall be excused without being reset.

Conviction, probation or pending charge of felony or theft

If a person claims a disqualification because of a conviction, probation, or pending charge for a felony or theft, the Clerk shall give the juror's questionnaire to the warrant officer, who shall verify that the person has such a disqualification. If verified, the person shall be removed from the pool. If the requested cannot be verified, the Clerk shall notify the person that they must appear.

Active Duty Military

If a person requests an exemption because of active duty service in the U.S. Military while deployed outside the person's country of residence, the person shall be excused without being reset.

Residence Outside the City

If a person claims a disqualification by stating the person lives outside the city, the Clerk shall verify the residence address, and if it is outside the city the person shall be removed from the pool.

Out of town or Out of the country,

Must submit a letter via email to the court must provide documentation.

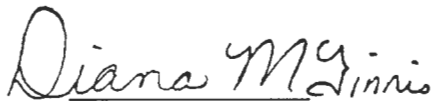
Medical reasons

Must provide documentation for example, if they are in the hospital must provide admission papers for the hospital.

Deceased

Make note on the summons.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.

A handwritten signature in cursive script that reads "Diana McGinnis".

Diana McGinnis
Presiding Judge

STANDING ORDER RECORD REQUEST

On this date, the Court entered the following ORDER with respect to Record Request

RECEIVE EMAIL /FAX/PERSON

Record Request

- Records are purged after 5 years however the clerk can provide a record of request letter.
- Military, FBI-NCIS, US Probation, Police Dept. – Must submit letter requesting records.

The Clerk CANNOT release the following:

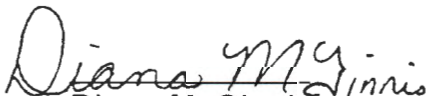
- Criminal History Report
- Police Report
- Arrest Report

❖ Basically any documents that has another party's information

The Clerk Can release the following:

- Judgment of Conviction
- Complaint
- Docket Number
- Compliance Dismissal
- Status of case pending or closed

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.


Diana McGinnis
Presiding Judge

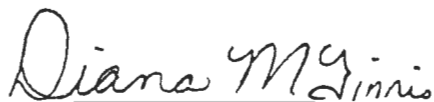
STANDING ORDER THEFT

On this date, the Court entered the following ORDER with respect to Theft

RESTITUTION MUST BE PAID BEFORE FINES & COURT COST ARE PAID

- All theft cases have a restitution unless items are returned to the Merchant.
- The restitution must be in the form of a Money Order payable to Merchant.
- Once money order is received the Clerk will mail the payment certified mail.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.



Diana McGinnis
Presiding Judge

STANDING ORDER WARRANTS

On this date, the Court entered the following ORDER with respect to Warrants

AW WARRANT

- The defendant is eligible for all plans with the exception of Driver's Safety.
-

CAPIAS

- The defendant is eligible for all plans with the exception of Deferred Adjudication & Driver's Safety which must be granted by the Judge.
-

FTA

- Only penal code violations with the exception of PI, Disorderly Conduct, No Liability Insurance, Assaults, No Drivers License, Open Container
-

VPTA

- Traffic tickets with the exception of Mvi, Expired License Plate, Expired DL, DL Invalid, Permit Unlicensed Person to Drive
-

FTA/VPTA

- If the complaint is not from a Peace Officer then we cannot issue
-

PAID IN FULL

- Automatic No Contest unless otherwise specified on the receipt
 - At that time the clerk will report the citation paid to Omni
 - Warrant will be recalled
 - Judgment will be submitted to the Judge
-

PARTIAL PAYMENT

- Automatic No Contest
 - Defendant will have 10 days to setup a Payment Arraignment.
 - If the Defendant has not completed a payment arraignment by the 10th day the clerk will set them up on a payment plan and schedule a Show Cause hearing.
-

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.

Diana McGinnis

REDUCTION IN FINES

NO LIABILITY INSURANCE

- Defendant has the option of obtaining liability insurance and providing proof in order to get a \$100 reduction in the fine amount after the time of the offense.
- The clerk must verify that the liability insurance is in force

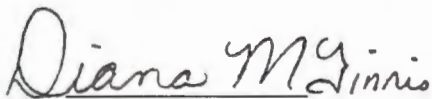
DRIVING WHILE LICENSE INVALID/SUSPENDED

- Defendant has the option of providing proof of a valid DL in order to obtain a \$100 reduction in the fine amount.
- The clerk must verify that the DL is valid by calling dispatch and getting the 27 emailed/faxed to our office.

NO DRIVERS LICENSE

- Defendant has the option of providing proof of a valid DL in order to obtain a \$100 reduction in the fine amount if they obtained the DL after the time of the offense.

IT IS SO ORDERED. Signed and Entered this 1ST day of JANUARY 2023.



Diana McGinnis
Presiding Judge