PLANO MUNICIPAL COURT
Rules of the Court

RULE ONE
Authority

1.1 Authority for Rules

Under the inherent power and duty of all Texas courts as codified in Section 21.001 of the Texas Government Code, the following Local Rules of the Municipal Court of the City of Plano, Texas (hereinafter "Local Rules") are promulgated and shall apply and govern any and all proceedings held within the Municipal Court of the City of Plano, Collin County, Texas. The Municipal Court of Plano, Texas is a Court of Record as established under the authority of Texas Government Code Chapter 30 and City of Plano Ordinance No. 2012-3-16. These rules are adopted for the purpose of securing uniformity in those proceedings and in order to promote justice.

1.2 Application

The Local Rules apply to attorneys and their staff members, to each Defendant representing himself/herself (hereinafter "Pro-se Defendants"), to all court staff, to witnesses and observers. A judge may promulgate additional rules for his/her Court which do not conflict with the rules and applicable law. Failure to comply with these rules may result in the imposition of sanctions, including contempt.

1.3 Effective Date

These amended and restated Local Rules are effective April 2. 2018 and supersede all previous Local Rules of the Plano Municipal Court.

1.4 Availability

A copy of these Local Rules shall be available in every courtroom and on the City of Plano website, which can be accessed at www.plano.gov.

1.5 Citation Form

These Local Rules shall be known as the Local Rules of the Municipal Court of the City of Plano, Texas and each rule may be cited as "Plano Local Rule _ _ _ " or "PLR _ _ _ ".

1.6 Authority of Municipal Court Judges

The Municipal Court of the City of Plano is one Court, separated into two Courtroom locations, each referred to as a "Court". Each Judge, whether a full-time Judge or a substitute Judge sitting for a full-time Judge, has all the authority within the Court in which he/she is sitting and in the Plano Municipal Court in general as does any municipal judge of a Court of Record in the State of Texas. Each municipal judge, whether full-time or substitute, is also a Magistrate for every county into which the City of Plano extends and has all authority as a Magistrate in any of those counties as set forth in state law.

1.7 Hours of Operation

The hours of operation of each Court location shall be posted on front doors at each location and on the City of Plano website at www.plano.gov. Any exception to said hours shall be for City observed holidays or as determined by order of the Chief Municipal Judge or the City Manager.

RULE TWO
Courtroom Decorum

2.1 Formal Opening

Each session of the Court shall be brought to order by formal announcement by the Bailiff of the Court, requiring all present in the Courtroom to rise as the Judge takes the Bench. The Bailiff shall remain in or in close proximity to the Courtroom at all times while the Court is in session. Each presiding Judge may waive this formality.

2.2 Conduct Required of All Persons Attending Court (Including Courtroom Waiting Areas)

Court is in session whenever the Judge is on the Bench. While the Court is in session, unless the Judge directs otherwise, the following conduct must be observed:

1. No smoking or use of tobacco products, including snuff or chewing tobacco.
2. No reading of any materials, other than court documents, including books, magazines or newspapers and any electronic forms of such materials.
3. No propping feet or sitting on tables, railings or the backs of benches or chairs.
4. No loud noises. Any children brought into the Courtroom must be quiet or they must be removed from the Courtroom.
5. No eating, drinking or gum chewing.
6. No standing in the Courtroom, except when addressing the Court or by direction of the Judge or when necessitated by the business of the Court.
7. No gestures, facial expressions or sounds indicating approval or disapproval of a ruling by the Court or a comment on testimony of a witness.
8. All persons, whether lawyers, parties, witnesses, jurors, or spectators, conducting business, participating in trials, or otherwise attending proceedings in a courtroom of the Municipal Court of the City of Plano, Texas shall be dressed appropriately so as to maintain the dignity, integrity, decorum, seriousness and professional atmosphere of the Court and the administration of justice. As such, no inappropriate attire, including shorts, tank tops, sleeveless shirts, jeans with holes or cut-outs, low pants with underwear showing, inappropriate “message” shirts, or sunglasses shall be allowed. No hats or head coverings including scarves, bandanas or do-rags shall be worn in the courtroom, unless such item is of religious nature or for medical reasons.

9. No unattended children in the courtroom. Children under the age of 10 and children 10 and older who cannot sit alone, may not be brought to a courtroom without an adult or older responsible child who can accompany them out of the courtroom, if necessary.
10. No cellular telephones are to be used in the courtroom to make or receive calls. ALL cell phones must be powered off or silenced at all times, except by express permission of the Judge. Electronic tablets or laptop computers may not be used in the Courtroom except by attorneys, their staffs, and Pro-se Defendants while processing a case or docket. Any device which rings or otherwise makes noise may be taken by the Bailiff and not returned until the conclusion of the court proceeding.
11. Absolutely no prohibited or illegal weapons or contraband shall be brought into the courtroom, with the exception of those intended to be offered as evidence. Commissioned peace officers who are on duty may bring weapons in the courtroom. The judge shall have the discretion to allow others to possess a weapon in the courtroom and to have any object removed from the courtroom.

2.3 Conduct Required of all Attorneys and Pro-se Defendants

Attorneys shall observe both the letter and the spirit of all Canons of Ethics and the Texas Disciplinary Rules of Professional Conduct, including those Canons concerning improper ex parte communication with the Judge and those dealing with discussion of cases with representatives of the media. In addition,

1. Attorneys shall advise their clients and witnesses of all of the Local Rules that may be applicable, and shall ensure that their clients and witnesses follow and fully adhere to all such rules.
2. Pro-se Defendants (Defendants acting as their own attorney) shall conform their behavior to all provisions of the Canons of Ethics applicable to licensed Attorneys. Pro-se Defendants shall not attempt to converse with the Judge about their cases unless the prosecuting attorney is present.
3. Attorneys and Pro-se Defendants shall be dressed appropriately while in Court. See Rule 2.2 above.
4. All parties shall be prompt in arriving for Court and attending to Court business. Attorneys, Defendants represented by Attorneys and Pro-se Defendants shall be on time and if the Attorney is required to be in another Court, he/she shall notify the Court Clerk, specifying where the attorney is and when he/she anticipates being present. Any attorney with such a conflict shall notify the Court at least 24 hours before the court setting, unless the delay could not be anticipated.

5. Failure of a represented Defendant or Pro-se Defendant to appear within 15 minutes of the time scheduled may result in the Defendant being required to post an appearance bond, to post a larger or more secure bond, in the forfeiture of an existing appearance bond, and/or in a capias warrant being issued for the Defendant's arrest. An Attorney who fails to appear timely may be subject to sanctions, up to and including contempt.
6. Once an individual has entered the courtroom and appeared before the Court, whether Defendant, attorney, or witness, he/she shall not leave the courtroom without obtaining permission from the Judge.
7. During trial or any hearing, any objections, arguments and comments shall be directed to the Judge and not to opposing counsel, to witnesses, or to Pro-se Defendants. Any objections which have been raised during a hearing or trial shall be supported by a legal basis for such objection.
8. During trial or any hearing, all participants in the proceedings shall address each other and members of the Jury, if any, without familiarity. The use of first names shall be avoided. While addressing the Court, Attorneys and Pro-se Defendants shall rise and remain standing at their position at the counsel table unless directed otherwise by the Judge.
9. During trial or any hearing, Attorneys and Pro-se Defendants shall remain seated at all times, except (1) when the Judge enters or leaves, (2) when addressing the Judge or Jury, (3) when making an objection, (4) when it may be proper to handle documents, exhibits, or other evidence, or (5) when the Judge directs otherwise.
10. Attorneys and Pro-se Defendants shall not approach the Bench except after requesting and receiving permission from the Judge or as directed by the Judge.

2.4 Media

The media will not be allowed to record any court proceedings inside the courtroom. Any exception may be made by the Judge presiding in each particular case. Broadcast media wishing to film proceedings outside the Courtroom must position equipment so as not to impede ingress or egress to or from the Courtroom.

RULE THREE
Appearance, Bonds and Pleas

3.1 Appearance

An attorney must make an appearance in a case in writing filed with the Court Clerk prior to a hearing in the courtroom where the case is pending, or, if the case has not been set in any court, the appearance shall be filed at the Court Clerks' window.

3.2 Bond Required

For any case with an active capias warrant, the Defendant shall be required to post a bond that complies with Art 45.016, Texas Code of Criminal Procedure, (CCP) before further action can be taken in the case.

3.3 Plea by Defendant

An appearance in person, in writing, or by attorney must be made before the Court within fifteen (15) days following the issuance of the citation. All pleas not entered in open court must be in writing. Payment of a fine or an amount accepted by the court shall constitute a finding of guilty in open court and a waiver of a jury trial in writing pursuant to Article 27.14(c), CCP. No partial payments shall be accepted without a plea entered in person. A timely plea of not guilty by a Pro-se Defendant will result in the case being set for a Pro-se Pre-Trial (PPT) hearing. At the Pro-se Pre-Trial hearing, the Court shall give the appropriate admonishments to the Defendant and the Defendant shall inform the court whether he/she desires a jury trial or a bench trial (a trial without a jury). The Defendant also shall advise the court whether the Defendant wishes the Judge or the jury to assess the fine if the Defendant has been found guilty by the jury. The defendant shall elect whether or not to have the trial recorded.

For appearances and pleas filed by mail, the date of the postmark shall be deemed the date of filing of any plea received by mail, provided the mailing complies with the 'Mailbox Rule' of Article 45.013 CCP. The date of receipt by the Clerk's office of an attorney's facsimile transmission shall be the date of filing of such document.

3.4 Requests for Interpreter Assistance

A party desiring the services of an interpreter should make the request as soon as possible, in writing in the case of a written plea or in open court in case of a verbal plea.

Requests for assistance from persons with disabilities should be made at the time the plea is entered.

RULE FOUR
Notice

4.1 Responsibility

It is the responsibility of all persons with business before the Court to:

a. determine the date, time, location and nature of each setting of the case(s) and,
b. update or notify the Court of any changes of address of the Defendant or of Counsel for the Defendant.

4.2 Notice

Notice of the date, time, location and nature of each setting shall be given by the Court to a Pro-se Defendant in person or by mail at the last known address. Notice of the date, time, location and nature of each setting shall be given by the Court to Counsel of Record for Defendants in person, by mail, or by email directed to the last known address of the Attorney.

4.3 Verbal Representations

Reliance by any party upon verbal representations from any Court staff or a police officer concerning any matters shall not be binding as grounds for continuance, setting aside a warrant or judgment, dismissal of any case, or any other relief.

4.4 Complaint

A copy of the Complaint will be made available to the Defendant or Counsel as soon as practicable after the entry of a plea of Not Guilty by the Defendant. If a complaint was prepared before a Summons was issued in a case, that complaint shall be available upon request.

RULE FIVE
Motions

5.1.1 Motions for Continuance

Motions for Continuance require good cause shown and will not be granted for delay purposes. A Motion for Continuance shall be filed with the Court as soon as the Attorney for the Defendant or the State or Pro-se Defendant is aware of the necessity for seeking a continuance. It is the policy of the Court that both the Defendant and the State may receive one reset for cause.

5.1.2 Governing Code

Continuances are governed by Chapter 29 of the Texas Code of Criminal Procedure. This Rule 5.1 is intended to supplement and not to replace the provisions of the Code of Criminal Procedure.

5.1.3 Form

1. All Motions for Continuance shall be in writing and shall be filed with the Court Clerk at least five (5) working days prior to the scheduled court date.
2. Each Motion for Continuance shall contain:
   A. The Cause Number;
   B. The name of the Defendant;
   C. The date and time of the setting for which the continuance is sought;
   D. The specific facts justifying the continuance. If the reason for the continuance is a conflict with a setting in another court, the Motion shall contain the Style and Cause Number of the other case, as well as the Court Number and time of the conflict;
   E. A certificate of conference indicating the agreement or disagreement of the opposing party;
   F. An oath attesting to the truth of the matters contained in the Motion: and
   G. A proposed order for the Judge to designate whether the motion is “Granted” or “Denied.”

5.1.4 Emergency Motions

Where the underlying facts (good cause) which form the basis for a Motion for Continuance were not discovered and could not have been discovered through the exercise of due diligence, an emergency Motion for Continuance may be filed. Such Motion may be filed at any time prior to the respective Court proceeding and will be ruled on by the Judge prior to or at the call of docket.

5.1.5 Factors

With the exception of continuances sought on Constitutional or Statutory grounds, the following factors will be considered in the determining whether the Motion shall be granted or denied:

1. The specific nature of the conflict in scheduling;
2. The age of the case;
3. The number of previous continuances granted to each party;
4. The timelines of the filing of the Motion, including the date on which the scheduling conflict, if any, became known to the Movant; and
5. Any other matter relevant to the Motion.

5.1.6 Forum

A Motion for Continuance shall be filed with the Court Clerk and presented to the Judge of the court in which the case is set to be heard. In all cases, the ruling on a Motion for Continuance shall be at the discretion of the Judge of the Court where the case is set to be heard.

5.1.7 Denied Motions

If a Defendant's Motion for Continuance is denied, in order for the Defendant to avoid a warrant, a bond of the type and in the amount set by the Court may be required to be posted, at the discretion of the Judge denying the Motion. It is the responsibility of the Pro-se Defendant or the Counsel for Defendant to determine whether the Motion was granted or denied and to determine whether a bond is required. If a State's Motion for Continuance is denied, the case will proceed to Pre-Trial, trial, or other disposition.

5.1.8 General Provisions Relating to Initial Motions for Continuance

Each of the Provisions contained in RULE FIVE of the PLANO MUNICIPAL COURT Rules of Court shall specifically apply to all Second and Subsequent Motions for Continuance or Reset requests in any pending matter which is made outside the courtroom.

For all initial Motions for Continuance or Reset requests filed outside the courtroom, the following standards shall continue to be applied*:

1. An initial Motion for Continuance or Reset request outside the courtroom must be made in writing;
2. The court clerks are authorized to grant an initial Motion for Continuance or Reset request for all non-trial settings at any time prior to the setting.
3. Any initial Motions for Continuance and Reset requests for trial settings must be made before the earlier of;
    a. 24 hours prior to the affected trial setting; or
    b. Noon on the preceding business day.
4. Any initial Motions for Continuance or Reset request made within 24 hours of a trial setting or after Noon on the preceding business day must be reviewed by a Judge. Such Motions and Requests must provide the following information:
    a. Reasons setting forth an emergency situation that was unforeseeable by the movant or requesting party;
    b. The Cause number;
    c. The Name of the Defendant;
    d. The date and time of the setting for which the Continuance or Reset is sought; and
    e. An affirmative statement that the requesting party has attempted to contact the opposing party in this regard.
5. The court clerks are authorized to grant an initial Motion for Continuance or Reset request for trial settings provided that the Motions/Requests are received before the times stated above.
6. Each Motion for Continuance and Request for Reset shall contain:
    a. The Cause number;
    b. The name of the Defendant;
    c. The date and time of the setting for which the Continuance or Reset is sought; and
    d. A statement setting forth the requesting party's reason for the Continuance or Reset.

For purposes of this Rule, "trial setting" is defined as any setting in which witnesses will be called or evidence presented to the Court.

*These standards regarding Initial Motions for Continuance and Reset request were initially published by the City of Plano Municipal Court on June 23, 1998 and subsequently clarified and adopted as part of "Judge's Memo" dated February 22, 2008 by Chief Municipal Judge Donald J. Stevenson. This "Memo" was published to clarify the procedures adopted by this Court regarding the handling of requests for resets and continuances in an effort to "prevent unjustifiable inconvenience to the parties involved in trials and hearings." It was specifically published to "establish equal treatment of defendants that appear pro se and defendants represented by counsel

5.2 Vacation Letters

Attorneys shall file a vacation letter no less than 60 days prior to the anticipated date that the vacation is to begin. The vacation letter must identify all cases then set on the court's future dockets. Such notices shall be filed with the Court Clerk at the 900 E. 15th Street location or by other approved means. If the vacation letter is not filed at least 60 days prior to the vacation commencement date, the Attorney shall file a separate Motion for Continuance in each case set during the vacation period for the Judge to consider.

5.3 Motions to Withdraw

Any attorney who makes an appearance on behalf of a Defendant shall continue to be considered by the Court as the attorney of record for the Defendant until a written Motion to Withdraw is filed by that attorney and is granted by the Court or the case is disposed of by trial, plea, deferred disposition or driver safety granted, dismissal or substitution of counsel.

5.3.1 Withdrawal without a Hearing

A Motion to Withdraw as Counsel for Defendant may be granted without a hearing only if the moving attorney files a verified certificate stating the last known mailing address of the Defendant, the dates of all future settings, and describes what efforts have been made to locate the Defendant, or, if Counsel files along with the Motion a written consent to the withdrawal signed by the client which consent acknowledges that the Defendant has been advised of all future court settings.

5.3.2 Withdrawal with a Hearing

If the requirements of Rule 5.3.1 are not satisfied, a Motion to Withdraw must be presented to the Court at a hearing after notice to the Defendant and to all other parties.

5.3.3 Substitution of Counsel

A Motion to Substitute Counsel shall be signed by the attorney who currently represents the Defendant, the Defendant, and the attorney who wishes to undertake representation of the Defendant. The Motion must include an affirmative statement that the Defendant has consented to the substitution. If a Motion to Withdraw as Counsel for the Defendant also contains a Motion to Substitute Counsel and a Notice of Appearance by another attorney, and a written agreement by the State, that appearance

will satisfy the requirements of Rule 5.3.1 and the attorney named in the Motion to Substitute will thereafter be considered by the court as attorney of record for the Defendant.

5.3.4 Affidavit of Intent to Surrender and Affidavit of Surrender

Any attorney wishing to be removed from the bond of a Defendant shall file the appropriate Affidavit under either Article 17.19 CCP (for Defendants who are not incarcerated) or Article 17.16 CCP (for Defendants who are incarcerated). Such Affidavit may be presented at any time prior to or at a setting of the case.

5.3.5 Motions for Discovery, Pre-trial, Trial and Post-Trial Motions

All written Motions shall be filed with the Clerk of the Court and responses shall comply with Art. 39.14 CCP.

All pre-trial motions shall be filed at least 14 days prior to trial date and responses thereto, if any, shall be filed at least seven (7) days prior to trial date. If a pre-trial Motion has not been ruled on before trial date, such Motion shall be heard on the date of trial. Each Motion or Response shall contain a certificate of service signed by the Movant or Respondent indicating that a copy of such Motion or Response has been served upon the opposing party, the manner of service and the date of service.

RULE SIX
Off-Docket Matters

6.1 Off-Docket Motions

An off-docket motion is any motion filed in a case not set on docket, in which case, the attorney or Pro-Se Defendant shall file the Motion at the Court Clerk's window at the 900 E. 15th Street location.

6.2 Walk-in Appearances

Attorneys and Pro-se Defendants may appear at the Raymond Robinson Justice Center at 900 E. 15th Street during posted business hours to handle cases not set on that particular day's docket and cases with active warrants. Cases may be handled by the Court Clerks when an adult Pro-se Defendant wishes to enter a plea, present proof of compliance, request deferred disposition, request a Driver Safety Course, request an extension for options, request community service, establish or reinstate a payment plan, or make other means of resolving a case. Such dispositions shall be in accordance with Standing Judicial Orders issued by the Court.

RULE SEVEN
Pro-se Pre-Trial Dockets

7.1 Pro-Se Pre-Trial Dockets

The purpose of the Pro-se Pre-Trial Docket (PPT) is to resolve cases prior to trial and to set for trial those cases that cannot be resolved. Defendants will receive notice of their cases set for PPT which shall be mailed to the Defendant approximately 3-4 weeks prior to the setting. It is the responsibility of the Defendant to inform the court of any change of address or status.

7.2 Failure of Defendant to Appear

If the Defendant does not appear at the PPT, the judge may forfeit any cash or surety bond that has been posted on the Defendant's behalf, issue a warrant, or do both. A surety's Motion to Withdraw on any case set for PPT must be filed prior to the PPT or presented at the time of the PPT and should comply with Rule Five above. For surety bond cases, any Affidavit of Intent to Surrender or Affidavit of Surrender (for incarcerated Defendants) shall also be filed no later than the calling of the PPT.

7.3 Reset to Pre-Trial

A case will not be reset to a subsequent PPT without a Motion for Continuance being filed and granted. These will include cases in which there is an outside witness that has not been interviewed by the prosecutor. It is the policy of the Court that both the Defendant and the State may receive one reset for cause. All other cases must either be resolved at PPT or set for trial. Any exceptions will be determined by the Judge presiding over the PPT docket. No case will be set for a jury trial without an appearance by the defendant at the PPT.

RULE EIGHT
Attorney Pre-Trial Dockets

8.1 Attorney Pre-Trial Dockets

The purpose of the Attorney Pre-Trial Docket (APT) is to resolve cases prior to trial and to set for trial those cases that cannot be resolved. Attorneys will receive notice of their cases set for APT docket which shall be mailed to the Attorney approximately 3-4 weeks prior to the setting. It is the responsibility of the attorney to notify his/her clients, to inform the clients of any pending offer, and to have the defendants present at the time and place of the APT if required. It is the responsibility of the attorney to inform the court of any change of address or status of their clients.

8.2 Failure of Defendant to Appear

If the Defendant does not appear at the APT when required, the Judge may issue a warrant or forfeit any cash or surety bond that has been posted on the Defendant's behalf. A Motion to Withdraw on any case set for APT shall be filed prior to the APT or presented at the time of the APT and should comply with RULE FIVE above. For surety bond cases, any Affidavit of Intent to Surrender or Affidavit of Surrender (for incarcerated Defendants) shall also be filed no later than the calling of the APT.

8.3 Reset to Attorney Pre-trial Docket

A case will not be reset to the APT without a written Motion for Continuance being filed and granted. Resets may be granted in the courtroom on oral motions or approvals noted on the docket sheets. Exceptions are cases for which the Defendant's attorney did not receive an offer on the previous setting. All other cases must either be resolved at the APT or set for trial. Other exceptions will be determined by the Judge presiding over the APT docket. No case will be set for a jury or bench trial without an appearance by the attorney and the defendant at the APT, unless a Defendant's appearance is specifically excused by the Judge.

RULE NINE
Trial Settings

9.1 Docket Order

Subject to the discretion of the Judge calling the docket, the order of cases actually proceeding to trial, whether bench trial or jury trial, shall be as follows:

1. Preferential settings
2. Cases set according to age, oldest first
3. Other circumstance as determined by the Court in the interest of justice.

All cases not reached for trial and not otherwise disposed of on a docket, will be noted as a Court's reset unless a reset was requested by a party and granted by the Court.

9.2 Preferential Setting

To receive a preferential setting, subject to the Judge's approval, a party must meet one of the following criteria:

1. Reside more than two hundred (200) miles outside the city limits of Plano.
2. Have a condition, illness or injury that would necessitate an expedited disposition of the case.
3. Have an outside witness who has appeared for at least one prior trial setting without the case having been reached.
4. The case was reset from an earlier trial docket because it was not reached although both parties announced ready for trial.

9.3 Defendant Attendance

Every Defendant shall be present at the call of every trial docket, unless his/her attorney has filed and been granted a Motion for Continuance. Every Pro-se Defendant shall be present at the call of his/her trial docket, unless he/she has filed and been granted a Motion for Continuance. The Judge may issue a Warrant for Failure to Appear for any Defendant who fails to appear at a trial docket without having been granted a continuance.

RULE TEN
Juvenile Proceedings, Minors And Juveniles Under 15 Years of Age

10.1 Juvenile Defined

A juvenile is a Defendant who is at least 10 years of age and is younger than 17 years of age.

10.2 Parent's Presence Required

A parent (including a person standing in parental relation, a guardian, a managing conservator, or a custodian) is required to be present with a juvenile at all court proceedings. If the Court is unable to secure the presence of a parent or other responsible person, the Court may proceed without their presence.

10.3 Notice of Current Address

The parents and the juvenile have a continuing obligation to given written notice of their current address and any change of address.

10.4 Minor in Possession and other Alcoholic Beverage Code Violations

A minor (anyone under the age of 21 years at the time of the alleged violation) may only enter a plea to an Alcohol Beverage Code violation in open court.

10.5 Juveniles Under 15 Years of Age

Offenses alleged against Juveniles under 15 years of age shall be filed with the Municipal Court Prosecutor's office. Those cases shall be handled in accordance with the established procedures in the Code of Criminal Procedure and the Texas Family Code.

RULE ELEVEN
Post-Trial Proceedings

11.1 Admonishments

Pro-se Defendants will be admonished, due to the inherent complexities of appellate law, to seriously consider retaining counsel to represent them on appeal. They also shall be admonished of their right to have the record of the case expunged.

11.2 Inability to Pay Fine

If a Defendant does not appeal the Court's decision, but claims indigence, the Defendant may request an indigence hearing. At that hearing, the Defendant shall be required to show why he/she cannot discharge the fine by making payments or performing community service hours in lieu of payment.

11.3 Indigency Upon Appeal

If a Defendant is indigent and unable to pay either the Appeal Bond or to pay for the transcript, he/she may file an Affidavit of Indigency with the Court and file a Motion to Waive Costs on forms approved by the Court. Such Affidavit of Indigency and/or Motion to Waive Costs must be filed within the ten (10) day statutory period to file a Motion for New Trial, and is in addition to the Motion for New Trial. A hearing on the Motion to Waive Costs shall then be scheduled by the Judge who entered the Order being appealed, unless that Judge is no longer available. In that circumstance, the Chief Municipal Judge shall appoint another Judge to hear the motion.

RULE TWELVE
Court Files and Documents

Defendants and their attorneys shall have access to Court files and documents relating to their cases during the posted regular hours of the Court Clerk. Citizens shall have access to Court files insofar as the requested files do not contain privileged or protected information. The Court Clerk may redact privileged or protected information from documents before releasing the documents to a requesting citizen. All requests for documents must be in writing, specifying which documents are requested, and delivered to the Court Clerk's office. Access to information collected, assembled or maintained by or for the Judiciary is governed by rules adopted by the Supreme Court of Texas and other applicable laws and rules.

RULE THIRTEEN
Severability and Construction

13.1 Severability

If any provision of these Rules or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or application of these Rules, which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of the Rules are severable.

13.2 Inapplicability to Civil Cases

The Rules set forth herein are the Local Rules of Court applicable to criminal proceedings, and are not applicable to the civil cases and administrative hearings heard in Plano Municipal Court with the exception of RULE TWO, Courtroom Decorum.

13.3 Construction

These Rules shall not be construed so as to enlarge, diminish, modify or alter the jurisdiction, power or authority of the Municipal Court of the City of Plano.