STANDING JUDICIAL ORDER REGARDING THE GRANTING OF DEFERRED DISPOSITION

Granting DD

IT IS ORDERED that any defendant who is eligible for Deferred Disposition based on the current policy of the City of Plano Municipal Prosecutor's Office and this Court shall be granted Deferred Disposition at the Court Clerk's window.

The Municipal Court Clerk shall complete the Deferred Disposition block on the front of the court jacket with the defendant's plea, the term of the deferred disposition (number of days), the day it starts, the total amount of costs and special expense fee, the due date to return the form, and the placing of the stamp "Per Judge's Order" where it states "Judge".

It will not be necessary to send the court jackets to the Judge's Office for review or approval as long as the Court Clerk verifies the defendant's eligibility for deferred disposition.

This order is effective on the 5th day of May, 1997

Signed the 1st day of May, 1997.

Donald J. Stevenson, Chief Municipal Judge
City of Plano, Collin County, Texas

James M. McCarthy, Associate Judge
City of Plano, Collin County, Texas

CORPORATION COURT IN PLANO TEXAS

Cathy Haden, Associate Judge
City of Plano, Collin County, Texas

A: deforder

STANDING JUDICIAL ORDER REGARDING
DEFERRED DISPOSITION

~~ON this the _____ day of _____, 1996, came on to be heard the State's Standing Offer of Deferred Disposition~~ JNB 12/17/96

IT IS THEREFORE ORDERED that in accordance with the the State's Standing Offer of Deferred Disposition dated September 15, 1996, a copy of which is attached hereto, that all defendants who meet said guidelines be granted deferred disposition under this order at the Court window. Only the defendants who meet all of the said guidelines shall be granted deferred disposition under this Order.

This order is effective from and after September 15, 1996.

Verbally ordered ~~to~~ begin on September 3, 1996. This order officially signed this the 17th of December, 1996. Toni L. Baggett

Toni L. Baggett
Judge, Municipal Court
City of Plano, Collin County, Texas

lrf
m:\ddoffer.doc(09/15/96)

RECEIVED
SEP 16 1996
IN JUDGES OFFICE

FILED
Municipal Court
City of Plano, Texas
SEP 16 1996
Clerk of the Court
By:

IN THE MUNICIPAL COURT

CITY OF PLANO

COLLIN COUNTY, TEXAS

STATE'S STANDING OFFER OF DEFERRED DISPOSITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES The State of Texas by and through its attorney of record, LINDA R. FRANK, prosecutor for the Municipal Court of Plano, Collin County, Texas, and hereby files this Standing Offer of Deferred Disposition ("Deferred") for certain violations involving the operation of a motor vehicle and punishable by fine only, said violations being specifically moving traffic, driver's license, insurance, registration, and inspection violations.

The State offers Deferred in each and every appropriate cause where the Defendant presents to the Court an Application for Deferred Disposition (Probation)(eff. 09/03/96), a copy of which is attached hereto and incorporated herein, when said Application is completed by Defendant, or by an attorney on behalf of Defendant, is appropriately signed and dated, a plea of "no contest" or guilty" is entered, and the numbered questions are answered as follows:

1. Yes (Defendant has a valid driver's license.)
2. No (There was no accident involved.)
3. No (Defendant is not on Deferred here as of the date the application is signed.)
4. No (Defendant has not used Deferred here for a citation received within a year before the date of this citation.)

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Municipal Court
City of Plano, Texas
SEP 16 1996
Clerk of the Court
By:

Further, pursuant to Section 45.54 of the Code of Criminal Procedure, the State requests that the court require a Defendant seeking Deferred for an alleged moving traffic violation, to successfully complete a Central Education Agency-approved driving safety course ("DSC"), if the Defendant has taken DSC pursuant to the Transportation Code, Section 543.101 et.seq, to have a citation dismissed thereunder. Therefore, DSC is required, or not, according to the following explanation of answers:

5. Yes DSC required.
5. No DSC not required.

This Standing Offer of Deferred Disposition is extended to such Defendant under the terms and conditions of the "Court's Order Granting Deferred Disposition", a copy of which is attached hereto and incorporated herein. The Defendant must agree to pay the amount of the state costs on the date the Deferred is granted; the balance, to total the amount of the window fine, is due to the Court on the same date or during the time period at the end of the Deferred term as shown in the Order. The Deferred term under this Standing Offer is for a period of one hundred and twenty (120) days.

Further, before the Deferred is granted, the State requires that Defendant provide proof to the Court of valid and current registration for the vehicle being driven on the date the citation was issued, if the violation for which Deferred is requested is a registration violation. Similarly, before the Deferred is granted, the State requires that Defendant provide proof to the Court of valid and current inspection, if the violation for which Deferred is requested is an inspection violation.

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SEP 16 1996
IN JUDGES OFFICE

FILED
Municipal Court
City of Plano, Texas
SEP 16 1996
Clerk of the Court
By:

WHEREFORE, the State of Texas on behalf of the City of Plano, prays that this Standing Offer of Deferred Disposition be granted and that the Clerk of the Municipal Court be authorized to act pursuant to Standing Judicial Order Regarding Deferred Disposition based hereon, said Order to be effective from and after September 15, 1996.

Respectfully submitted,

LINDA R. FRANK
Municipal Court Prosecutor
City of Plano, Texas
900 E. 15th Street
Plano, TX. 75074
(972) 516-2056
(972) 516-2059 FAX
State Bar No. 07370700

RECEIVED
SEP 16 1996
IN JUDGES OFFICE

FILED
Municipal Court
City of Plano, Texas
SEP 16 1996
Clerk of the Court
By:

EXHIBIT "A"

APPLICATION FOR DEFERRED DISPOSITION (PROBATION)
EFF. 09/03/96

NAME: _____

MAILING ADDRESS: _____

CITY _____ STATE _____ ZIP _____

PHONE NUMBER: (HOME) _____ (WORK) _____

CITATION NUMBER: _____

CHARGE: _____

Type of Violation (Check One): ( ) Moving Traffic ( ) Driver's License ( ) Insurance ( ) Registration ( ) Inspection

PLEASE ANSWER YES OR NO:

YES	NO		
[ ]	[ ]	1.	Do you have a valid driver's license?
[ ]	[ ]	2.	Was there an accident involved at the time you received this citation?
[ ]	[ ]	3.	Are you now on Deferred Disposition (Probation) in Plano for a citation of the type checked above?
[ ]	[ ]	4.	Have you received a citation for the type checked above within the twelve (12) months preceding the date of this citation for which you used deferred disposition in Plano?
[ ]	[ ]	5.	Have you completed an approved Driving Safety Course (Defensive Driving Class) within the twelve (12) months preceding the date of this citation to have a citation dismissed?

SECTION 2.

I hereby plead **[ ]NO CONTEST / [ ]GUILTY (check one)** and request that the Court grant Deferred Disposition (Probation) to me for the referenced citation.

_____
DEFENDANT'S SIGNATURE DATE

_____
MUNICIPAL COURT CLERK'S SIGNATURE DATE

FILED
Municipal Court
City of Plano, Texas
SEP 16 1996
Clerk of the Court
By: _____

RECEIVED
SEP 16 1996
IN JUDGES OFFICE

EXHIBIT "B"

CITY OF PIANO MUNICIPAL COURT
PO BOX 860358, PLANO TX 75086-0358
ORDER OF DEFERRED DISPOSITION

NAME: _____ **CAUSE NUMBER**_____

The defendant herein requested the court to grant Deferred Disposition in this case. The defendant entered a plea of:

GUILTY **NOLO CONTENDERE**

Defendant has agreed to pay $_____(State Costs) on today's date by close of business and the Court will defer further proceedings without entering an adjudication of guilt and place said defendant on probation for a period of 120 days.

COURT'S ORDER GRANTING DEFERRED DISPOSITION

Further, the Court orders successful completion of the following marked terms and conditions by defendant:

X Have no _____ convictions anywhere for 90 days from today's date.

___ COMPLETE A CENTRAL EDUCATION AGENCY-APPROVED DRIVING SAFETY COURSE WITHIN NINETY (90) DAYS FROM TODAY'S DATE. The certificate of completion must be submitted when this form is returned.

___ Obtain Motor Vehicle Liability Insurance which meets the minimum amounts of liability insurance required under Texas State Law within ten (10) days of the below date, maintain the required Motor Liability Insurance during the next 90 days and submit proof of the required insurance when this form is returned (proof MUST include insurance agent's name and telephone number in order to be accepted.)

X Pay Special Expense of $_____. This fee is due when the Notarized Statement required below is returned.

X Return this form to the Municipal Court Clerk's Office after swearing to the statement below in front of a notary public. This form must be NOTARIZED and RETURNED between the dates of:

_____and _____.

BY ORDER OF THE
MUNICIPAL COURT JUDGE _____ Clerk's Initials _____ Date SEAL

****

NOTARIZED STATEMENT OF SUCCESSFUL COMPLETION

BEFORE ME, the undersigned authority on this day personally appeared _____, who after being duly sworn stated: "I am the defendant in this case. I have read and understand all of the conditions stated above. I have successfully complied with each and every condition as of today's date. Also I understand that if it is found that I have made a misrepresentation of this notarized statement, a warrant will be issued for my arrest."

_____
Signature of the Defendant

Subscribed and sworn to before me on this _____day of _____, 19_____.

_____ My Commission expires: _____
NOTARY PUBLIC, STATE OF TEXAS

****

PLEASE NOTE: THERE WILL BE NO NOTARY AVAILABLE AT THE POLICE OR COURTS BUILDING TO ADMINISTER ABOVE OATH

This form must be returned to the Municipal Court Clerk's Office notarized between the above-stated dates. If the defendant fails to comply with ANY one of the above conditions then a final judgment of GUILTY will be entered and the maximum fine under Texas will be imposed. If the defendant complies with all of the above-marked conditions, this case will be dismissed.

FILED
Municipal Court
City of Plano, Texas
SEP 16 1996
Clerk of the Court
By: BW

RECEIVED
SEP 16 1996
IN JUDGES OFFICE

STANDING ORDER

ON this the 8th day of July, 1996, came on to be heard the State's Standing Motion to Proceed with an Adjudication of Guilt and application of the State for setting and notice in each and every cause when the Defendant, who was granted Deferred Disposition in said cause, fails to comply with the terms and conditions of the Order of Deferred Disposition, and it appearing that the State is entitled to the relief sought;

IT IS THEREFORE ORDERED that the Clerk of this Court issue notice to each and every such Defendant commanding Defendant to appear in this Court to show cause why this Court should not proceed with an Adjudication of Guilt and Imposition of Sentence.

Judge, Municipal Court
City of Plano, Collin County, Texas

Chief Municipal Judge
Plano, Collin County, Texas

CORPORATION COURT IN PLANO TEXAS

lrf
m:motion1.doc (7/7/96)

FILED
Municipal Court
City of Plano, Texas
JUL 08 1996
Clerk of the Court
By:

MEMORANDUM TO: Vicki Smith
Court Administrator

FROM: Edie Zygan
Legal Assistant/Prosecution

DATE: July 8, 1996

RE: STATE'S STANDING MOTION TO PROCEED WITH AN ADJUDICATION OF GUILT AND THE STANDING ORDER

Enclosed please find the original of the above-referenced motion and order. After filing of the same, please forward the motion and order to the judge's office and return a file-stamped copy of the same to my attention. As per Linda Frank's e-mail of yesterday, this motion should be effective immediately and should cover all cases, even those currently on deferred.

Should you have any questions or comments, please contact this office for clarification.

/ez
xc: Prosecution Office

FILED
Municipal Court
City of Plano, Texas
JUL 08 1996
Clerk of the Court
By:

IN THE MUNICIPAL COURT

CITY OF PLANO

COLLIN COUNTY, TEXAS

STATE'S STANDING MOTION TO PROCEED WITH AN ADJUDICATION OF GUILT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES The State of Texas by and through its attorney of record, LINDA R. FRANK, prosecutor for the Municipal Court of Plano, Collin County, Texas, and hereby files this Standing Motion to Proceed with an Adjudication of Guilt against the Defendant in each and every cause when the Defendant, who was granted Deferred Disposition in said cause, fails to comply with the terms and conditions of the Order of Deferred Disposition, and would show the Court the following:

That the Court ordered Deferred Disposition in said Cause and that the Court ordered the successful completion by Defendant of certain terms and conditions, said order being presented to Defendant in writing on a form entitled "Order of Deferred Disposition", a copy of which was given to Defendant on the date the Deferred Disposition was granted.

That subsequent to the Defendant being placed on Deferred Disposition, the Defendant violated the terms and conditions of Deferred Disposition by knowingly failing to comply with the terms and conditions marked thereon.

WHEREFORE, the State of Texas on behalf of the City of Plano, prays that said Standing Motion to Proceed with an Adjudication of Guilt be set at a time and place specified by this Court and the Defendant be cited to appear at such time to show cause, if any Defendant may have, why the Court should not proceed with the Adjudication of the Defendant's guilt, and sentence be imposed; and the State further prays that a warrant shall issue for the arrest of the Defendant herein shall Defendant fail to appear as cited.

Respectfully submitted,

LINDA R. FRANK
Municipal Court Prosecutor
City of Plano, Texas
900 E. 15th Street
Plano, TX. 75074
(214) 516-2056
(214) 516-2059 FAX
State Bar No. 07370700

FILED
Municipal Court
City of Plano, Texas
JUL 08 1996
Clerk of the Court
By: