

Judicial Standing Order No. 4
Deferred Disposition

IT IS ORDERED that a court clerk may process requests for Deferred Disposition (“Deferred”) from a defendant, or his attorney, at the Court Clerk’s Window and may complete the paperwork for the Court’s signature if the defendant meets the eligibility requirements set forth below. Defendants not meeting the following requirements may present their request for Deferred to the Court by setting the case on the Court’s “No Contest” or “Attorney Plea” docket.

A court clerk may process a request for Deferred at the Clerk’s Window if the defendant meets the following “Standard Conditions”:

- 1) the defendant pays in full at the time of the request all court costs and the special expense fee (which is equal to the window fine, and penalty fine, if applicable);
- 2) the defendant has not had a case dismissed in Lewisville within twelve (12) months of the date of the request pursuant to Deferred; and
- 3) the defendant is not currently on probation in any other jurisdiction.

FOR MOVING VIOLATIONS

A clerk may process a request for Deferred Disposition at the Court Clerk’s Window for moving violations if, in addition to the “Standard Conditions”:

- 1) the defendant presents proof of valid Driver’s License;
- 2) the defendant is at least 25 years of age, or if less than 25 years of age agrees to complete a driving safety course or motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code.

A clerk may not process a request for Deferred at the Clerk’s Window for a moving violation if:

- 1) the driver holds, or held, at the time of the offense, a Commercial Driver’s License;
- 2) the offense occurred in a construction or maintenance work zone when workers were present;
- 3) the Defendant was involved in an accident resulting in property damage or personal injury;
- 4) the offense involves passing a school bus;
- 5) the offense involves failing to obey school crossing guard;
- 6) the offense involves speeding in excess of 25 mph of the posted speed limit or in excess of 80 mph;

- 7) an unresolved warrant remains outstanding for the defendant's arrest.

FOR NON-MOVING VIOLATIONS

A clerk may not process a request for Deferred Disposition at the Court Clerk's Window for non-moving violations if, in addition to the "Standard Conditions":

- 1) the offense involves a violation of Chapter 106 of the Alcohol Beverage Code;
- 2) the offense involves a violation of Chapter 161 of the Texas Health and Safety Code (Tobacco violations); or
- 3) the offense involves a complaint filed under Texas Penal Code Chapters 22 (Assaultive offenses) or 31 (Theft);

IT IS ORDERED that the deferral period shall be 90 days, unless otherwise indicated by these orders.

FAIL TO PROVIDE PROOF OF FINANCIAL RESPONSIBILITY

A clerk may process a request for Deferred Disposition at the Court Clerk's Window for the offense of Failing to Provide Proof of Financial Responsibility if, in addition to the "Standard Conditions" mentioned above, the defendant:

- 1) presents proof of Financial Responsibility, pursuant to 601, T.C., that is valid on the day of the request;
- 2) agrees to maintain, without lapse or interruption, financial responsibility for the entire deferral period;
- 3) presents proof of financial responsibility to the Court at the end of the period.

IT IS ORDERED that the deferral period shall be 180 days.

DRIVING WHILE LICENSE INVALID

A clerk may process a request for Deferred Disposition at the Court Clerk's Window for the offense of Driving While License Invalid if, in addition to the "Standard Conditions" mentioned above, the defendant:

- 1) presents a valid driver license, including a valid occupational driver license or current order, or a driver license eligibility statement, dated within 7 days of the date of request, indicating the Defendant's license is "Eligible".

IT IS ORDERED that the deferral period shall be 90 days, unless otherwise indicated by these orders.

IT IS FURTHER ORDERED if a defendant requests the Court to grant Deferred Disposition but fails to appear before the appearance date on the citation, the clerk shall add an additional Seventy-Five (\$75.00) dollars, or up to the maximum amount of the fine, whichever is less, to the Special Expense Fee and process the request.

IT IS SO ORDERED on this 5th day of January, 2023.

Diane Dupnik
Justice of the Peace, Pct 1,
Aransas County, TX.