

RULES OF THE MUNICIPAL COURT OF THE CITY OF JERSEY VILLAGE, TEXAS

Pursuant to the authority of Art. 45.203(b) of the Texas Code of Criminal Procedure the following Rules of the Municipal Courts of the City of Jersey Village, Texas are hereby adopted, effective 1st day of January 2012.

DEFINITIONS

Court where capitalized, shall mean the trial judge handling the matter; otherwise, it shall mean the particular court to which a matter has been assigned.

- RULE 1. ARRAIGNMENT
- RULE 2. COURTROOM DECORUM
- RULE 3. CONTINUANCES
- RULE 4. TRIAL SETTINGS
- RULE 5. TRIAL DOCKET
- RULE 6. JUVENILES
- RULE 7. MOTION FOR NEWTRIAL
- RULE 8. APPEAL BOND
- RULE 9. BAIL BONDS
- RULE 10. AMOUNT OF BOND
- RULE 11. FORFEITURE OF BAIL BOND
- RULE 12. REVIEW OF COURT DOCUMENTS
- RULE 13. CERTIFIED COPIES
- RULE 14. ATTORNEY VACATIONS
- RULE 15. ASSOCIATE JUDGES

RULE 1 – ARRAIGNMENT/APPEARANCE

- 1.1 The date that appears on a citation is your initial appearance date to **appear on or before** at the Clerk of the Municipal Court Administration Office during normal business hours.
- 1.2 An arraignment takes place for the purpose of fixing a defendant's identity and hearing his plea. Code of Criminal Procedure Art. 26.02.
- 1.3 At the arraignment, the defendant may enter a plea of ***not guilty, guilty*** or ***nolo contendere (no contest)***.

- 1.4 If the plea is **guilty** or **nolo contendere**, the defendant may offer proof as to the offense, and the punishment shall be assessed by the court. Code of Criminal Procedure Art. 45.022.
- 1.5 If the plea is **not guilty**, the case shall be set for trial by the court (upon written waiver) or trial by jury.
- 1.6 A plea of **not guilty** shall be entered by the court if the defendant refuses to plead. Code of Criminal Procedure Art. 45.024.
- 1.7 Arraignment for those persons detained in the City jail for criminal offenses within the jurisdiction of the City of Jersey Village Municipal Courts shall be held at times prescribed by the Presiding Judge.

RULE 2 – COURTROOM DECORUM

- 2.1 The Court shall maintain proper order and decorum and require all litigants, jurors, witnesses, lawyers, and others appearing before the court to conduct themselves in a manner respectful of the Court's authority and function.
- 2.2 All persons present in the Court shall be dressed in a manner that shows dignity and respect for the Court.
 - 2.2.1 Unacceptable attire includes, but is not limited to:
 - 2.2.1.1 Shorts, cut-offs, baggy pants, flip-flops, hats, muscle shirts, t-shirts, clothing indicating gang affiliation, clothing with offensive, vulgar, racist, sexist, obscene, suggestive words, slogans, depictions, or pictures, including grotesque creatures.
 - 2.2.1.2 Facial or body piercings which are visible and worn to provoke emotion, disruption or distract from the Court.
- 2.3 All electronic devices entering the Court shall be placed on silent or vibrate so as not to generate an audible tone. If such electronic device generates an audible tone while Court is in session, the possessor of such electronic device will immediately forfeit the electronic device to the Bailiff.
- 2.4 All persons should be prepared to present their cases in proper manner. It is **NOT THE COURT'S DUTY** to represent you, instruct you on evidence,

rules, or how to present and prove your case. If you are unprepared, unaware and not knowledgeable as to presenting your case, you may lose your case.

2.5 All persons entering or present in the Court shall be subject to the following:

2.5.1 ***YOU ARE SUBJECT TO SEARCH.*** Weapons of any kind are prohibited in the courtroom or the court building except for law enforcement personnel.

2.5.1.1 Persons who have Concealed Handgun Licenses may NOT enter the courtroom or the court building with a concealed firearm.

2.5.2 ***Be on time,*** unless you have contacted the court prior to your scheduled time and spoken with a clerk to inform them of your tardiness.

2.5.3 Rise when the Judge enters and remain standing until the Judge or Bailiff announces "Be Seated", or until the Judge is seated. Rise when the Judge exits the courtroom.

2.5.4 Do not argue with the Court.

2.5.5 ***DO NOT APPROACH THE JUDGE'S BENCH WITHOUT PERMISSION.*** Do not rest arms on the bench.

2.5.6 Do not bring drink or food items into the Courtroom.

2.5.7 Do not talk at the same time as the Court, opposing counsel, or witnesses. Courtroom visitors should not engage in excessive, loud talk or conversation.

2.5.8 Racist, sexist, obscene, or profane language is prohibited unless it is pertinent to a case, and is elicited and quoting from facts in the case.

2.5.9 Do not enter or depart the courtroom excessively and do not slam the doors.

2.5.10 Do nothing to disturb or distract the Court, counsels, witnesses, or other Court personnel.

2.5.11 Do not bring small infants or young children into a Court

proceeding unless the presence of the child is necessary for the proceeding.

- 2.5.12 All property in the Courtroom and Court building must be treated with respect. No writing on any papers posted nor on any furniture is allowed.
- 2.5.13 No recording devices are allowed without judicial approval.
- 2.5.14 No reading of newspapers, magazines, books, etc. in the Courtroom during proceedings.
- 2.5.15 All shirts **MUST** be tucked inside pants.
- 2.5.14 All pants or trousers **SHALL** be pulled up around the person's waist. No underclothing or undergarments **SHALL** be visible at anytime.

RULE 3 – CONTINUANCES

- 3.1 A written continuance may be requested by mail or facsimile.
 - 3.1.1 No continuances shall be granted over the phone or by electronic mail.
- 3.2 A case may be continued on the written motion of the State or of the Defendant or his attorney. A case may be reset at the discretion of the Court upon sufficient cause shown. Code of Criminal Procedure Art. 29.03.
- 3.3 In the event the Defendant is unavailable to file his motion for continuance, a representative of the Defendant may file a written motion signed and sworn to by the Defendant, setting forth the reason for the continuance. Code of Criminal Procedure Art. 29.08.
- 3.4 A request for continuance of a trial setting may be granted by the Court only upon written motion made at least five (5) days prior to the trial date.
- 3.5 All motions for continuance based upon grounds arising for the first time within the five (5) day period prior to trial date shall be heard at such time as the Court may specify.
- 3.6 Non Issue continuances may be granted to allow later presentation of documentation that the Defendant met the requirements for an absolute

defense or a mandatory dismissal. Non Issue continuances may also be granted to allow a Defendant an opportunity to pay court costs for mandatory and discretionary driver safety course or to post a bond for a deferred disposition (probation).

- 3.7 Non Issue continuances may include a plea of nolo contendere or guilty. In the event the Defendant fails to return on or before the scheduled continuance date or fails to return with the required documentation, a judgment in the amount of the window fine will be entered against the defendant.

RULE 4 – TRIAL SETTINGS

- 4.1 A plea of not guilty may be made at the initial appearance, arraignment or by written request at a time prior to the arraignment.
- 4.2 If the Defendant waives a trial by jury, the Court shall hear and determine the cause without a jury. Code of Criminal Procedure 45.025.
- 4.3 If the Defendant wishes to have a trial by jury, such request may be made at arraignment or initial appearance.
- 4.4 A hearing on a pre-trial motion may be continued upon written request of either party.
- 4.5 Notice of the Complaint is deemed waived upon the entry of a plea of guilty or nolo contendere by the Defendant. Code of Criminal Procedure Art. 45.018.

RULE 5 – TRIAL DOCKET

- 5.1 The State and the Defendant shall announce "ready" or "not ready," and the Court shall then consider any properly filed pre-trial motions.
- 5.2 If the Defendant, without good cause shown, fails to announce ready for trial at the time the case is called for trial, the Court will enter a plea of "not guilty" on the Defendant's behalf and proceed with the trial.
- 5.3 If the State, without good cause shown, fails to announce ready for trial at the time a case is called for trial, the Court will dismiss the case.

- 5.4 If the Defendant fails to appear in person at the time the case is called for trial a warrant may be issued for his arrest.

RULE 6 – JUVENILES

- 6.1 A Defendant who is younger than 17 years of age and is charged with an offense within the jurisdiction of the Municipal Court, must be accompanied by a parent or legal guardian at all appearances. No action will be taken unless the Defendant is accompanied by such parent or legal guardian, provided, however, the Court may hear the case upon finding that due diligence has been used to obtain the presence of the parent or legal guardian. Code of Criminal Procedure Art. 45.0215.

RULE 7 – MOTION FOR NEWTRIAL

- 7.1 A motion for new trial must be made not later than the tenth (10th) day after the date on which judgment is rendered. Government Code Sec. 30.00014.

RULE 8 – APPEAL BOND

- 8.1 An appeal bond is required to perfect an appeal in the Municipal Courts. Appeal bonds, other than cash appeal bonds, require approval from the Clerk of the Municipal Courts before they are presented to the Court for approval. All appeal bonds require the signature and address of the defendant. An appeal bond must be approved by the Court and must be filed not later than the 10th day after the date the judgment was entered. Code of Criminal Procedure Art. 45.042, 45.0425.

RULE 9 – BAIL BONDS

- 9.1 A bail bond for a Defendant, whether or not in the custody of the Jersey Village Police Department, will be made in the Clerk of the Municipal Courts Administration Office or Police Department Dispatch depending on the time of day.
- 9.2 In all cases where the Defendant is in the custody of any other law enforcement agency and there is a "hold order" placed upon said defendant by the City for delinquent charges, the Defendant may secure his release by:
- 9.2.1 Posting a cash bond in the Clerk of the Municipal Courts

- Administration Office or Police Department Dispatch after the defendant is transferred to the City of Jersey Village jail; or
- 9.2.2 Posting a surety bond by having the Defendant sign a properly executed surety bond and returning it to the Clerk of the Municipal Courts Administration Office or public services counters; or
- 9.2.3 Posting a recognizance bond, which will be granted only by a magistrate assigned to hear the jail arraignment docket.
- 9.3 All bonds must be signed by the defendant, and completed otherwise the court will not accept/process the bonds.

RULE 10 – AMOUNT OF BOND

- 10.1 The Presiding Judge shall provide a bond schedule that shall be followed in all courts, unless or until modified by the Presiding Judge.

RULE 11 – FORFEITURE OF BAIL BOND

- 11.1 If a Defendant is bound by bail and fails to appear in person in court as scheduled, the Court will (1) issue a bond forfeiture order, (2) enter a judgment nisi and (3) issue a warrant for the Defendant's arrest and may order an increase of future bail in the case.
- 11.2. If the Defendant fails to appear in court as scheduled and has posted a cash bond, entered a written and signed plea of nolo contendere and waiver of jury trial, the Court will enter a judgment. Code of Criminal Procedure Art. 45. 044(a).

RULE 12 – REVIEW OF COURT DOCUMENTS

- 12.1 Court documents shall be made available for review by the Clerk of the Municipal Courts under reasonable conditions and safeguards, and as required by law.

RULE 13 – CERTIFIED COPIES

- 13.1 Certified copies of court documents may be obtained from the Clerk of the Municipal Courts Administration Office at the fees set forth in the City Code of ordinances. A Defendant is entitled to only one (1) free uncertified copy of the complaint of a pending case

RULE 14 – ATTORNEY VACATIONS

- 14.1 Attorney vacation requests shall be governed by the procedures set forth in Rule 3.

RULE 15 – ASSOCIATE JUDGES

- 15.1 Associate Judges shall have the same powers as other municipal court judges, including the duties of magistrate and shall serve in such courts and at such times as prescribed by the Presiding Judge.