

JUDGES'S STANDING ORDER NO. 1 – FINES

IT IS ORDERED that all fines shall be set by the Presiding Judge. The fines will be recorded in the Incode Court Software system and the fines recorded in the system shall be assessed upon a plea of GUILTY or NO CONTEST at the Clerk's window or by mail, fax, or email, unless individually altered by the Judge.

NON-APPEARANCE OR FAILURE TO ENTER A PLEA

IT IS FURTHER ORDERED that the window fine will remain in effect until the second appearance date is missed. At that time, an arrest warrant may be issued by the court, the window fine will increase, and the case(s) will be sent to OMNIBase, NetPlea, or NRVC.

JUDGES'S STANDING ORDER NO. 2 - CONTINUANCES and PRETRIALS

IT IS ORDERED that a motion for continuance must be in writing and filed with the Court three (3) days prior to the court setting in order to continue a case on the court's docket. Any deviation from this procedure must be approved by the Judge.

Any party may obtain one (1) continuance without agreement of the opposing party and without the requirement of posting a bond. Any Motion for Continuance requested at the Court Clerk's window, or by mail, fax, or email, must be made within the required time period. Any additional resets must be approved by the Judge.

It is ORDERED that the Defendant, the Defendant's Attorney, or the city's Attorney may request that a pretrial hearing be placed on the docket of the court at the Clerk's window or by mail, fax, or email. The pretrial must be placed on the docket of the court no later than the 10th business day before the scheduled trial. All Pro Se defendants who have requested a jury trial will be required to attend a pretrial conference to discuss courtroom and trial procedures. The clerk will notify all parties of pretrial dates and times.

IT IS FURTHER ORDERED that any pretrial motion(s) must be submitted in writing to the Court no later than the 10th business day before the scheduled trial. Pretrial motions may be submitted at the Clerk's window or by mail, fax, or email and copies of the motions must be provided to the other party. If a pretrial motion has not been ruled upon before the trial date, such motion shall be heard on the date of the trial.

Failure to file pretrial motions as indicated herein shall constitute a waiver of having those issues heard before trial.

JUDGE's STANDING ORDER NO. 3 - EXTENSIONS

It is ORDERED that a Defendant who appears at the court clerk's window or by mail, fax, or email to plead GUILTY or NO CONTEST, may receive an extension to pay the fine and court costs of up to 30 days from the date of the judgment. The Defendant shall complete and sign the appropriate plea form and any other documents that the court may require. A one time, \$15.00 / \$25.00 time payment fee (determined by the date of offense) will be added for all defendants who require more than 30 days to complete payment of a fine and court costs as required by the state. (PICTURE 1-2-3)

The court clerk may use the Judge's stamp on the extension letter to be mail, faxed, emailed, or handed to the defendant at the window.

JUDGE'S STANDING ORDER NO.4 - INDIGENCE HEARING

It is ORDERED that all persons who allege an inability to pay a fine and court costs within sixty (60) days of entering a plea shall be ordered to appear before the court to determine if the defendant is indigent. The Clerk shall provide the defendant with a "Financial information Affidavit" and advise the defendant to bring to the court sufficient documentation to establish that the defendant is indigent and unable to discharge the fine and court costs.

The defendant will need to bring documentation showing that he/she is receiving assistance through any of the following government programs:

- a) Supplemental Security Income (SSI)
- b) Medicaid
- c) Food Stamps
- d) Temporary Assistance for Needy Families (TANF)
- e) Public Housing Assistance
- f) Women, Infants, Children Food and Nutrition Services (WIC)
- g) Workers Compensation Benefits
- h) Unemployment Benefits
- i) Documentation of receipt of any other government assistance programs being received by the defendant for low income individuals.

If the defendant is not receiving any type of government assistance for low income individuals, then the defendant must provide the following at the hearing:

- a) Past 2 years Federal Income Tax returns;
- b) Past 3 bank(s) statements (3 most recent months);
- c) Past 3 pay stubs;
- d) Address and telephone number of references who can verify financial information.

(PICTURE 4)

JUDGE'S STANDING ORDER NO.5 - COMPLIANCE DISMISSALS

It is ORDERED that the clerk may accept for processing and dismissal, after proof of compliance, the following cases:

1. Display Expired License plates (registration) (T.C. 502.407(b))
2. Expired Texas Driver's License (T.C.521.026)
3. Fail to Display Driver's License (T.C. 521.025)
4. Fail to Change Address/Name on Driver's License (T.C. 521.054)
5. Violation of Driver's License Restriction (T.C. 521.221)
6. Financial Responsibility Violation

The clerk shall make a copy for the file of the document(s) establishing proof of compliance and present the file to the Judge for dismissal of the citation.

ACCEPTABLE PROOF OF COMPLIANCE

EXPIRED LICENSE PLATE (Registration)

1. The form generated by the County Tax Assessors office stamped by the County Tax Assessors office with the amount paid and date paid, showing LATE PENALTY payment; or
2. The new registration receipt form generated by the County Tax Assessor's office stamped by the County Tax Assessor with the amount paid and date paid; and
3. The date of compliance is not more than twenty (20) working days after the date of the offense.

4. Out of State vehicles will show form generated by appropriate State office
4. The Clerk shall collect a fee of \$20.00 if the renewal is more than six months after expiration date, before the case may be processed for dismissal.

EXPIRED DRIVER'S LICENSE

1. The temporary license issued by the Department of Public Safety indicating renewal of the license and the date renewed;
2. The date of compliance is not more than 20 working days after the date of the offense;
3. The Clerk shall collect a fee of \$20.00 if renewed more than 21 days after expiration, before the case may be processed for dismissal.

FAIL TO DISPLAY DRIVER'S LICENSE

1. A valid Driver's License;
2. Issued to the Defendant before the time and date of the offense; and
3. Appropriate for the type of vehicle being operated.
4. No fee shall be collected for the dismissal of this charge, unless dismissal request is more than 180 days after date of offense. Then a \$10.00 dismissal fee will be collected.

FAIL TO CHANGE ADDRESS/NAME ON DRIVER'S LICENSE

1. A valid Texas driver's license that indicates the name and address of the Defendant has been corrected;
2. A receipt issued by the Department of Public Safety indicating that the change was made within 20 working days after the date of the offense;
3. The clerk shall collect a fee of \$20 before the case may be processed for dismissal.

VIOLATION OF DRIVER LICENSE RESTRICTION

1. A valid Texas driver's license without the restriction or endorsement;
2. A receipt issued by the DPS dated on or before the defendant's first court appearance;
3. The clerk shall collect a fee of \$10 before the case may be processed for dismissal.

In the event the proof does not comply with the above requirements, at the request of the Defendant, the Clerk may set the case on the "Not Guilty" docket for hearing before the Court.

FINANCIAL RESPONSIBILITY VIOLATIONS

It is ORDERED that at any time for a citation of "Fail to Maintain Financial Responsibility", the Clerk may accept proof of financial responsibility for dismissal if it complies with the following requirements for acceptable proof.

ACCEPTABLE PROOF

Any typewritten, company generated "Owners Policy" of insurance coverage covering the day the citation was issued, as long as the proof contains the name of the defendant or the make and model of the vehicle the defendant was driving, the state required minimum coverage was in effect, and phone number for the insurance company.

Premium notices, payment receipts and/or handwritten documents are not "acceptable proof" of financial responsibility.

The Clerk will verify with the Insurance Agent, that the policy was in effect the day of the offense.

IT IS FURTHER ORDERED that the Clerk shall set any cases regarding the sufficiency or validity of proof of financial responsibility for hearing before the Court.

No fee shall be collected if the Defendant provides acceptable proof of Financial Responsibility on the date the citation was issued, except when driver license has been flagged, for offenses committed on or after 1 September 2017. Then Court Clerk shall collect \$30.00 / \$10.00 (determined by the date of offense) Fail to Appear Fee.

The COURT CLERK is authorized to process any other compliance dismissal not specifically mentioned in this order at the window, or by mail, fax, or email, if it is authorized by statute and any supporting documentation required by the statute is provided. Any compliance dismissal fee will be collected as authorized by statute.

It is ORDERED that the status of the violators driver's license or right to obtain a driver's license shall not be considered when determining eligibility for dismissal.

JUDGE'S STANDING ORDER NO. 6 - DEFERRED DISPOSITION

It is ORDERED that the clerk may process requests for Deferred Disposition from a defendant, or his/her attorney, at the clerk's window, mail, fax, or email, and may complete the paperwork 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 the Court's docket for a hearing.

MOVING VIOLATIONS

A defendant is eligible for Deferred Disposition at the clerk's window for a moving violation if:

(a) If the Defendant is age 25 or over, and accused of speeding 24 mph above the posted limit or less:

1. The Defendant agrees to pay all court costs and/or fees within 10 working days; and the special expense fee (which is equal to the window fine plus an additional \$50.10 / \$50.00 determined by the date of offense), within 60 days of signing motion.
2. It is ORDERED that final disposition shall be deferred for 90 days, unless otherwise indicated by these orders.

(b) If the Defendant is age 25 or over, and accused of speeding 25 mph above the posted limit or more, but less than 100 mph:

1. The Defendant agrees to pay all court costs and/or fees within 10 workings; and the special expense fee of \$200.00 within 60 days of signing motion
2. The Defendant must complete a Texas Driving Safety Course

It is ORDERED that final disposition shall be deferred for 90 days, unless otherwise indicated by these orders.

(c) If the Defendant is age 24 or under, and accused of speeding 24 mph above the posted limit or less

1. The Defendant agrees to pay all court costs and/or fees within 10 working days; and the special expense fee (which is equal to the window fine), within 60 days of signing motion.
2. The Defendant must complete a Texas Driving Safety Course, and must provide completion certificate within 60 days of signing motion
3. It is ORDERED that final disposition shall be deferred for 90 days, unless otherwise indicated by these orders.

(d) If the Defendant is age 24 or under, and accused of speeding 25 mph above the posted limit or more, but less than 100 mph,

1. The Defendant agrees to pay all court costs and/or fees within 10 workings; and the special expense fee of \$200.00 within 60 days of signing motion
2. The Defendant must complete a Texas Driving Safety Course and provide completion certificate within 60 days of signing motion
3. It is ORDERED that final disposition shall be deferred for 90 days, unless otherwise indicated by these orders.

IF DOING DEFERRED AND THE DRIVER LICENSE IS FLAGGED/SUSPENDED, SUCH FLAG/SUSPENSION WILL NOT BE LIFTED UNTIL ALL MONIES ARE PAID IN FULL

A defendant **IS NOT** eligible for Deferred Disposition at the Clerk's window for a moving violation if any of the following are true:

1. The driver is the holder of a Commercial Driver's License;
2. The driver is accused of speeding 100 mph or more
3. The offense occurred in a construction or maintenance work zone when workers are present;
4. The defendant was involved in an accident resulting in property damage in excess of \$1,500 or personal injury;
5. The offense involves passing a school bus;
6. The offense involves failing to obey a school crossing guard;
7. The defendant is under the age of 17 years at the time of the offense;
8. The defendant has violated his original promise to appear date by more than twenty five (25) working days.

IF VIOLATION COMMITTED IN WORK/CONSTRUCTION ZONE, DEFERRED MAY NOT BE AN OPTION

NON-MOVING VIOTATIONS:

A defendant is eligible for Deferred Disposition at the Clerk's Window for non-moving violations if:

1. The Defendant agrees to pay all court costs and/or fees within 10 working days; and the special expense fee (which is equal to the window fine plus an additional \$50.10/\$50.00), within 60 days of signing motion.
2. It is ORDERED that final disposition shall be deferred for 180 days, unless otherwise indicated by these orders.

A defendant **IS NOT** eligible for Deferred Disposition at the Clerk's window for non-moving violations if any of the following are true:

1. The offense involves a violation of the Texas Alcoholic Beverage Code;
2. The offense is for Driving Under the Influence pursuant to 105.041 Texas Alcoholic Beverage Code;
3. The offense involves violations of chapter 161 of the Texas Health and safety code (Tobacco violations); or
4. The offense is a violation of the City of Waskom Code of Ordinances;
5. The offense involves personal complaints;
6. The defendant has violated his original promise to appear date by more than twenty five (25) calendar days.

FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY:

A defendant is eligible for Deferred Disposition at the clerk's window for the offense of Failing to Maintain Financial Responsibility if:

1. The defendant agrees to pay court costs and/or fees within ten (10) working days, and the special expense fee (which is equal to the window fine) within ninety (90) days of signing motion; and
2. The defendant presents proof of Financial Responsibility that is valid on the day of the request; and
3. Maintains financial responsibility for the entire deferral period of 180 days and provides proof of compliance to the court at the end of the period, either in person or by mail.

JUDGES's STANDING ORDER NO. 7 - DRIVING SAFETY COURSE

It is ORDERED that the clerk may accept a request for the Driving Safety Course (DSC) at the clerks Window, or mail, fax, email, if the following requirements are met:

1. The Defendant requests DSC in writing, no later than the "appearance date" stated on the citation. If the appearance date falls on a non-business day, then the first business day after the appearance date stated on the citation.
2. The Defendant includes a copy of a valid Texas Driver's License or permit; or Active Duty Military ID card/Active Duty Dependent Military ID card.
3. The Defendant includes proof of financial responsibility, valid and in force as of the date the Defendant makes request
4. The Defendant is age 17 years of age or over.
5. The Defendant pays the DSC fee instanter, unless Judge grants extension.

It is ORDERED that the Clerk may accept proof of completion of a Driving Safety Course for dismissal of the case at the Clerk's window or by mail, fax or email under the following circumstances:

1. The Defendant presents a certificate indicating timely completion of the DSC and a driving record (Form 3A) certified by the Texas Department of Public Safety (DPS) issued after the offense date.
2. The driving record presented by the Defendant indicates the Defendant has not completed a driving safety course for the purpose of dismissing a moving violation citation within the twelve (12) months preceding the date of the citation.
3. The course certificate indicates "court copy," is signed by the Defendant and contains no alterations, modifications and/or erasures.

It is ORDERED that upon presentation and verification of completion, the Clerk shall present the case to the Court for dismissal.

If the Defendant fails to provide evidence of successful completion of the DSC within the time period allowed, the Clerk shall summon the Defendant to court to show cause why such evidence was not submitted timely.

If the Defendant fails to appear, a final judgment shall be prepared for the Court's signature.

No time payment fee shall be assessed until the 31st day after a final judgment has been entered by the Court.

It is further ORDERED that if a Defendant presents a uniform course completion certificate for DSC that indicates the course was completed after the citation was issued but prior to the date the court granted the DSC, the Clerk shall accept the certificate, providing an accompanying driving record shows eligible, and process the case as ordered above.

A defendant **IS NOT** eligible for the DRIVING SAFETY COURSE for a moving violation if any of the following are true:

1. The driver is the holder of a Commercial Driver's License;
2. The driver is accused of speeding 95 miles per hour **OR** 25 miles per hour above the posted speed limit;
3. The offense occurred in a construction or maintenance work zone when workers are present;
4. The defendant was involved in an accident resulting in damage to a vehicle;
5. The offense involves passing a school bus;
6. The defendant is accused of reckless driving;
7. The defendant fails to stop and give information or render aid;
8. The defendant fails to remain at collision scene;
8. The defendant is accused of fleeing or eluding a police officer;

JUDGES'S STANDING ORDER NO. 8 - PAYMENT OF FINES AT WINDOW

It is ORDERED that the Clerk may accept payment of a fine or fee at the Clerk's Window or mail. However, if the case has not been adjudicated (plea entered or guilt/innocence determined by the Court), the Clerk may accept payment of a fine or fee from the Defendant only. The Clerk shall verify the identity of the person paying the fine or fee before acceptance. The clerk may accept payment by an agent of the Defendant, if the agent has a written plea, signed by the Defendant. (PICTURE 1)

JUDGES's STANDING ORDER NO. 9 - Submission of Defendant's Account to Collections/OMNIBase

It is ORDERED that a Defendant's account will not be submitted to any agency for collections until the secondary notice to appear has been sent, and the Defendant has failed to appear.

It is FURTHER ORDERED that no Capias Pro Fine may be issued prior to the hearing and may only be issued after the hearing if the Defendant fails to appear at the hearing or, based on evidence at the hearing, the judge determines the warrant should be issued.

Fail to Appear Fee (s) shall be paid, even if charge is dismissed for violations committed on or after 1 September 2017.