

3 DEFERRED PROCEEDINGS

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See Judgment Forms chapter for deferred and DSC judgment forms.

You may be able to require that this charge be dismissed by successfully completing a driving safety course or a motorcycle operator training course.

You will lose that right if, on or before your appearance date, you do not provide the Court with notice of your request to take the course.

Art. 45.0511(q), CCP

ORDER DEFERRING FURTHER PROCEEDINGS (Art. 45.051, CCP)

CAUSE NUMBER: _____

STATE OF TEXAS
VS.

§
§

IN THE MUNICIPAL COURT
CITY OF NATALIA
MEDINA COUNTY,

TEXAS

The Court finds that _____, Defendant, (having been found guilty) or pled (guilty) (no contest) to the offense of _____, and that the punishment has been set at a fine of \$ _____ and court costs.

Under the authority of Article 45.051, Code of Criminal Procedure, the Court orders that the imposition of the fine is deferred until the _____ day of _____ 2013.

DEFERRAL PERIOD: _____ 2013 until _____, 2013.

CONDITIONS OF DEFERRED DISPOSITION

DEFENDANT SHALL:

- 1. Post a bond in the amount of \$ _____ to secure payment of the fine;
- 2. Pay Court Cost and Fee of \$ _____.
- 3. NOT be subsequently convicted of an offense committed after the date of this order to wit:
 - any moving traffic violation incurred in _____ County, Texas during the above stated deferral period, regardless of final conviction date;
 - any non-traffic, fine-only misdemeanor of the same nature as the deferred offense during the above stated deferral period, regardless of final conviction date;
 - any offense against the laws of the state, the United States, or any penal ordinance of any political subdivision of the State;
- 4. Submit proof of financial responsibility as required by law to the Court at the termination of the deferral period; said proof showing that Defendant kept in force financial responsibility during the entire deferral period;
- 5. Pay restitution to _____ in the amount of \$ _____ within the deferral period;
- 6. Submit to professional counseling as follows: _____;
- 7. Submit to diagnostic testing for alcohol or a controlled substance or drug as follows: _____;
- 8. Submit to a psychosocial assessment as follows: _____;
- 9. Participate in an alcohol or drug abuse treatment or education program, as follows: _____;
- 10. Pay the costs of diagnostic testing, psychosocial assessment, or participation in a treatment or education program, as follows: _____;
- 11. Perform _____ hours community service at: _____;
- 12. Complete an alcohol awareness program approved by the Texas Commission on Alcohol and Drug Abuse;
- 13. Other: _____.
- 14. Present to the Court satisfactory evidence of complying with each requirement imposed by the Judge.

Violation of any of the above noted conditions shall constitute a violation of this agreement.

If Defendant successfully complies with the conditions of the agreement, then this case shall be DISMISSED by the Court and shall NOT be reported as a conviction, but a special expense fee of \$ _____ (not to exceed amount of fine) will be collected. Failure to comply shall cause this case to result in a CONVICTION, payment of a FINE of \$ _____ and the conviction will be reported as required by law.

A copy of this Order was delivered to the Defendant on this date.

Agreed to and signed this the _____ day of _____ 2013

Defendant's Signature

Municipal Court Judge
City of NATALIA
MEDINA County, Texas

REQUEST FOR A DRIVING SAFETY COURSE (Art. 45.0511(b), CCP)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

CITY OF NATALIA

§

MEDINA COUNTY, TEXAS

I hereby enter my appearance on the complaint of the offense of: _____ (in person)(by counsel)(by certified mail). I understand that I have a right to a jury trial. I hereby waive my right to a jury trial, plead (guilty)(no contest) and elect under Art. 45.0511, CCP, to take a driving safety course.

I understand that I must present to the court the following with this request:

1. a valid Texas driver’s license or permit;
2. proof of financial responsibility pursuant to Chapter 601, Transportation Code (automobile liability insurance);
3. payment of court cost; and
4. payment of a \$10 nonrefundable fee.

I understand that I must:

1. complete a driving safety course or motorcycle operator training course as applicable within 90 days of this request;
2. submit by the 90th day from this request a uniform certificate of course completion of a driving safety course or a verification of course completion of a motorcycle operator course as evidence of that I have completed such a course;
3. submit by the 90th day from this request an affidavit that I was not taking a such a course nor had I completed one within the preceding 12 months from the date of my current offense that is not shown on my driving record as maintained by the Texas Department of Public Safety; and
4. submit by the 90th day from this request a copy of my driving record as maintained by the Texas Department of Public Safety.

I understand that:

1. if I comply with the court order granting the taking of a driving safety/motorcycle operator course and submit all the required evidence as ordered that the court will dismiss my case and report to the Texas Department of Public Safety the date that I completed my course for inclusion on my driving record;
2. failure to submit all the evidence required by the court, that I will be notified of a show cause hearing and be required to appear before the court to show cause why I did not present the required evidence of course completion;
3. the judge may at the show cause hearing enter a final adjudication against me and require me to pay the fine; and
4. the failure to appear at the show cause hearing will result in a final adjudication being enter against me and that I will be required to pay the fine and any additional costs required by law.

Defendant's Signature

Date

Defendant’s Attorney (if applicable)

Date

AFFIDAVIT FOR DRIVING SAFETY COURSE (Art. 45.0511(c)(3), CCP)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF NATALIA

§

MEDINA COUNTY, TEXAS

AFFIDAVIT*

I, _____, state under oath that on the date of my request for a driving safety course/motorcycle operator training course in the above numbered cause that I was not taking such a course nor had I completed one within the 12 months preceding the date of my current offense that is not shown on my driving record as maintained by the Texas Department of Public Safety.

Defendant's Signature

Sworn and Subscribed before me, the undersigned authority on this the ____ day of _____, 20 __.

(Judge)(Court Clerk)(Deputy Court Clerk)
(Notary Public in and for the State of Texas)

REV. 8/03

DRIVING SAFETY – NOTICE TO DEFENDANT TO SHOW CAUSE (Art. 45.0511, CCP)

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

Name: _____ Offense: _____

Address: _____

You are hereby ordered to appear before the _____ Municipal Court at _____ o'clock __.m., on the ____ day of _____, 200__, to show cause why you failed to comply with the Court's order in this case by _____, 200__.

Failure to appear on this date and time will result in the issuance of a capias pro fine (arrest warrant) against you based on the judgment of \$_____ entered against you when you submitted your plea and request for a driving safety course.

 (Judge)(Clerk), Municipal Court
 City of _____
 _____ County, Texas

TEEN COURT REQUEST/AGREEMENT (Art. 45.052, CCP)

CAUSE NUMBER: _____

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF _____

§

_____ COUNTY, TEXAS

I hereby acknowledge that in order to attend the teen Court program in lieu of a conviction being entered on my driving record, I must satisfy the following conditions:

- 1. I am under the age of 18 or enrolled full-time in an accredited secondary school in a program leading toward a high school diploma.
2. I have not successfully completed a Teen Court program in the two years preceding the date that the alleged offense occurred.
3. I understand that I have _____ (a period not to exceed 180 days) calendar days from today's date to complete the program. No extensions can or will be granted.
4. I am responsible for returning to this Court a copy of the certificate of completion showing that I have completed the teen Court program within 90 days from the date of my Teen Court hearing or prior to the end of the deferral period, whichever is earlier.
5. I understand that non-compliance with any portion of this request may result in the Court's issuing a warrant for my arrest and will result in the fine becoming due.
6. I understand that the Teen Court may charge non-refundable fees, not to exceed \$20, for the course in addition to the court costs owed.

Name

Offense

Address

Date of Offense

Date of Birth Age

School Attending

Home Telephone

Parent's or Legal Guardian's Work Telephone

Today's Date

Completion Date

Signed this the ____ day of _____, 200__.

Defendant's Signature

Judge, Municipal Court

Parent's or Legal Guardian's Signature

City of _____

_____ County, Texas

You are responsible for seeing to it that the Court receives this proof. If you have any questions about these requirements, contact the Court at (____) _____.

CAUSE NUMBER: _____

STATE OF TEXAS § IN THE MUNICIPAL COURT
VS. § CITY OF _____
_____ § _____ COUNTY, TEXAS

The Court finds that the Defendant, _____, has pled (guilty) (no contest) to the offense of _____ and orders that punishment be set as a fine of \$_____.

However, the Court Orders that the finding of guilty and the imposition of the fine be deferred for (insert a period not to exceed 180 days) _____, on condition that during the term of the suspension the Defendant will:

- complete the Teen Court Program within 90 days from today's date;
contact the Teen Court Coordinator at _____ within _____ days to make an appointment;
pay court costs of \$_____;
Court costs are waived;
return to the Court by _____, 200__ with proof that the Teen Court Program was completed;
pay to the Court a non-refundable administrative fee set by the Court at the amount of \$_____. (This fee may not exceed \$10);
administrative fee is waived;
pay to the Court a non-refundable \$10 Teen Court fee;
Teen Court fee is waived.

The Court further Orders that if, at the conclusion of 90 days from this date, Defendant presents satisfactory evidence that (he)(she) has complied with the conditions herein imposed, the charge will be dismissed and not be part of the Defendant's criminal record or driving record. However, if the charge is a traffic offense, the Court shall report to the Department of Public Safety the date the Defendant successfully completed the Teen Court Program for inclusion in the Defendant's driving record.

If the offense is a Penal Code offense or a city penal offense and the Defendant successfully completes the terms of the Teen Court Program, the Defendant may petition the trial Court under Article 45.0216(h), Code of Criminal Procedure to expunge the records of this case.

Signed this the _____ day of _____, 200__.

Judge, Municipal Court
City of _____
_____ County, Texas

I have read and understand the terms of this order.

Defendant's Signature

Parent's or Legal Guardian's Signature

Address

Offense Date of Offense

Birthdate:

School Attending:

Today's Date:

Completion Date:

Note: Effective September 1, 2001, a Defendant for whom proceedings are deferred under Article 45.052 must, subsequent to his or her Teen Court hearing, return proof to the Court within 90 days of the Teen Court hearing or before the conclusion of the deferral period as determined by the Municipal Court, whichever is earlier.

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

Name of Accompanying Adult: _____

Offense Class(es): _____

Range of Hours: _____

- _____ Fifth Amendment
- _____ Objection to the jury
- _____ Admission of guilt
- _____ Oath

- _____ Jury oath
- _____ Acceptance of sentence
- _____ Ability to fulfill conditions of sentence

The above admonishments, oaths and procedures were given to the above named Defendant.

Presiding Judge

Date

JURY INSTRUCTIONS

You, the jury, are advised to retire to the Jury Room and proceed in determining the recommendation that you will make to the Court regarding the offense(s). You are instructed that your recommendation in deciding the number of community service hours for each offense listed and whether the hours are to be served consecutively or concurrently **must be unanimous**. Answer the questions on the back of this sheet to be certain full consideration is given. Return this to the bailiff when a verdict has been reached and return quietly to the jury seating section.

Recommended hours: Defense _____ Prosecution _____

JURY RECOMMENDATION

We, the Teen Jury, recommend that the Defendant receive the following constructive sentence:

For multiple offenses list the hours for each offense and state whether they are to be served consecutively (added together end to end) or concurrently (worked off at the same time).

This decision is unanimous; all questions on the back of this statement were read and considered in the deliberations.

Required jury terms: _____

Signature, Presiding Juror

(Other jurors sign on back of sheet)

TEEN JURY INSTRUCTIONS (Page 2 of 2)

These questions are to appear on the back side of the previous page.

1. Age of Defendant: _____ years *(on ticket)*.
2. Is it likely that Defendant can get to jury duty and the community service agency independently or that he/she must depend on others for transportation? _____
_____.
3. Pertinent facts brought out in the hearing that were considered in reaching the verdict: _____
_____.
4. Did the jury believe the witness' testimony? YES NO
If not, why not? _____
5. Does the "punishment" fit the violation committed? YES NO

In the jurors' judgment, will the number of hours be adequate to make a lasting impression on the Defendant, but not be so many as to be overwhelming and cause him/her to drop out (especially if there are multiple offenses involved)? YES
NO

Additional comments to the Judge (optional):

Jurors (signatures):

TEEN COURT COMMUNITY SERVICE

COMMUNITY SERVICE REFERRAL FORM

To: _____ Telephone: _____
Name of Contact

Name of Agency

This is to introduce _____, who is to complete _____ hours of community service by _____, 200__, with your agency. When this teen has completed the required hours, please return this sheet, signed at the bottom, to him/her, so it may be returned to: _____ (Court or Teen Court Coordinator's address)

In the event the community service is not completed by the date shown above, please mail this copy to the Teen Court Coordinator at the above address.

The Emergency Release Form should remain with your agency while the youth is performing his/her community service.

This teenager (and the parent/guardian, if this is a juvenile) has signed this document to acknowledge permission for you to release information regarding this youth to: _____ (name of Court)

Thank you for your participation; if you have any questions or problems, please contact

_____ at _____
Appropriate Court Official Telephone Number

Date

Teen Court Coordinator/Judge

Date

Youth

Date
(years)

Parent/Guardian (only if youth is under 17)

To: _____ Municipal Court

_____ has completed _____ hours of community service with this agency.
Name of Youth

Agency Name

Signature of Supervisor

Date

CHEMICALLY DEPENDENT PERSON ORDER (Art. 45.053, CCP)

CAUSE NUMBER: _____

STATE OF TEXAS § IN THE MUNICIPAL COURT
VS. § CITY OF _____
§ _____ COUNTY, TEXAS

- The Defendant pleaded not guilty to the charge and requested a trial by jury. The jury having been impaneled and sworn, and having heard the evidence, found the Defendant guilty, and the jury assessed a fine of \$ _____; or
The Defendant pleaded not guilty to the charge and waived a trial by jury. After hearing the evidence, the Court found the Defendant guilty and assessed a fine of \$ _____.
The Defendant pleaded guilty/no contest to the charge and waived a trial by jury. The Court found the Defendant guilty and assessed a fine of \$ _____.

The Court finds that the offense resulted from or was related to the chemical dependency of the Defendant, and that an application for Court-ordered treatment of the Defendant is being made in accordance with Chapter 462 of the Texas Health and Safety Code.

It is Ordered that further disposition is deferred, without entering an adjudication of guilt, for a period of 90 days from the date of this Order, subject to the following terms, and on condition that the Defendant:

File an application for Court-ordered treatment in accordance with Chapter 462, Texas Health and Safety Code, at the cost of the Defendant; and appear in this Court on _____, 200__, _____ o'clock __.m. to present satisfactory evidence that the Defendant has been committed for and completed the treatment in accordance with Chapter 462 of the Texas Health and Safety Code, at which time this Court will dismiss this proceeding or, on failure of the Defendant to comply, will impose the fine assessed and enter a final conviction.

Signed on _____, 200__ Judge, Municipal Court
City of _____

RECEIPT OF ORDER BY DEFENDANT

I, the Defendant, acknowledge receipt of this Order and understand my obligations. I hereby agree to appear as required by this Order. I further understand that if I fail to appear and attend or complete the treatment as agreed, a warrant ordering my arrest will be issued by the Court.

Defendant's Signature Date Employment
Address Work Address
In case of emergency, notify: Work Telephone
Name: Telephone:
Address: