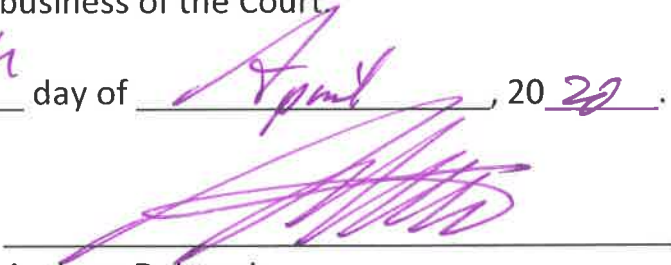


**LOCAL RULES  
OF THE MUNICIPAL COURT  
OF THE  
CITY OF LAVON, TEXAS**

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**BE IT KNOWN** that on the day below indicated, pursuant to statute and regulation, the Municipal Court of the City of Lavon, Texas has adopted the following **LOCAL RULES OF COURT**, in order to provide efficiency, uniformity, fairness and justice in conducting the business of the Court.

SIGNED and ISSUED this 9<sup>th</sup> day of April, 2020.

  
\_\_\_\_\_  
Andrew D. Leonie  
Presiding Judge

**LOCAL RULES  
OF THE MUNICIPAL COURT  
OF THE  
CITY OF LAVON, TEXAS**

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## **RULE ONE AUTHORITY**

### **1.1 AUTHORITY FOR RULES**

Under the inherent power and duty of all Texas Courts as codified in Section 21.001 of the *Texas Government Code*, the following Local Rules of the Municipal Court of the City of Lavon, Texas (hereinafter "Local Rules") are promulgated, are effective as of the date issued, supersede any and all previous local rules of the Municipal Court of the City of Lavon, Texas, and shall apply and govern any and all proceedings for, by, and held in the Municipal Court of the City of Lavon, Collin County, State of Texas (hereinafter "Municipal Court").

### **1.2 APPLICATION**

The Local Rules apply to each attorney and their staff members, to each Defendant representing himself/herself (hereinafter "Pro Se Defendant") in the Municipal Court, to all Municipal Court staff, as well as to any and all witnesses or observers who appear in the Municipal Court.

### **1.3 AVAILABILITY**

A copy of these Local Rules shall be available at the Office Window of the Clerk of the Municipal Court and on the website of the City of Lavon.

### **1.4 CITATION FORM**

These Local Rules shall be known as the Local Rules of the Municipal Court of the City of Lavon, Texas and may be cited as "Lavon Local Rule" or as "L.L.R".

### **1.5 AUTHORITY OF THE MUNICIPAL JUDGE**

The Presiding Municipal Judge and any Associate or Substitute Judge have all authority granted to them by state law for a Municipal Court of non-record. The Presiding Municipal Court Judge and any Associate Judge are also

Magistrates for every County in which the City of Lavon extends and has all authority as a Magistrate in any such county as set forth in state law.

## **1.6 LOCATION AND HOURS OF OPERATION**

The hours of weekly operation of both the Clerk's Office and the next two month's scheduled Court dates shall be posted on the front doors of the City Hall building where the Municipal Court convenes in the City Council Chambers and also on the front doors or Clerk's Window at the City of Lavon Police Department. The Court Clerk's Window shall be open from 8:00 am to 5:00 pm, Monday through Friday, with the exception of City observed holidays. Defendants receiving a Citation must follow the instructions to contact the Court on the Citation and Information Sheet provided by the Police Officer. Defendants who want to appear before the Judge or are required to appear before the Judge to enter a plea, may contact the Court Clerk to schedule a time on the Court's docket. Otherwise a Setting Notice will be issued by the Clerk. The Judge cannot ethically speak to any party regarding the merits or facts of a case without both sides present.

## **RULE TWO COURTROOM DECORUM**

### **2.1 FORMAL OPENING**

The Court will have a formal opening when the Court is receiving Pleas at a General Appearance Docket Call, Special Docket Call, conducting Bench Trials or Jury Trials. The Court shall be brought to order by formal announcement by the Bailiff or Court Clerk, requiring all present in the courtroom to rise as the Judge takes the Bench.

### **2.2 CONDUCT REQUIRED OF ALL PERSONS ATTENDING COURT (INCLUDING COURTROOM WAITING AREAS)**

Court is in session whenever the Judge is on the Bench. While the Court is in session, unless the Judge directs otherwise, the following conduct must be observed:

- A. No smoking or use of tobacco products, including snuff or chewing tobacco.
- B. No reading of extraneous materials, such as books, newspapers or magazines.
- C. No propping of feet or sitting on tables, railings, or on the backs of chairs.
- D. No loud noises.
- E. No eating of food, drinking of beverages (beverages are permitted at the bench and counsel table), or chewing and/or popping of gum.
- F. No standing in the Courtroom, particularly in front of the Bench, except when addressing the Court, or by direction of the Judge, or as necessitated by the business of the Court.
- G. No gestures, facial expressions, or sounds indicating approval or disapproval of a ruling by the Court, a comment of the witness, or a comment/question by Counsel.
- H. No inappropriate attire, including short shorts, tank tops, sleeveless shirts, T-shirts, low pants with underwear showing, and/or inappropriate "message" shirts. (Shorts of modest length and T-shirts with sleeves and no messages are acceptable for non-trial settings.)
- I. No unattended children are permitted in the Courtroom.
- J. No cell telephones are to ring or sound in the Courtroom. Cell telephones and similar electronic devices must be silenced.
- K. No sunglasses obscuring eyes, and no caps, hats or head coverings including scarves, bandanas or do-rags shall be worn in the Courtroom unless such items are religious in nature.
- L. No person other than a peace officer, bailiff or a security guard employed by the City of Lavon and on duty who has a current and appropriate license shall possess a firearm or other weapon in the Courtroom when Court is in session. Others may be allowed to possess a weapon in the Courtroom with the permission of the Judge.
- M. No person may make audio, video or photographic recordings of the Court while in session without permission from the Judge. This also applies to jury deliberations.
- O. All persons shall otherwise not engage in disruption and shall conform their behavior appropriately so as to maintain the dignity, integrity, courtesy, decorum, seriousness and professional

atmosphere of the Court for the administration of justice and to follow all such instructions as may be duly given by the Judge or Peace Officer or attending Bailiff.

## **2.3 CONDUCT REQUIRED OF ALL ATTORNEYS AND PRO SE DEFENDANTS**

Attorneys shall observe both the letter and the spirit of all canons of ethics and the Texas Disciplinary Rules of Professional Conduct, including those canons concerning improper ex parte communications with the Judge and those dealing with discussion of cases with representatives of the media. In addition:

- A. Attorneys shall advise their clients and witnesses of all of the Local Rules of Court that may be applicable, and shall ensure that their clients and witnesses follow and fully adhere to all appropriate local Rules of Court.
- B. Pro se Defendants (Defendants acting as their own attorney) shall conform their behavior to all provisions of the canons and ethics applicable to licensed Attorneys. Attorneys (and Pro se Defendants) shall be dressed appropriately while in attendance of the Court.
- C. All parties shall be prompt in arriving for Court settings and attending to Court business. Attorneys, Defendants represented by Attorneys and Pro se Defendants shall be on time. The Defendant shall appear as required by law or directed by the Court.
- D. Failure of a Defendant to personally appear when required may result in a warrant being issued against the Defendant.
- E. Once an individual has entered the Courtroom and appeared before the Court, whether Defendant, attorney, or witness, he/she shall not leave the Courtroom without obtaining permission from the Judge.
- F. During trial or any hearing, any objections, arguments, and comments shall be directed to the Court and not to opposing counsel or to Pro se Defendants. Any objections which have been raised during the hearing or trial shall be supported by a legal basis for such objection. Argument upon an objection will not be entertained except with the permission of the Court.
- G. During trial or any hearing, all participants in the proceedings shall address each other and members of the Jury without familiarity. The

use of first names should be avoided. While addressing the Court, attorneys and Pro se Defendants shall rise and remain standing at their positions at counsel table unless directed otherwise by the Judge.

- H. During trial or any hearing, Attorneys and Pro se Defendants shall remain seated at the counsel table at all times, except: (1) when the Judge enters and leaves, (2) when addressing the Judge or Jury, (3) when objecting to the opposing party, (4) whenever it may be proper to handle documents, exhibits, or other evidence, or (5) when the Judge directs otherwise.
- I. Attorneys (and Pro se Defendants) shall not approach the Bench except after requesting and receiving permission from the Judge.

### **RULE THREE APPEARANCE AND PLEAS**

#### **3.1 PLEA**

Citations issued by the Lavon Police Department require an appearance or contact with the Court within ten (10) days of issuance. A plea of not guilty, guilty or no contest or a request for appearance before the court must be filed with the court within thirty (30) calendar days following the issuance of the citation. All pleas, motions, notices of appearance and requests shall be in writing. Not Guilty pleas may be filed at the clerk's window or by mail and set for Court appearance. Pleas may be made by the Defendant or by the Defendant's Attorney of Record. Defendants who have received a citation for an offense that requires, by law, that a plea of No Contest or Guilty be made in open court shall do so. Payment of a fine constitutes a plea of Guilty or No Contest. Failure to file a Plea, Appearance, Motion or Request, or otherwise appear as required by law, may result in the filing of additional charges and issuance of a warrant for failure to appear. Cases not otherwise processed off-docket will be set for an Appearance Docket before the Court and the Defendant notified to appear. Court personnel may not advise the Defendant as to which plea to enter.



### **3.2 DEFERRED DISPOSITION NOT REQUESTED**

A Defendant pleading No Contest or Guilty and who is not requesting a Deferred Disposition or a Drivers Safety Course disposition, may enter the plea in writing and sign a waiver of jury trial. The plea may be submitted to the court either at the Clerk's Window or by mail. Payment of fines and court costs are required at the time of the plea, unless other arrangements have been made by the Defendant.

### **3.3 DRIVERS SAFETY COURSE OR DEFERRED DISPOSITION REQUESTED**

A Defendant pleading No Contest or Guilty and is requesting that the Court grant a Drivers Safety Course disposition or Deferred Disposition (if eligible) shall make his/her request in open court unless a Drivers Safety Course or Deferred Disposition request is specifically allowed at the Clerk's Window under Judge's Standing Order.

### **3.4 REQUESTS FOR ASSISTANCE**

A motion by a party for the appointment of an interpreter pursuant to Texas Government Code Section 57.002, shall be made in writing at the time a plea is entered or as soon as practical thereafter as a party becomes aware of the need for interpreter services.

### **3.5 EMERGENCY PROCEDURES**

In the event of an emergency or disaster, particularly a disaster or emergency declared by the Governor or the President, the Court may suspend or modify procedures or ordinary business including current docket settings, and continue all such matters to other dates. All parties and counsel affected will be notified of such continuances. No parties or counsel will be penalized for such actions taken due to exigent circumstances beyond the Court's control. Special emergency procedures may be ordered and implemented by the Court to ensure the health and safety of all parties, staff and counsel having business before the Court.

**RULE FOUR**  
**STANDING ORDERS AND MOTIONS, NOTICE, COURT FILES, AND**  
**DOCUMENTS**

**4.1 STANDING ORDERS AND MOTIONS**

The Court may, in addition to these Rules, issue Standing Orders so as to more efficiently handle cases, observe due process, and facilitate the administration of justice. Additionally, the Prosecuting Attorney may file Standing Motions for the same purpose. Each of any such Orders or Motions, in effect, shall also be made available as appendices to these Rules, subject to withdrawal or modification or exception as may be necessary and appropriate for any individual case.

**4.2 PERSONAL RESPONSIBILITY**

It is the personal responsibility of the Defendant and all persons with business before the Court to determine the date, time and nature of each setting of the case(s) and, while the case is pending and until completely disposed, to notify the court clerk of any changes of mailing or physical address, phone number or email address of the Defendant or of counsel for the Defendant.

**4.3 NOTICE OF SETTINGS**

Notice of date, time and nature of each setting shall be given by the Court Clerk to each party in writing, in person or by mail (including email), addressed to the last known address of a party and counsel for the party. A copy of each notice shall be marked as to the manner of its delivery, and shall be properly filed and maintained within the Court's file by the Court Clerk.

**4.4 VERBAL REPRESENTATIONS**

Reliance by any party upon verbal representation from any Court personnel or a police officer concerning any matters shall not be binding as grounds for continuance, grounds for setting aside a warrant, or any other relief.

## **4.5 COMPLAINT**

A copy of the Complaint will be made available to the Defendant or counsel for the Defendant upon request to the Court Clerk. The Complaint shall be available to the Defendant or to counsel for the Defendant after Appearance within 10 days of the date set for a Pretrial Hearing upon the entry of a plea of Not Guilty, but in no event less than 30 days prior to a scheduled trial.

## **4.6 FILES AND DOCUMENTS**

Defendants and their attorneys shall have access to Court files and documents during regular hours of the Court Clerk. The Clerk shall not release imaged documents to anyone except Court personnel, Attorneys of Record or their staffs, or the Defendant unless the documents are released pursuant to the Open Records Act or some other legal means.

# **RULE FIVE OFF-DOCKET DISPOSITIONS**

## **5.1 ENTRY OF PLEA AT CLERK WINDOW**

The Court Clerk may receive Appearances and Pleas filed by the Defendant or the Defendant through their Counsel in person, by mail or electronically at the Clerk Window. Unless required to personally appear in Court such cases may be entirely processed by such off-docket disposition.

## **5.2 OFF-DOCKET MOTIONS**

An off-docket motion is any motion filed in a case not set on docket, in which case, the attorney shall file the Motion at the Clerk's window, in person, by mail or electronically. The Clerk will notify the defendant or party whether such a motion requires a hearing or when appropriate action is taken by the Court on that motion.

### **5.3 SECURING COURT ACTION**

Attorneys and pro se Defendants may seek a setting of cases not set on a particular day's docket and cases with active warrants from the Clerk. Cases may be set and handled in which a pro se Defendant wishes to enter a plea or present proof of compliance, request deferred disposition, defensive driving, or community service, establish or reinstate a payment plan or to the means of resolving a case.

### **5.4 DISPOSITION OF MATTER**

Cases processed in an off-docket disposition are handled by the Court according to applicable rules and law in the same manner as cases which are docketed for Court appearance and proceeding. Standing Motions and Standing Orders may be utilized to assist in any such disposition of the matter.

## **RULE 6 APPEARANCE, MOTIONS AND PRETRIAL SETTINGS**

### **6.1 APPEARANCE DOCKET**

Cases not processed with Off-Docket Disposition will be notified to contact the Court by a date certain or the case will be docketed for a General Appearance Docket before the Court. Each Defendant or Counsel of Record will be notified by the Clerk of the Court of such a setting. The Defendant and Counsel of each such case shall appear and, unless previously entered, enter a Plea of Guilty, Not Guilty or No Contest. The Court will provide each Defendant with general information in writing regarding their legal rights and their options to enter a plea. If entering a plea of Not Guilty, the Defendant will additionally be required to elect between a Jury Trial or Trial Before the Court.

## **6.2 NO SEPARATE ATTORNEY ONLY DOCKETS**

No separate Attorney Only Dockets shall be regularly scheduled as may be common practice in other Municipal Courts in larger cities. Attorneys shall appear with their clients at all scheduled hearings and Appearance Dockets unless the case is disposed of Off-Docket. Attorneys may confer with the Prosecuting Attorney prior to any General Appearance Docket or Docket of Pre-Trial Hearings, and as a courtesy, such cases may be considered at the beginning of the docket, so as to expedite such matters.

## **6.3 PRE TRIAL ORDER SETTING HEARING**

Upon entry of a Plea of Not Guilty, and receipt of the election for either a Jury Trial or Trial Before the Court, the Court will schedule the case for a Pre-Trial Hearing and issue an Order setting out many of the usual and typical matters which may be heard at the Pre-Trial Hearing. No Motion is necessary for those issues to be considered at the Pre-Trial Hearing. The Defendant and/or Counsel will acknowledge receipt of the Order and together with the Prosecuting Attorney will comply and appear as ordered. Waivers of Court initiated Pre Trial Hearings will not be accepted by the Court.

## **6.4 MOTIONS**

Pre-Trial Motions shall be filed in writing at the Court Clerk's Window. Pretrial motions must be relevant and specific as to the case involved. Failure to file Pre-Trial Motions as indicated herein, other than the matters specifically set out in the Court's Order, shall constitute a waiver of having those issues heard before trial.

## **6.5 DEADLINE TO FILE**

Unless Leave of Court has been granted, all Pre-Trial Motions (except Motions in Limine) shall be filed at least 7 calendar days prior to the date of the Pre-Trial hearing setting, and responses thereto, if any, shall be filed at least 3 days prior to Pre-Trial date. If a pretrial Motion has not been ruled upon before trial date, such Motion shall be heard on the date of trial before the trial.

## **6.6 SERVICE**

Service of a Motion or Response may be made as provided by law. Each Motion or Response shall contain a Certificate of Service signed by the Movant or Responding party indicating that a copy of such Motion or Response has been served upon the opposing party; the manner of service; and the date of service.

## **6.7 SETTING THE HEARING DATE**

If an additional Pre-Trial hearing prior to trial date is requested by a Movant and granted by the Court, it shall be the responsibility of the Movant to obtain a hearing date from the Court Clerk and to timely inform the opposing party of the date and time of such hearing.

## **6.8 PRETRIAL CONFERENCES FOR PRO SE DEFENDANTS**

In addition to the Pre-Trial Hearing ordered by the Court, all Pro Se defendants who have requested a jury trial, will also be scheduled for a Pre-Trial conference at the same time. The purpose of the conference is to provide the Pro Se defendant with information regarding procedures and processes used in the Court during jury trials.

# **RULE SEVEN JUVENILE AND MINOR PROCEEDINGS**

## **7.1 JUVENILE DEFINED**

A juvenile is defined as someone who is at least 10 years of age and younger than 17 years of age on the date a citation was issued.

## **7.2 PARENTS' OR GUARDIANS' PRESENCE REQUIRED**

A parent's or guardian's presence is required for all juvenile court proceedings. A parent or guardian (includes a person standing in parental

relation, a managing conservator, or a custodian) is required to be present with a juvenile at all Court proceedings. This is a mandatory Court appearance.

### **7.3 NOTICE OF CURRENT ADDRESS**

The parent and child have a continuing obligation to give and provide written notice of their current physical and mailing address, phone number and email address and of any changes to the Court.

### **7.4 ALCOHOL BEVERAGE CODE MATTERS**

A minor (anyone under the age of 21 years) may only enter a plea to an Alcoholic Beverage Code violation in open court. This is a mandatory Court appearance.

## **RULE EIGHT TRIAL SETTINGS**

### **8.1 DOCKET ORDER**

Subject to the discretion of the Judge calling the docket, the order of cases actually proceeding to trial, whether bench trial or jury trial, shall be as follows:

- A. Preferential settings.
- B. Cases set according to age, oldest first.
- C. Other circumstance as determined by the court in the interest of justice.

All cases not reached for trial and not otherwise disposed of on a docket, will be noted as a Court's reset unless a continuance was requested by a party and granted by the Court.

## **8.2 PREFERENTIAL SETTING**

To receive a preferential setting, subject to the Judge's approval, a party must meet one of the following criteria:

- A. Reside more than one hundred fifty (150) miles outside the city limits of Lavon.
- B. Have a condition, illness or injury that would necessitate an expedited disposition of the case;
- C. Have an outside witness who has appeared at least at one prior trial setting without the case having been reached.

## **8.3 DEFENDANT ATTENDANCE**

Every Defendant shall be present at the call of every appearance, pre trial, or trial docket, unless his/her attorney has filed and been granted a Motion for Continuance. Every pro se Defendant shall be present at the call of his/her appearance, pre trial, or trial docket, unless he/she has filed and been granted a Motion for Continuance. The Judge may issue a Warrant for Failure to Appear for any Defendant who fails to appear without having been granted a continuance.

## **RULE NINE POST TRIAL PROCEEDINGS**

### **9.1 ADMONISHMENT**

Pro se Defendants are admonished to seriously consider retaining counsel to represent them in any trial of their case and particularly on appeal.

### **9.2 INABILITY TO PAY FINE AND PAYMENT PLANS**

If a Defendant does not appeal the court's decision, but claims to be indigent, the Defendant must complete a form approved by the court and request a hearing (see Judge's standing order No.4).The Court will consider alternative



dispositions, including payment plans or community service, as may be available.

### **9.3 INDIGENCY DURING APPEAL**

If a Defendant is indigent or otherwise financially unable to pay the Appeal Bond, she/he may file an Affidavit of Indigency with the court and file a Motion to waive costs on forms approved by the court. Such Affidavit of Indigency and/or Motion to waive costs must be filed within the statutory 10 day period to file an Appeal Bond. A hearing on the Motion to Waive costs shall then be scheduled by the Court.

### **9.4 FAILURE TO PAY FINE AND ALTERNATE DISPOSITION**

A Defendant, who after being sentenced, fails to pay a fine or fee as ordered, including as may be set out in a previously agreed payment plan, may be summoned to appear before the Court to Show Cause why the Defendant should not be jailed, pay additional warrant fees (as may be applicable) or receive a modified alternative disposition. If a Defendant presents themselves to the Court voluntarily, the Court may waive all or part of applicable warrant fees and reform the judgment sentence in consideration of the equities of the case.

## **RULE TEN SEVERABILITY AND CONSTRUCTION**

### **10.1 SEVERABILITY**

If any provision of these policies, rules and regulations as contained in the Local Rules of Court or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of these policies, rules and regulations which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of these policies, rules and regulations are severable. In lieu thereof there shall be added a provision as similar in terms to such illegal, invalid, unconstitutional and unenforceable

provision as may be possible and be legal, valid, constitutional and enforceable.

## **10.2 INAPPLICABILITY TO CIVIL CASES**

The Local Rules of Court set forth herein are applicable to criminal proceedings only with the exception of RULE TWO (Courtroom Decorum).

## **10.3 CONSTRUCTION**

The Local Rules of Court shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the Municipal Court of the City of Lavon.