

NO. 202004181

THE STATE OF TEXAS

IN THE MUNICIPAL COURT

IN RE

OF THE CITY OF LAVON

JSO ONE

COLLIN COUNTY, TEXAS

**JUDGE'S STANDING ORDER NO. ONE ON
CONTINUANCES AND PRE-TRIAL MOTIONS BEFORE TRIAL SETTINGS**

Upon the Court's own Motion, as a Standing Order of the Court:

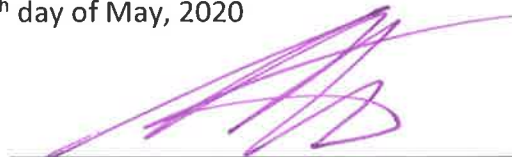
IT IS ORDERED that all motions for continuance shall be filed at least seven (7) days prior to the date of the trial setting and may be considered by the Court without the need for a hearing unless either the State or Defendant requests such at the time of the motion. Any such request for hearing may specify either an in person hearing or telephonic hearing to be heard at such time as the Court may specify. Motions for continuance shall be in writing and fully set forth the grounds showing good cause to continue the case.

IT IS ORDERED that Attorneys requesting a continuance due to a conflicting court setting shall attach to such motion a dated document from the Court of the conflicting setting indicating when the Attorney was first notified of, discovered, or knew of the conflict.

IT IS ORDERED that all such Motions for Continuance shall be presented first to the Prosecutor and a statement of conference shall be included in the Motion filed with the Court indicating the date of such conference or attempted conference and whether the Motion is or is not opposed.

IT IS ORDERED that all Pre-Trial Motions and Motions for Discovery shall be filed and served on the opposing party at least seven (7) days before the Pre-Trial setting in the case.

SIGNED AND ENTERED on this the 9th day of May, 2020



Andrew D. Leonie, Presiding
Municipal Court Judge, City of Lavon
Collin County, Texas

THE STATE OF TEXAS

IN THE MUNICIPAL COURT

IN RE

OF THE CITY OF LAVON

JSO TWO

COLLIN COUNTY, TEXAS

**JUDGE'S STANDING ORDER NO. TWO ON
DEFERRED DISPOSITION**

Upon the Court's own Motion, as a Standing Order of the Court:

IT IS ORDERED that the following requirements apply to processing a deferred disposition at the Clerk's window:

1. *General Provisions.* The Court Clerk may process a request for deferred disposition at the Clerk's window if the Defendant:
 - a. Requests a deferred disposition if the case is pending a setting for initial general appearance, is otherwise eligible for disposition by taking a driver's safety course but elects deferred disposition instead, and is not otherwise classified as a mandatory appearance before the Court.
 - b. Tenders full payment of the special expense fee at the time of the request.
 - c. Signs an application for deferred disposition, pleading guilty or no contest to the charged offense, waives personal appearance and a trial, and provides current contact information consisting of address, phone and email, consistent with that shown on his Driver's License.
 - d. Provides proof of a valid policy of insurance or financial responsibility naming the Defendant as a covered driver, and
 - e. Does not hold, and did not hold, at the time of the offense, a commercial driver's license or permit, if the offense charged is classified as a motor vehicle moving violation.
2. *Mandatory Appearance.* The Court Clerk may not process a request for deferred disposition which is classified as a case or matter of mandatory appearance before the Court.
3. *Provisional Licenses.* A person with a provisional license must appear in Court to request deferred disposition.
4. *Construction Zone – Workers Present.* A Defendant is not eligible for deferred disposition for a moving violation if the offense occurred in a construction or maintenance work zone when workers are present.

5. *Required Driving Safety Course.* A Defendant must take a driving safety course as a condition of deferred disposition for any of the following moving violation situations, but may take one course for all moving violations arising out of the same incident:
 - a. Defendant is under the age of 25 years of age at the time of the offense.
 - b. Defendant is charged with speeding in a school zone.
 - c. Defendant is charged with failure to use child car seats as required by law.
6. *Length of Deferral.* The length of deferred disposition processed at the Clerk's window shall be as follows:
 - a. 180 days
 - i. Failure to maintain financial responsibility.
 - ii. Speeding in a school zone
 - iii. Failure to obey a stop sign, traffic control device, or lawful directive of an officer.
 - iv. Failure to use child car seats as required by law.
 - b. 90 days
 - i. Speeding more than 10 miles above the speed limit.
 - ii. Moving violations of Defendants under 25 years of age.
 - iii. Passing a stopped emergency or police vehicle at an excessive or unsafe speed.
 - c. 60 days
 - i. License violations
 - ii. Failure to properly use seatbelts
 - d. 30 days
 - i. All others.

IT IS ORDERED that the Clerk may process a request for deferred disposition made online or by mail under the same requirements as processing such a request made in person at the Clerk's window. For such requests, a copy of the Defendants valid driver's license and proof of financial responsibility must be submitted at the time of the request.

All required documentation must be submitted on or before the last day of the deferral period and failure to timely and fully do so may be a basis for the setting of such a case for hearing for revocation of deferred disposition and entry of a final judgment of conviction.

IT IS ORDERED that the Clerk may process a request for deferred disposition made through an attorney under the same requirements as processing such a request made in person at the Clerk's window, unless the case is classified as a mandatory appearance before the Court. If an attorney has filed a letter or notice of representation or has otherwise filed any pleading in

the case, applications for deferred disposition presented by the attorney need not contain the Defendant's signature, if the attorney signs as such.

IT IS ORDERED that the following cases are classified as a mandatory appearance before the Court:

1. *Cases with warrants.*
2. *Cases with certain procedural status:*
 - a. When under notice for an initial appearance at the Appearance Docket to enter a plea, unless previously timely disposed of at the Clerk's window, by personal appearance or by mail or online, or unless represented by an attorney.
 - b. When a Summons or Show Cause Order has been issued.
 - c. A setting for a Pre-Trial (unless represented by an attorney), Bench or Jury Trial.
 - d. Pre-trial Motion setting (unless represented by an attorney).
3. *Cases with certain type status:*
 - a. If the Defendant is a juvenile, the parent or guardian must appear in Court with the Defendant (along with the attorney, if any).
 - b. If the Defendant has three or more moving violations from the same stop.
4. *Cases continued or reset with a mandatory appearance.*

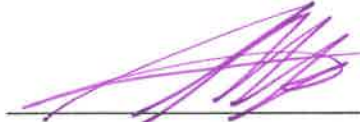
IT IS ORDERED that court costs and trial costs, once added to a case, will remain a part of the special expense administrative fee for deferred disposition, even if the defendant is later granted deferred disposition.

IT IS ORDERED that the following requirements apply to proof of compliance with the terms of deferred disposition:

1. *General procedure.* The Clerk may accept proof of compliance with the terms of deferred disposition at the Clerk's window, by mail or online. After receipt of proof of compliance the Clerk shall submit the to the Judge for dismissal, if the Court determines that the Defendant has complied with all conditions as ordered by the Court.
2. *Revocation for Failure to Comply.* If satisfactory proof of successful completion of deferred disposition within the time period allowed, is not received or acquired, the Clerk shall notify the Prosecutor who may elect to file a Motion to Revoke the deferred disposition. Such matters shall be set for hearing on the next convenient docket with notice sent to the Defendant, Defendant's Attorney, if any, and the Prosecutor.

3. *Driver's Safety Course and similar Special Conditions.* If a driving safety course, special counseling, community service, or other alternative disposition conditions are required by the Court, completion of such requirements on a date or dates outside the deferral period will not be accepted for compliance.

IT IS SO ORDERED, SIGNED AND ENTERED on this the 9th day of May, 2020



Andrew D. Leonie, Presiding
Municipal Court Judge, City of Lavon
Collin County, Texas

NO. 202004183

THE STATE OF TEXAS

IN THE MUNICIPAL COURT

IN RE

OF THE CITY OF LAVON

JSO THREE

COLLIN COUNTY, TEXAS

**JUDGE'S STANDING ORDER NO. THREE ON
FINES AND PAYMENT**

Upon the Court's own Motion, as a Standing Order of the Court:

IT IS ORDERED that fines as set forth in the Lavon Municipal Court Fine Schedule shall be assessed at the Clerk's window upon the Defendant's plea of guilty or no contest for the stated violations unless otherwise ordered by the Court upon Final Judgment entered pursuant to trial before the Court, Jury Trial or plea bargain agreement approved by the Court.

IT IS ORDERED that pursuant to Tex. C. Crim. Proc. Art. 27.14, the Clerk may accept payment of fines, fees and costs at the Clerk's window on adjudicated cases or upon unadjudicated cases pending before this Court upon the following conditions:

1. *Plea entered before payment.* If the case has not already been adjudicated by a Judgment entered by the Court, the Clerk must receive a plea of Guilty or No-Contest in writing signed by the Defendant or Defendant's Attorney, before accepting payment of any fine, fee or cost, in whole or part. Any such a plea must also include a waiver of the Defendant's right to trial.
2. *Verification of identity.* Before accepting any plea of Guilty or No Contest, the Clerk shall verify and record the identity of the Defendant as shown on a valid Texas or other U.S State Driver's License, government issued photo identification card or passport. When necessary the Clerk may seek the assistance of the bailiff, warrant officer or other City Law Enforcement officer in obtaining the proper identification of the Defendant. If no sufficient identifying information can be obtained from or for the Defendant, the Clerk shall affix the Defendant's fingerprints to the plea form.

IT IS ORDERED that a \$25 Late Appearance Penalty shall be added to each scheduled fine if the Defendant fails to contact the Court within the time period cited or otherwise fails to appear in Court on or before the date specified. This penalty is in addition to any other consequential actions taken with additional associated costs, including additional charged violations, and show cause, summons or warrants issued. Such Late Appearance Penalties may only be waived by the Court, with the exception of the application by the Clerk of the "mailbox rule" pursuant to Tex. C. Crim. Proc. Art. 45.013.

IT IS ORDERED that any cash bond previously posted by the Defendant and all credit for time served, as granted or approved by the Court, as well as all appropriate credit for community service, alternate disposition, and subsequent modification of judgment payment ordered by the Court, be applied by the Clerk to the calculated total of the fine, fees and costs owed by the Defendant.

IT IS ORDERED that a \$25 dishonor fee shall be applied to each case where a credit card payment or personal check tendered by a Defendant for payment or partial payment of fines, fees, and costs is refused or dishonored, and the following additional requirements shall apply:

1. *Deferred dispositions.* Upon notice from a bank that a tendered credit card or check payment has been dishonored or refused, in a case of deferred disposition, the Clerk will immediately refer the case to the Prosecutor for consideration of a Motion to Revoke the deferred disposition and enter final judgment of conviction against the Defendant, and issue appropriate Show Cause Notice or Summons to the Defendant for same.
2. *All other cases.* Upon notice from a bank that a tendered credit card or check payment has been dishonored or refused, in any case without deferred disposition, the Clerk will send a letter of notice to the Defendant (and their attorney, if any) advising them that payment of the dishonored amount plus all other unpaid fine, fee, and costs amounts due are due to be paid within 10 days of the letter. If timely payment is not made, the Clerk will refer the case to the Judge to review for a *capias pro fine* warrant if a plea of guilty or no contest has been entered on the case, or a standard warrant if no plea has yet been entered.

IT IS SO ORDERED SIGNED AND ENTERED on this the 9th day of May, 2020.



Andrew D. Leonie, Presiding
Municipal Court Judge, City of Lavon
Collin County, Texas

NO. 202004184

THE STATE OF TEXAS

IN THE MUNICIPAL COURT

IN RE

OF THE CITY OF LAVON

JSO FOUR

COLLIN COUNTY, TEXAS

**JUDGE'S STANDING ORDER NO. FOUR ON
INABILITY TO PAY AND ALTERNATIVE DISPOSITION**

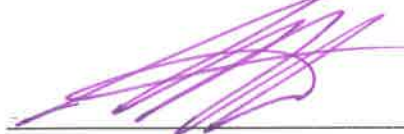
Upon the Court's own Motion, as a Standing Order of the Court:

IT IS ORDERED that before the entry of any Judgment requiring the payment of a fine or costs, the Court will make an initial determination of the presumptive ability of the Defendant to pay and discharge any such financial obligation. But the agreement or acquiescence of the Defendant to pay the fine instanter or by payment plan shall constitute an affirmation by Defendant of such ability and a waiver of any plea of inability or claim of indigency, such that the Judgment shall be entered without further objection.

IT IS ORDERED that if the Defendant raises the issue of inability or indigency prior to entry of Judgment, the Defendant shall complete a financial ability form approved by the Court, notarized or signed by Defendant under penalty of perjury, whereupon the Court will set and conduct a hearing on the issue of inability or indigency of the Defendant, and enter Judgment accordingly, which may include an order for alternative disposition.

IT IS ORDERED that if the Defendant appears before the Court subsequent to the entry of Judgment with any portion of the fine or costs or fees remaining unpaid and raises the issue of inability or indigency, the Defendant shall complete a financial ability form approved by the Court, notarized or signed by Defendant under penalty of perjury, whereupon the Court will set and conduct a hearing on the issue of inability or indigency of the Defendant, and may accordingly enter an order modifying the terms of payment of or satisfying the aforesaid Judgment, which may include an order for alternative disposition.

IT IS SO ORDERED SIGNED AND ENTERED on this the 9th day of May, 2020



Andrew D. Leonie, Presiding
Municipal Court Judge, City of Lavon
Collin County, Texas

NO. 202004185

THE STATE OF TEXAS

IN THE MUNICIPAL COURT

IN RE

OF THE CITY OF LAVON

JSO FIVE

COLLIN COUNTY, TEXAS

**JUDGE'S STANDING ORDER NO. FIVE ON
NOT GUILTY PLEAS**

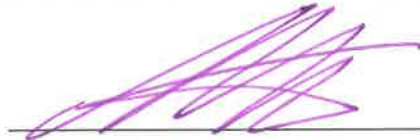
Upon the Court's own Motion, as a Standing Order of the Court:

IT IS ORDERED that the Court Clerk may accept a Defendant's 'Not Guilty' or plea by mail or by appearance at the Court Clerk's window if a warrant has not been issued. If made by appearance at the Clerk's window, the Clerk will provide the Defendant an appropriate form by which the plea may be made known. The Clerk will then set the case for the General Appearance Docket with the notation that such a plea has already been made and that the case is ripe for a Pre-Trial setting.

IT IS ORDERED that any form of writing expressing such a plea will be considered as such, including a letter from the Defendant or their counsel.

IT IS ORDERED that the Court Clerk shall verify the Defendant's address and all contact information, and inform the Defendant that if they move before receiving notice of the Appearance Docket setting, they are to inform the Court of any changes to the address and/or contact information, and further inform the Defendant that failure to do so may result in an arrest warrant being issued.

IT IS SO ORDERED SIGNED AND ENTERED on this the 9th day of May, 2020



Andrew D. Leonie, Presiding
Municipal Court Judge, City of Lavon
Collin County, Texas

NO. 202004186

THE STATE OF TEXAS

IN RE

JSO SIX

IN THE MUNICIPAL COURT

OF THE CITY OF LAVON

COLLIN COUNTY, TEXAS

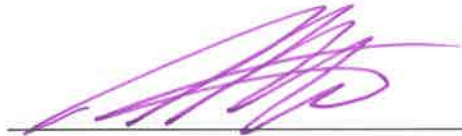
**JUDGE'S STANDING ORDER NO. SIX ON
EXTENSIONS TO PAY FINE**

Upon the Court's own Motion, as a Standing Order of the Court:

IT IS ORDERED that a Defendant who appears at the Court Clerk window to plead 'Guilty' or 'No Contest', may receive an extension to pay the fine, fees and costs within 30 days from the date of the appearance., if the Defendant has not passed their appearance date. The Defendant shall complete and sign the appropriate extension form.

IT IS ORDERED that the Clerk may process a request for an extension to pay a fine, fee and costs unless a warrant has been issued for the Defendant by the Court.

IT IS SO ORDERED SIGNED AND ENTERED on this the 9th day of May, 2020



Andrew D. Leonie, Presiding
Municipal Court Judge, City of Lavon
Collin County, Texas

NO. 202004187

THE STATE OF TEXAS

IN RE

JSO SEVEN

IN THE MUNICIPAL COURT

OF THE CITY OF LAVON

COLLIN COUNTY, TEXAS

**JUDGE'S STANDING ORDER NO. SEVEN ON
SAFE HARBOR APPEARANCE AFTER ARREST WARRANT**


Upon the Court's own Motion, as a Standing Order of the Court:

IT IS ORDERED that a Defendant, in whose case a warrant has been authorized, ordered, or issued, but remains unexecuted, who contacts the Court, Clerk or Prosecutor, seeking an opportunity to resolve their case, may be set for hearing by the Clerk and notified that they will be granted 'Safe Harbor' to appear in Court at that day and time, without jeopardy of being arrested on that warrant in their case.

IT IS ORDERED that the Clerk shall inform the Defendant that this 'safe harbor' applies only to the warrant issued from this court for that case and not for any other warrants, known or unknown, for this or any other Court.

IT IS ORDERED that in such a 'safe harbor' case setting, the execution of the outstanding arrest warrant for the Defendant shall be stayed pending appearance by the Defendant at the hearing, and resolution, disposition or resetting of the case. Upon disposition, the warrant shall be recalled.

IT IS SO ORDERED SIGNED AND ENTERED on this the 9th day of May, 2020



Andrew D. Leonie, Presiding
Municipal Court Judge, City of Lavon
Collin County, Texas