

**ARANSAS PASS MUNICIPAL COURT**

**STANDING ORDERS**

**BY JUDGE HENRIE MORALES**

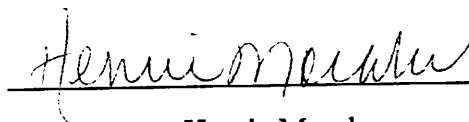
**JUDGE'S STANDING ORDER NO. 1**

**FINES**

**IT IS ORDERED** that the fines as set forth in the attached Fine Schedule shall be assessed upon a finding of guilty for the stated violations unless individually altered by the Court.

The window fine will remain in effect until a warrant is signed by the Court.

SIGNED and ENTERED on the 8<sup>th</sup> day of Febraury 2019.

A handwritten signature in cursive script, reading "Henrie Morales", is written over a horizontal line.

Henrie Morales

Presiding Judge

**JUDGE'S STANDING ORDER NO. 2**

**COURT SETTINGS**

**DOCKET SETTINGS**

**IT IS ORDERED** that a Defendant or his attorney, who appears at the Court Clerk's window any time prior to "Pending Warrant Status" may, without the requirement of posting a bond, obtain a setting on the Court's "Not Guilty" docket, the "Pre-Trial" (Jury/Bench) docket.

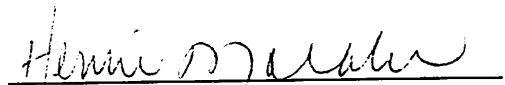
**IT IS ORDERED** that if a defendant fails to appear for a properly noticed Court date, he must post a bail bond (cash, surety, or attorney) to obtain another Court Date. If a Judgment Nisi is entered against the Defendant, any subsequent bail bond shall be posted in cash, unless expressly approved by the Court.

**CONTINUANCES**

**IT IS ORDERED** that a motion for continuance must be in writing and filed with the Court prior to the Court setting in order to continue a case on the Court's docket. Deviations from this procedure must be approved by the Court.

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 must include a corresponding order for the Court's signature. Additional resets must be approved by the Court.

SIGNED and ENTERED on this the 8<sup>th</sup> day of February, 2019.



Henrie Morales

Presiding Judge

## STANDING ORDER NO. 3

### DEFERRED DISPOSITION

**IT IS ORDERED** that the court Clerks may process requests for Deferred Disposition (“Deferred”) from a Defendant, or his attorney, at the Court Clerk’s window, mail, or email, and may complete the paperwork for the Court’s signature if the Defendant meets the eligibility requirements set forth below.

#### **MOVING VIOLATIONS:**

A Defendant is eligible for Deferred Disposition at the clerk’s window, mail, or email for a moving violation if:

- 1) The Defendant shows proof of valid Driver’s License (not restricted to Texas D.L.);
- 2) The Defendant pays in full or within 90 days (through a payment plan) of the request all court costs and the special expense fee (which is equal to the window fine, and special expense fee if applicable);
- 3) The Defendant is at least 25 years of age, or if less than 25 years of age agrees to complete a driving safety course approved under Chapter 1001, Texas Education Code;
- 4) The Defendant has not been granted Deferred in Aransas Pass within twelve (12) months of the date of the request; and the Defendant is not currently on Deferred in any other jurisdiction.

**IT IS ORDERED** that the deferral period shall be 30-90 days, unless otherwise indicated by these orders. The Defendant shall qualify for a 30 day deferral if the fine is paid in full or one payment before the end of 30 days. The Defendant shall qualify for a 60 day deferral if the fine is paid in full or two payments before the end of 60 days. The defendant shall qualify for a 90 day deferral if the fine is paid in full in three or more payments before the end of 90 days.

A Defendant is **NOT** eligible for Deferred Disposition at the clerk’s window, mail, or email, for a moving violation if:

- 1) The driver is the holder of a **Commercial Driver’s License**;
- 2) The offense occurred in a **construction or maintenance work zone when workers are present**;
- 3) The Defendant was involved in an **accident resulting in property damage or personal injury**;
- 4) The offense involves **passing a school bus**;
- 5) The offense involves failing to obey school crossing guard;
- 6) The offense involves speeding in excess of **25 mph or more over** the posted speed limit.
- 7) The case is in “Warrant Status” as defined by the Court’s Standing Orders.

**NON-MOVING VIOLATIONS:**

A Defendant is eligible for Deferred Disposition at the court clerk's window, mail, or email for non moving violations if:

- 1) The defendant has not been granted Deferred in Aransas Pass within twelve (12) months of the date of application and the Defendant is not currently on Deferred in another jurisdiction.

**IT IS ORDERED** that the deferral period shall be 30-90 days, unless otherwise indicated by these orders. The Defendant shall qualify for a 30 day deferral if the fine is paid in full or one payment before the end of 30 days. The Defendant shall qualify for a 60 day deferral if the fine is paid in full or two payments before the end of 60 days. The defendant shall qualify for a 90 day deferral if the fine is paid in full in three or more payments before the end of 90 days.

A Defendant is **NOT** eligible for Deferred Disposition at the court clerk's window, mail, or email for non-moving violations if:

- 1) The offense involves a violation of the Alcohol Beverage Code;
- 2) The offense is for driving Under the Influence pursuant to 106.041 of the Texas Alcoholic Beverage Code;
- 3) The offense involves violations of Chapter 161 of the Texas Health and Safety Code (Tobacco violations);
- 4) The offense involves personal complaints;
- 5) The case is in "Warrant Status" as defined by the Court's Standing Orders.

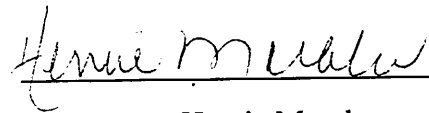
**FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY:**

A Defendant is eligible for Deferred disposition at the court clerk's window, mail, or email for the offense of failing to Maintain Financial responsibility if:

- 1) The Defendant pays in full or within 90 days (through a payment plan) at the time of the request all court cost and the special expense fee (which is equal to the window fine, and penalty fine if applicable);
- 2) The Defendant has not been granted Deferred in Aransas Pass within twelve (12) months of the date of application; and the Defendant is not currently on Deferred in another jurisdiction.
- 3) The Defendant presents proof of Financial Responsibility that is valid on the day of the request, maintains financial responsibility for the entire deferral period of 180 days and provides proof of financial responsibility to the Court at the end of the period, either in person, mail, or email or the Defendant can go before the Court for any other circumstances.

If the defendant fails to comply with the terms, the Clerk shall common the Defendant to court for a show cause hearing. If the Defendant fails to appear, a final judgment shall be prepared for the Court's signature

SIGNED and ENTERED on this the 8<sup>th</sup> day of February 2019.

A handwritten signature in cursive script, appearing to read "Henrie Morales", is written over a horizontal line.

Henrie Morales

Presiding Judge

## **JUDGE'S STANDING ORDER NO. 4**

### **COMPLINACE DISMISSALS**

**IT IS ORDERED** that a 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 change address/name on Driver's License (T.C. 521.054)
4. No license plate
5. Only one license plate
6. Operate vehicle with defective equipment

The Clerk shall make a copy for the file of the document(s) establishing proof of compliance if any are required.

### **ACCEPTABLE PROOF OF COMPLIANCE AND DISMISSAL PROCEDURES**

The following are acceptable means of proving remediation and /or compliance and the procedures for processing the case for dismissal:

#### **Expired License Plate (Registration)**

1. The standard form generated by a County Tax Assessor's office stamped by the County Tax assessor's office indicating the date and amount of payment; or
2. The new registration receipt form generated by the County Tax Assessor's office stamped by the County Tax Assessor Indicating the date and amount of payment;
3. The date of compliance is not more than 20 working days after the date of offense.
4. The Clerk shall collect a fee of \$20.00 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 offense;
3. The Clerk shall collect a fee of \$20.00 before the case may be processed for dismissal.

#### **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 (DPS) indicating that the change was made within 20 working days after date of the offense;
3. The Clerk shall collect a fee of \$20.00 before the case may be processed for dismissal.

**No license plate**

1. A vehicle is being operated without a license plate
2. The vehicle will be inspected by the Clerk to verify that the license plate is in place
3. The Clerk shall collect a fee of \$10.00 before the case may be processed for dismissal.

**Only one license plate**

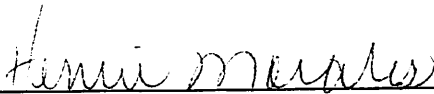
1. The vehicle will be inspected by the Clerk to verify that the license plate is in place
2. The Clerk shall collect a fee of \$10.00 before the case may be processed for dismissal.

**Operate vehicle with defective equipment**

1. The vehicle will be inspected by the Clerk to verify the defective equipment has been fixed/replaced
2. The Clerk shall collect a fee of \$10.00 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 docket for hearing before the Court.

SIGNED and ENTERED on this the 8<sup>th</sup> day of February, 2019.



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Henrie Morales

Presiding Judge



**JUDGE'S STANDING ORDER NO. 5**

**DISMISSAL OF FINANCIAL RESPONSIBILITY VIOLATIONS**

**IT IS ORDERED** that any time prior to the date of hearing for a citation of "Fail to Maintain Financial Responsibility" a Clerk may accept proof of financial responsibility for dismissal if it complies with the following requirements for acceptable proof.

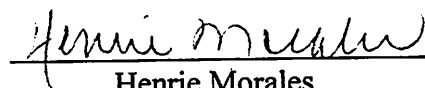
**ACCEPTABLE PROOF**


- Any typewritten, company generated "owner's 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. (Minimum coverage as of April 1, 2008 is 25/50/25. Effective January 1, 2011, the minimum liability coverage increases to 30/60/25)
- Liability Insurance Card
- Fleet policies may be accepted by a Clerk for dismissal if the defendant presents valid proof consistent with the criteria above and indicia of authorization to drive the covered vehicle.
- Premium notices, payment receipts and/or handwritten documents are not "acceptable proof" of financial responsibility.

**IT IS ORDERED** that all documents presented to the Court as proof of Financial Responsibility shall be verified prior to dismissal, unless otherwise ordered by the Court. All submitted documents shall be filed in the court's case file.

**IT IS FURTHER ORDERED** that the status of the violator's driver's license or right to obtain a driver's license shall not be considered when determining eligibility for dismissal.

SIGNED AND ENTERED the 22<sup>nd</sup> day of July, 2019.

  
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Henrie Morales  
Presiding Judge

  
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Roxann Pais Cotroneo  
City Prosecutor

**JUDGE'S STANDING ORDER NO. 6**

**WARRANTS**

**IT IS ORDERED** that a Defendant who appears at the Municipal Court or Clerk's Window for whom a warrants has been issued shall be arrested unless a bail bond (cash, surety, or attorney) is posted, the outstanding fine is paid in full, or the case is otherwise disposed of.

A Defendant may post a "Cash Bond" using cash, cashier's check, money order, credit or debit card or other cash equivalent. **No personal checks shall be accepted to pay a warrant.**

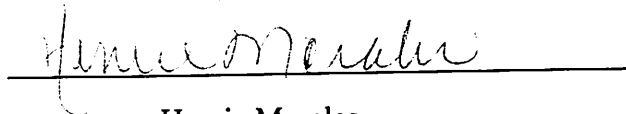
**IT IS ORDERED** that upon the posting of a bond or payment in full of the fine, the warrant shall be immediately recalled and notification shall be sent to the Aransas Pass Police Department for removal of the warrant from regional crime information computers.

Appearance Bonds, whether cash or surety, must be signed by the principal. Attorney bonds may be accepted without the signature of the principal if the attorney has filed a Notice of Appearance or acknowledges by other means his status as attorney of record for the Defendant. All money bonds shall include the attorney's signature and state bar card number. If the attorney's name, state bar card, address and telephone number is provided, the attorney bond may be accepted by facsimile if the original attorney bond is received by the Court within Ten (10) days of receipt of the facsimile. A Clerk shall date-stamp all bonds received. Failure to receive timely the original bond shall cause the bond to be held insufficient and the Clerk shall reactivate the warrant.

**IT IS ORDERED** that no bond shall be required during the period of pending warrant status or until such time as a warrant is signed by the Court, unless the Defendant has failed to appear for a properly noticed Court date or is in "bond forfeiture" status.

*"Pending Warrant Status"* shall be defined as the interim period between the time the case is selected for issuance of a warrant and the date the warrant is actually signed by the court.

SIGNED AND ENTERED the 8<sup>th</sup> day of February, 2019



Henrie Morales

Presiding Judge

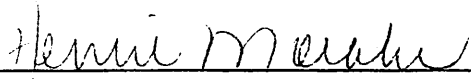
**JUDGE'S STANDING ORDER NO.7**

**EXTENSIONS TO PAY FINES**

**IT IS ORDERED** that a Defendant who appears at the Court Clerk's window to plead "guilty" or "no contest" may receive an extension to pay the fine of up to 30 days for the date of the required appearance date. The Defendant shall complete and sign the appropriate extension form. On the 31<sup>st</sup> day there shall be a payment plan fee added of \$25.00.

**IT IS ORDERED** that the Clerks may process a request for an extension to pay a fine unless a warrant has been issued for the Defendant by the Court

SIGNED and ENTERED this 8<sup>th</sup> day of February, 2019.



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Henrie Morales

Presiding Judge

## **JUDGE'S STANDING ORDER NO.8**

### **DRIVING SAFETY COURSE**

**IT IS ORDERED** that a Court Clerk may accept a request for the Driving safety Course (DSC) at the Clerk's Window, mail or by email. If the following requirements are met:

1. The Defendant requests DSC no later than the "appearance date" stated.
2. The Defendant files with the court a signed affidavit complying with all eligibility requirements for DSC as set forth in Sec. 45.0511(c)(3) of the Texas Code of Criminal Procedure.
3. The Defendant provides proof of financial responsibility, pursuant to the Texas Transportation Code, valid and in force as of the date the Defendant "signs up" for DSC with the Court. Proof must conform to Standing Order No.5.
4. The Defendant presents a valid Texas Driver's License or permit. The spouse of dependent child of a member, of the United States military forces serving on active duty.
5. The Defendant pays the DSC fee instanter

**IT IS ORDERED** that a Clerk may accept proof of completion of a Driving Safety Course (DSC) for dismissal of the case at the Clerk's window or by mail or email under the following circumstances:

1. The Defendant presents a certificate indicating timely completion of the (DSC) and a driving records 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 with no alterations, modification and/or erasures

**IT IS ORDERED** that upon presentation and verification of completion, the Clerks shall present the case to the Court for dismissal.

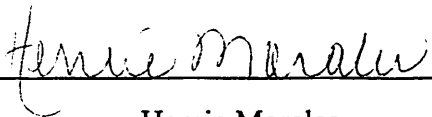
If the Defendant fails to provide evidence of successful completion of the DSC with the time

period allowed, the Clerk shall summon the Defendant to court to a show cause hearing on 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 not be assessed until the 31<sup>st</sup> day after a final judgment has been entered by the Court.

**IT IS FURTHER ORDERED** that if 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 the certificate and process the case as ordered above.

SIGNED and ENTERED this 8<sup>th</sup> day of February, 2019.

A handwritten signature in cursive script, reading "Henrie Morales", is written over a horizontal line.

Henrie Morales

Presiding Judge

## **JUDGE'S STANDING ORDER NO.9**

### **PAYMENT PLANS**

**IT IS ORDERED** that a Clerk may process a request for a payment plan from a person who appears at the Clerk's window or by mail or email claiming an inability to pay their fine in full under the following guidelines.

1. The Defendant completes an application for a payment plan request
2. The Defendant has not previously defaulted on a payment plan ordered by the court.
3. No warrant for the arrest of the Defendant is pending at the time of request

If the Defendant complies with these conditions, the clerk may proceed to process either of two(2) installment payment plan options elected by the defendant.

#### **Options 1: 30 day Extension to Pay in Full**

1. The Defendant may pay a payment of \$75 at the time of the initial payment plan request.
2. The balance of the fine shall be paid in full within 30 days of the request
3. The clerk shall not process an additional extension to pay the fine.

The Clerk shall advise the defendant that failure to comply with the payment plan will result in:

- a. An additional \$25.00 on time payment fee
- b. No further extensions to pay the fine shall be granted by the Clerk, Clerk must set case on the Court's Show Cause Docket for Presiding Judge to review
- c. An arrest warrant or Capias for failure to pay the fine
- d. A driver's license suspension order issued to the DPS
- e. Referral of the case to a collection agency with an increase to the fine

#### **Option 2: Limited Time Payments**

1. The Defendant may pay a payment of \$75.00 at the time of the initial payment plan request.
2. A \$25.00 onetime payment fee will be added to each pending case.
3. The Defendant shall complete the application for a payment plan which will be verified by a clerk. False or misleading information on the document will be ground for termination of the payment plan and acceleration of the entire balance of all fines.

4. No additional extensions to pay the fine(s) shall be granted by the clerk
5. The clerk shall prepare the payment according to the following schedule:

Total Owed \$0 up to \$500      \$75- \$150/ Weekly or Bi-Weekly

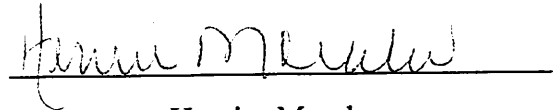
Total Owed \$501 up to \$1,000      \$150- \$199/ Weekly or Bi-Weekly

Total Owed \$1,000 or more      \$200/ Weekly or Bi-Weekly

The Clerk shall advise the Defendant that failure to comply with the payment plan will result in:

- a. An additional \$25.00 onetime payment fee
- b. No further extension to pay the fine
- c. An arrest warrant or Capias for failure to pay the fine
- d. A drivers license suspension order issued to the DPS
- e. Referral of the case to a collection agency

SIGNED and ENTERED this 8<sup>th</sup> day of February, 2019.



Henries Morales

Presiding Judge

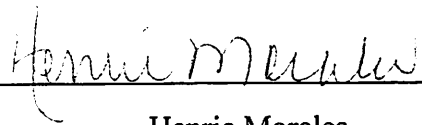
**JUDGE'S STANDING ORDER NO.10**

**INDIGENCE HEARING**

All persons who allege an inability to pay the fine(s) shall be ordered to appear before the court to determine the indigence of the defendant. Advice the defendant to bring to court sufficient documentation to establish indigence and inability to discharge the fine through a payment plan. The information shall include:

- a. Past 2 years Federal Income Tax returns
- b. Past 3 banks statements (3 most recent moths)
- c. Past 3 pay stubs
- d. Proof of governmental financial assistance
- e. Verification of disability of worker's compensation benefits, if applicable
- f. Notice of unemployment insurance disposition and benefit amount, if applicable
- g. Address and telephone of references who can verify financial information medical records
- h. Medical records
- i. Social Security Benefit letter

SIGNED and ENTERED this 8<sup>th</sup> day of February, 2019.



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Henrie Morales

Presiding Judge



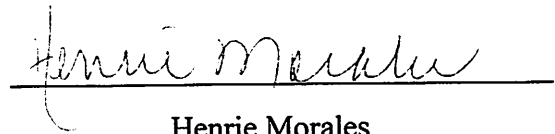
**JUDGE'S ORDER NO.11**

**PAYMENTS RECEIVED BY MAIL**

**IT IS ORDERED** that a Clerk may accept payment for a fine or fee in the form of a check, cash, or money order received by mail following these guidelines:

1. A Plea must be entered
2. No partial payment on Capias Pro Fines shall be expected
3. Payment shall be returned if amount is over the set fine amount

SIGNED and ENTERED this 8<sup>th</sup> day of February, 2019.

A handwritten signature in cursive script, appearing to read "Henrie Morales", is written over a horizontal line.

Henrie Morales

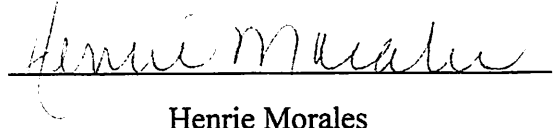
Presiding Judge

**JUDGE'S STANDING ORDER NO. 12**  
**FEES WAIVED DURING AMNENISTY**  
**FEBRUARY 11, 2019 – FEBRUARY 22, 2019**

**IT IS ORDERED** that a Clerk may waive the following fees on warrants during the Amnesty period:

- 1) OMNI base fees
- 2) Linebarger, Goggin Blair collection fees

SIGNED and ENTERED this 8<sup>th</sup> day of February, 2019.

A handwritten signature in cursive script, appearing to read "Henrie Morales", is written over a horizontal line.

Henrie Morales

Presiding Judge