

COURT PROCEDURES FOR JUVENILES

All juveniles (16 years or younger) MUST APPEAR IN PERSON with a parent or legal guardian in court and cannot dispose of any case by mail or without an appearance.

All juveniles are required to appear in open court for all proceedings in their cases. The parent or guardian of any juvenile charged in municipal court is required to be present in court with his or her child. Juveniles who fail to appear in court or fail to pay their fine will be reported to the Department of Public Safety who will suspend their driver's license. If they do not have a driver's license, they will not be able to obtain one until they appear in court or comply with the court's order. For additional information, contact the Juvenile Case Manager at 254-953-5620.

Mandatory Alcohol and Tobacco Courses and Community Service

If you are found guilty of, or placed on deferred disposition for, an alcohol offense, the court must order you to complete an alcohol awareness course. The court must also order you to complete a period of community service.

If you are found guilty of, or placed on deferred for a tobacco offense, the court must order you to complete a tobacco awareness course.

NOTICE TO PARENT AND CHILD: CONTINUING OBLIGATION TO APPEAR

Pursuant to Texas law, Article 45.057(j), Code of Criminal Procedure, you are being provided written notice of the following:

1. A child and parent required to appear before the Court have an obligation to provide the Court in writing of the current address and residence of the child.
2. The obligation does not end when the child reaches age 17.

3. On or before the seventh day after the date the child or parent changes residence (any place where the child lives or resides for a period of at least 30 days), the child or parent shall notify the Court of the current address in writing at: 305 Miller's Crossing, Harker Heights, Texas 76548.
4. Failure to provide notice is a Class C misdemeanor and may result in arrest.
5. The obligation to provide notice terminates on discharge and satisfaction of the judgment or final disposition not requiring a finding of guilt.
6. If an appellate Court accepts an appeal for a trial de novo, the child and parent shall provide the notice to the appellate Court.

Free Car Seat Checks!

A Child Passenger Safety Technician will check to make sure your car seats are installed correctly. They are trained to provide you one-on-one education that will teach you how to use and install a car seat on your own.

Please contact the City of Harker Heights Municipal Court for more information:

305 Miller's Crossing
Harker Heights, TX 76548
Phone: (254) 953-5620
E-mail: court@harkerheights.gov

Visit the Court Website
For More Information
and Payment Options:
www.harkerheights.gov/court

PLEA FORM

(Please Print or Type)

First and Last Name: _____

Date of Birth: _____

Citation #: _____

Offense(s): _____

Amount Enclosed: _____

Mailing Address: _____

Home/Cell Phone#: _____

Work Phone #: _____

Check Plea:

1. I hereby enter a plea of **Nolo Contendere (No Contest)** and waive appearance for trial.

2. I hereby enter a plea of **Guilty** and waive appearance for trial.

3. I hereby enter a plea of **Not Guilty** and waive my right to a jury trial and request a **trial by the Judge**.

4. I hereby enter a plea of **Not Guilty** and request a **trial by jury**.

Signature: _____

Date: _____

PLEA CAN NOT BE ACCEPTED
WITHOUT SIGNATURE

Municipal Court Procedures



Harker Heights Municipal Court
305 Miller's Crossing
Harker Heights, Texas 76548
Telephone: (254) 953-5620
www.harkerheights.gov/court

Purpose

This pamphlet is designed to provide information about criminal court proceedings. It is not a substitute for legal advice from a licensed attorney. If you have questions about your best course of action, what plea you should enter, your rights, or the consequence of a conviction of the offense for which you are charged, you should contact an attorney. Neither the clerk, judge, nor prosecutor can give you legal advice.

Appearance

The law requires you to make an appearance in your case. Your appearance date is noted on your citation, bond, summons, or release papers. You or your attorney may appear in person on or before your appearance date at the Harker Heights Municipal Court located at 305 Miller's Crossing, Harker Heights, Texas 76548, or reply by mail.

Your first appearance is to determine your plea. If you waive a jury trial and plead guilty or nolo contendere (no contest), you may present extenuating circumstances for the judge to consider when determining the proper punishment. However, the judge is not required to reduce your fine. If you plead not guilty, the court will schedule a jury trial. You may waive

a jury trial and request a bench trial. When you make your appearance by mail, your plea must be postmarked by your scheduled appearance date. If you plead not guilty, the court will notify you of the date of your trial.

If you enter a plea of guilty or no contest, you must also waive your right to a jury trial. You may request the amount of fine and appeal bond in writing and mail or deliver it to the court before your appearance date. You then have up to 31 days from the time you received a notice from the court to pay the fine or file an appeal bond with the municipal court.

Pleas

You must enter one of the following three pleas in person or by mail:

Plea of Not Guilty – A plea of not guilty means that you deny guilt and require the State to prove the charge. A plea of not guilty does not waive any of your rights. A plea of not guilty does not prevent a plea of guilty or no contest at a later time.

Plea of Guilty – By a plea of guilty, you admit that you committed the criminal offense charged.

Plea of Nolo Contendere (no contest) – A plea of nolo contendere means that you do not contest the State's charge against you.

The difference between a plea of guilty and nolo contendere is that the no contest plea may not later be used against you in a civil suit for damages. For example, in a civil suit arising from a traffic crash, a guilty plea can be used as evidence of your responsibility or fault.

If you plead guilty or nolo contendere, you will be found guilty and should be prepared to pay the fine. If you are unable to pay the entire fine and costs, you should be prepared to document and explain your financial situation.

Fines, Costs, and Fees

The amount of the fine assessed by the court is determined by the facts and circumstances of the case. Mitigating circumstances may lower the fine, and aggravating circumstances may increase the fine. The maximum fine amount allowed for most traffic violations is \$200; for most other violations of State law and city

ordinances--\$500; for fire safety, health, zoning, and sanitation ordinance violations—\$2,000.

Courts are required by the laws of the State of Texas to collect court costs and fees. Because costs vary for different offenses, check with the court for the amount of costs that will be assessed for the violation with which you are charged. If you go to trial, you may have to pay the costs of overtime paid to a peace officer spent testifying at trial. If a warrant was served or processed, a \$75 warrant fee is also assessed with an additional fee to place a flag on your driver's license. If you do not pay the whole fine and costs within 30 days of the court's judgment, you must pay an additional time payment fee.

Court costs are only assessed if you are found guilty at trial, if you plead guilty or nolo contendere, or if you are granted deferred disposition or a driving safety course. If you are found not guilty or the case is dismissed, court costs are not assessed.

For the correct fines and costs, please call the Harker Heights Court at 254-953-5620.

Judge's Ability to Dismiss

The municipal judge is responsible for conducting a fair, impartial, and public trial. The case against you is brought by the State of Texas through the prosecutor, not the court. Therefore, the judge may not dismiss a case without the prosecutor having the right to try the case.

There are several exceptions to this rule, including deferred disposition, driving safety courses, and compliance dismissals.

Deferred Disposition

The judge may, in the judge's sole discretion, defer disposition on most cases. The holder of a commercial driver's license (CDL) is not eligible for deferred disposition on moving traffic violations. Costs must generally be paid when the court grants deferred. If you complete the required terms, the case is dismissed, and the court may impose a special expense fee not to exceed the maximum fine amount authorized by state law. Deferrals are issued at the discretion of the Judge.

Driving Safety Course (DSC)

If you are charged with a traffic offense, you may be eligible to ask the judge to take a driving safety course to dismiss the charge. **The request must be made on or before the appearance date on the citation. It must be made by the defendant in person, by legal counsel, or by certified mail.** (If you are under age 17, you must appear in open court with a parent or guardian to make the request.) If you were operating a motorcycle, you may be required to take a motorcycle operator's training course. If you are charged with allowing a child to ride unsecured in a safety belt or a child passenger safety seat system, you must take a special driving safety course that has four hours training on child passenger safety seat systems. At the time of the request, you must do the following:

- 1) Plead guilty or no contest;
- 2) Pay court costs;
- 3) Pay a \$10 fee, if required;
- 4) Present proof of financial responsibility (insurance); and
- 5) Present a valid Texas driver's license or permit. (Active military and spouses or dependent children of active military may present a valid driver's license from any state.)

To be eligible, you:

- 1) Cannot have taken a driving safety course or motorcycle operator's course for a traffic offense within the last 12 months from the date of the current offense;
- 2) Cannot currently be taking the course for another traffic violation;
- 3) Cannot be the holder of a commercial driver's license (CDL) or have held a CDL at the time of the offense; and
- 4) Have not committed one of the following offenses:
 - Failure to Give Information at Accident Scene;
 - Leaving Scene of Accident;
 - Passing a School Bus;
 - A serious traffic violation, which applies to commercial motor vehicle operators;

- An offense in a construction or maintenance work zone when workers are present;
- Speeding 25 mph or more over limit; or
- Speeding 95 mph or more.

The case will be deferred for 90 days.

During that time you must:

- 1) Complete a driving safety course approved by the Texas Education Agency or a motorcycle operator's course approved by the Department of Public Safety and present the completion certificate to the court;
- 2) Present a certified copy of your driving record from the Department of Public Safety that shows that you have not had a driving safety course within the preceding 12 months from the date of the current offense; and
- 3) Swear to an affidavit that you were not taking a driving safety course at the time of the request for the current offense and that you have not taken one that is not shown on your driving record.

If you do not present the required documents in time, the court will notify you to return to court and explain why you failed. The judge may, but is not required to, allow you to file the proper papers for an extension at that time. Your failure to be present at that hearing will result in a conviction, a fine being assessed, and a *capias pro fine* for your arrest being issued.

If you request DSC, you must appear in person at the Harker Heights Municipal Court located at 305 Miller's Crossing, Harker Heights, Texas 76548; along with proof of financial responsibility, a valid Texas Driver's License (Out-of-state Driver's License acceptable if active duty military or dependent of active duty military) and pay the required fee on or before your appearance date on your citation. You may also send your request by certified mail. The DSC request form is available on the Municipal Court website if you are mailing your request.

**Visit the Court Website For More Information and Payment Options:
www.harkerheights.gov/court**