

**LOCAL RULES FOR JUSTICE COURT**

**CRANE COUNTY, TEXAS**

**Class C Misdemeanors**

To Criminal Defense Attorneys and Pro Se Defendants (self-represented/no attorney)

**PRE-TRIAL SETTINGS AND PROCEDURE**

All cases not initially disposed of by a plea of guilty or no-contest, or other lawful disposition, will be forwarded to the Prosecutor and given a Pre-Trial Setting. Pre-Trial settings are an opportunity for the State and Defendant or Defense Counsel to announce to the Court whether a plea agreement or alternative resolution has been reached. In the absence of an agreement for resolution, the Defendant or Defense Counsel will announce whether the Defendant is requesting a bench trial or jury trial. Prior to announcements, the Court may request that the Defendant or Defendant's counsel privately discuss possible resolutions with the Prosecutor. Defendants and Defense Counsel are strongly encouraged to discuss case resolution with the Prosecutor prior to a Pre-Trial setting. Pre-Trial Settings are generally conducted via Zoom and the parties appear by video or phone.

**FAILING TO APPEAR**

Any party that fails to appear for Pre-Trial Settings or Trial Settings as ordered is subject to a finding of contempt of court. Punishment for contempt of court for Justice Court cases is a fine not to exceed \$100.00 or confinement in the county jail for a period not to exceed three days, or both such a fine and confinement. Failure to appear at a jury trial setting will also result in reimbursement fee for the costs incurred for impaneling the jury, non-payment of which shall be enforced as contempt of court. Defendants that fail to appear for any settings shall be ordered to post Personal Bond or Bail Bond to secure attendance at future settings.

### ***For Defendants with Defense Counsel***

The Pre-Trial setting is generally the last opportunity for Defense Counsel to consult with the Prosecutor regarding discovery, guilty plea offer(s), or enrollment in the Pre-Trial Intervention (PTI) Program before the case will be set for trial. Defense Counsel must appear at a Pre-Trial setting unless a written Plea Agreement or written PTI Agreement has been executed by the Prosecutor, Defendant and Defense Counsel prior to the Pre-Trial Setting. The Prosecutor will announce to the Court whether any plea agreement offer was made or of any agreements for resolution of the case. If Defense Counsel had previously requested any sort of discovery, the Prosecutor will announce the status of that request.

When both the Prosecutor and Defense Counsel announce that an agreement for a plea of guilty or no contest has been reached, the Court will require that the terms of the agreement be announced and reduced to writing. In cases that the Court accepts the plea agreement, the Court will issue its written Judgment following receipt of a signed Plea Agreement containing signatures from the Prosecutor, Defendant and Defense Counsel. Fines and court costs are due within ten days of the Court issuing its Judgment and will be subject to additional fees if not received within ten days. For cases where the Court rejects the plea agreement, the Court will announce its rejection and reset the case for a subsequent Pre-Trial Setting.

In cases where the Prosecutor and Defense Counsel announce that the Defendant will apply or enroll in the PTI Program offered by the County Attorney's Office, the Defendant and Defense Counsel will have fifteen days to complete enrollment in the PTI Program through the County Attorney's Office if not already completed. The Prosecutor shall file a Motion for Continuance and attach the PTI Agreement along with an Order for Continuance prior to the next regularly scheduled Pre-Trial docket. If a Defendant fails to complete enrollment in the PTI Program, the Prosecutor will notify the Court at the next regularly scheduled Pre-Trial docket and the case will be set for trial or for a subsequent Pre-Trial setting. An Order for Continuance to complete the PTI Program will not be signed by the Court after the Prosecutor's announcement that the Defendant failed to timely complete enrollment. For cases where the Court rejects the continuance for time to complete the PTI Program, the Court will announce its rejection and reset the case for a subsequent Pre-Trial Setting or for trial.

In cases that an agreement for resolution cannot be reached, the Prosecutor shall announce whether the State is ready for trial. Defense Counsel shall also announce whether the Defendant is ready for trial as well as Defendant's waiver or non-waiver of its right to a jury trial. A Defendant may not revoke its waiver of its right to a jury trial after a bench trial has been set. In cases set for trial, the Court may order that a Personal Bond or Bail Bond be posted in the amount of the fine and court costs for each offense to secure the attendance of the Defendant as allowed by the Texas Code of Criminal Procedure.

The Court may order additional Pre-Trial settings on its own or by written motion by the State or Defendant when warranted. Continuances from a Pre-Trial setting should be filed at least four business days before the scheduled setting and should include whether the opposing party is in agreement.

### ***For Pro Se Defendants (self-represented)***

The Pre-Trial setting is generally the last opportunity for the Defendant to consult with the Prosecutor regarding discovery, guilty plea offer(s), or enrollment in the Pre-Trial Intervention (PTI) Program before the case will be set for trial. The Defendant must appear at a Pre-Trial setting. The Prosecutor will announce to the Court whether any plea agreement offer was made or of any agreements for resolution of the case. If the Defendant had previously requested any sort of discovery, the Prosecutor will announce the status of that request.

When both the Prosecutor and Defendant announce that an agreement for a plea of guilty or no contest has been reached, the Court will require that the terms of the agreement be announced and reduced to writing. In cases that the Court accepts the plea agreement, the Court will issue its written Judgment following receipt of a signed Plea Agreement containing signatures from the Prosecutor and Defendant. Fines and court costs are due within ten days of the Court issuing its Judgment and will be subject to additional fees if not received within ten days. For cases where the Court rejects the plea agreement, the Court will announce its rejection and reset the case for a subsequent Pre-Trial Setting.

In cases where the Prosecutor and Defendant announce that the Defendant will apply or enroll in the PTI Program offered by the County Attorney's Office, the Defendant will have fifteen days to complete enrollment in the PTI Program through the County Attorney's Office if not already completed. The Prosecutor shall file a Motion for Continuance and attach the PTI Agreement along with an Order for Continuance prior to the next regularly scheduled Pre-Trial docket. If a Defendant fails to complete enrollment in the PTI Program, the Prosecutor will notify the Court at the next regularly scheduled Pre-Trial docket and the case will be set for trial or for a subsequent Pre-Trial setting. An Order for Continuance to complete the PTI Program will not be signed by the Court after the Prosecutor's announcement that the Defendant failed to timely complete enrollment. For cases where the Court rejects the continuance for time to complete the PTI Program, the Court will announce its rejection and reset the case for a subsequent Pre-Trial Setting or for trial.

In cases that an agreement for resolution cannot be reached, the Prosecutor shall announce whether the State is ready for trial. Defense Counsel shall also announce whether the Defendant is ready for trial as well as Defendant's waiver or non-waiver of its right to a jury trial. A Defendant may not revoke its waiver of its right to a jury trial after a bench trial has been set. In cases set for trial, the Court may order that a Personal Bond or Bail Bond be posted to the Court in the amount of the fine and court costs for each offense to secure attendance of the Defendant as permitted under the Texas Code of Criminal Procedure.

The Court may order additional Pre-Trial settings on its own or by written motion by the State or Defendant when warranted. Continuances from a Pre-Trial setting should be filed at least four business days before the scheduled setting and should include whether the opposing party is in agreement.

## **TRIAL SETTINGS AND PROCEDURE**

All cases left unresolved by Pre-Trial settings shall be scheduled for trial. Defendants may choose whether they waive their right to a trial by jury by electing a bench trial. Any Defendant that fails to waive their right to a trial by jury will be receive a jury trial setting. Defendants and Defense Counsel (if applicable) must appear at the trial setting. Defendants are not permitted to withdraw a waiver of right to jury trial after a case has been set for trial.

At the conclusion of all trials, the Court will issue its Judgment in accordance with the findings and will assess punishment, if applicable. Fines and court costs are due within ten days of the Court issuing its Judgment and will be subject to additional fees if not received within ten days.

### ***Bench Trials***

Bench Trials will be conducted in accordance with the Texas Code of Criminal Procedure and Texas Rules of Evidence as applied to Justice Courts. Bench Trials will begin with the Court confirming attendance and admonishing the Defendant if necessary. The Prosecutor for the State will then read the Complaint. The Prosecutor and Defendant will each have forty-five minutes to present their case, which shall include: opening statements, examination and cross-examination of witnesses, introduction of evidence, and argument. The Prosecutor will present the State's case first, followed by the Defendant's case (if any). Closing arguments shall begin with the Prosecutor having the opportunity to speak first, followed by the Defendant, and then the Prosecutor also has the right to speak last. For Bench Trials that include more than one offense, the total time of argument shall be expanded by five minutes per side per additional offense. The Court may agree to additional time expansions after motion of either the Prosecutor or Defendant, or for other good cause.

For Bench Trials conducted via Zoom, the parties shall email all exhibits to the Justice Court and all opposing parties by 4:00 p.m. on the business day prior to the Bench Trial setting. Rebuttal evidence is excluded from this deadline but should be shared with the Court and all parties as soon as possible. Other exceptions may be given by the Court for good cause.

### ***Jury Trials***

Jury Trials will be conducted in the same manner as Bench Trials, with an additional thirty minutes reserved for each side to conduct jury selection. The Court may agree to additional time expansions after motion of either the Prosecutor or Defendant, or for other good cause. Jury Selection will be conducted in accordance with the Texas Code of Criminal Procedure and other applicable statutes and law as applied to Justice Courts.

## APPEALS TO COUNTY COURT

After the Court issues its Judgment in a case, the Defendant may appeal the Judgment to the County Court if timely notice is given as prescribed by Texas law and the Defendant has not waived the right to appeal. The Defendant must post an Appeal Bond for double the amount of the adjudged court costs and fines. Defense Counsel may offer to serve as surety on behalf their client that will be accepted and must be filed with the Notice of Appeal. All Defendants appealing their case to the County Court will be asked to complete a Plea Form to be forwarded to the County Court and the case will be heard *de novo*.

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DATE SIGNED

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JUDGE PRESIDING