

AMENDED STANDING ORDERS

A. COMPLIANCE DISMISSALS:

1. ***EXPIRED REGISTRATION TICKET:*** Pursuant to Section 502.407 of the Texas Transportation Code, this Court shall dismiss a charge of driving with an expired registration certificate if: (a) the defendant obtains a current registration sticker for the vehicle within 20 working days from the date of the ticket; (b) the defendant pays the penalty fee at the time the vehicle is registered; and (c) the defendant pays of \$20 administrative fee. This Court may NOT dismiss Expired Registration tickets if the new registration sticker is not obtained within 20 working days OR if the penalty fee was not paid to the tax office. This applies to a motor vehicle, trailer or semitrailer.
2. ***EXPIRED DRIVER'S LICENSE TICKET:*** Pursuant to Section 521.026 of the Texas Transportation Code, this Court shall dismiss a charge of driving with an expired driver's license if: (a) the defendant renews the driver's license within 20 working days from the date of the ticket and (b) the defendant pays a \$20 administrative fee. This Court may NOT dismiss Expired Driver's License tickets if the driver's license is not renewed within 20 working days from the date of the ticket.
3. ***EXPIRED HANDICAPPED PARKING PLACARD TICKET:*** Pursuant to Section 681.013 of the Texas Transportation Code, this Court shall dismiss a ticket for Expired Handicapped Parking Placard if: (a) the defendant renews the parking placard within 20 working days from the date of the ticket and (b) the defendant pays a \$20 administrative fee. This Court may NOT dismiss Expired Handicapped Parking Placard tickets if the placard is not renewed within 20 working days from the date of the ticket.
4. ***DEFECTIVE EQUIPMENT TICKET:*** Pursuant to Section 547.004 of the Texas Transportation Code, this Court shall dismiss a charge of driving with defective equipment if: (a) the defendant shows proof to the court that the defective equipment was repaired or replaced prior to the defendant's Initial Appearance and (b) the defendant pays a \$10 administrative fee. This Court may NOT dismiss Defective Equipment tickets if the equipment was not repaired or replaced prior to the date of Initial Appearance. At the sole discretion of the court, acceptable proof may include a receipt for the repair or replacement of the equipment, photographs of the repaired equipment, or visual inspection of the equipment by an officer of the court.
5. ***FAILURE TO CHANGE ADDRESS OR NAME ON DRIVER'S LICENSE TICKET:*** Pursuant to Section 521.054 of the Texas Transportation Code, this Court shall dismiss a charge of failing to change

address or name on driver's license if: (a) the defendant shows proof to the court that the defendant's address or name was changed on the driver's license within 20 working days from the date of the ticket and (b) the defendant pays a \$20 administrative fee. This Court may NOT dismiss such a ticket if the defendant does not change the address or name on the driver's license within 20 working days from the date of the ticket.

6. *FAILURE TO DISPLAY / IMPROPER DISPLAY OF*

REGISTRATION TICKET: Pursuant to Section 502.473 of the Texas Transportation Code, this Court may dismiss a charge of failure to display registration or improper display of registration if: (a) the defendant shows proof to the court that the defendant has affixed the valid registration sticker to the vehicle as required by law prior the defendant's Initial Appearance and (b) the defendant pays a \$10 administrative fee. This Court may NOT dismiss either of these tickets if valid registration is not affixed to the vehicle prior to the date of the defendant's Initial Appearance. At the sole discretion of the court, acceptable proof may include a receipt for the registration of the vehicle, photographs of the registration sticker attached to the vehicle, or visual inspection of the vehicle by an officer of the court. Note this section of the law only applies to a motor vehicle. NOTE—this does not apply to a ticket for a road tractor, motorcycle, trailer or semitrailer that fails to display, or improperly displays, registration.

7. *OPERATION OF A VEHICLE WITHOUT A LICENSE PLATE*

TICKET: Pursuant to Section 504.943 of the Texas Transportation Code, this Court shall dismiss a charge of driving a vehicle without the proper license plates attached to the vehicle if: (a) the defendant shows proof to the court that proper license plates have been attached to the vehicle prior to the defendant's Initial Appearance and (b) the defendant pays a \$10 administrative fee. This Court may NOT dismiss Operation of a Vehicle Without a License Plate tickets if the license plates were not properly attached to the vehicle prior to the date of the defendant's Initial Appearance. At the sole discretion of the court, acceptable proof may include a photograph of the license plates attached to the vehicle or visual inspection of the vehicle by an officer of the court.

8. *OPERATION OF A VEHICLE WITH OBSCURED LICENSE PLATE:*

Pursuant to Section 504.945 of the Texas Transportation Code, this Court shall dismiss a charge of driving a vehicle with an obscured license plate if: (a) the defendant shows proof to the court that the license plate has been cleaned or the obstruction removed prior to the date of the defendant's Initial Appearance and (b) the defendant pays a \$10 administrative fee. This Court may NOT dismiss Operation of a Vehicle With An Obscured License Plate tickets if the license plate was not cleaned or the obstruction was not removed prior to the date of the defendant's Initial Appearance. At the sole discretion of the court, acceptable proof may include a photograph of the license plate attached to the vehicle or visual inspection of the vehicle by an officer of the court.

9. ***VIOLATING A DRIVER'S LICENSE RESTRICTION OR ENDORSEMENT TICKETS:*** Pursuant to Section 521.221 of the Texas Transportation Code, this Court shall dismiss a charge of violating a driver's license restriction or endorsement ticket if: (a) the restriction or endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before the date of the offense or the restriction or endorsement was imposed in error by DPS and that fact is established by the defendant; (b) DPS removes the restriction or endorsement prior to the date of the defendant's Initial Appearance and (c) the defendant pays a \$10 administrative fee. This Court may NOT dismiss this type of ticket if proof is not provided as detailed above.
10. ***FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY:*** Pursuant to Section 601.193 of the Texas Transportation Code, this Court shall dismiss an FTMFR ticket if: (a) the defendant provides written proof of valid financial responsibility at the time of the offense and (b) the court is able to verify that the financial responsibility was valid and covered the defendant and the vehicle being driven. This Court may NOT dismiss this type of ticket if proof is not provided as detailed above. The defendant must provide a paper or electronic copy of the proof of financial responsibility to the Court.

B. DISPOSITION OF CASES:

1. ***DEFENSIVE DRIVING:*** It is the general policy and order of this Court to allow all defendants who are eligible for a Driving Safety Course (a.k.a. "Defensive Driving") to request that class and be approved to take that class if the defendant pays the required fee and requests the class from the Court. This may be done up to and including the day of the defendant's initial reset ("IR") setting. A defendant is eligible to take DSC in order to dismiss a moving traffic violation if the defendant 1) has a current Texas driver's license (not necessary if the defendant is in the military); 2) has valid liability insurance specifically covering the defendant as a driver; 3) is not charged with speeding more than 25 mph or more over the posted speed limit; 4) is not charged with driving 95 mph or more; 5) is not currently a Commercial Driver's License holder and was not a Commercial Driver's License holder on the date of his ticket, and; 6) is not currently taking DSC for another ticket. The court will deny any requests for DSC once the defendant's case has been set for pretrial or trial. A defendant charged with Passing a School Bus, Failing to Leave Information (Damage to Vehicle/Injury to Person) or with any moving violation in a construction zone with workers present is not eligible for defensive driving under this section and the law.

2. **PAYMENT PLANS:** It is the general policy of this court to offer a defendant a monthly payment plan if the defendant cannot pay the total due at the time of his plea. The state mandates that a \$15.00 time payment fee will be added to the total, if the defendant takes more than 30 days to pay the total due.
3. **COMMUNITY SERVICE/REDUCTION IN MONTHLY PAYMENT:** A defendant who is indigent is eligible for community service /reduction in monthly payment but must set a court date in order for the judge to determine such eligibility. If a defendant requests community service or a reduction in monthly payment, that defendant's case will be set on a docket. The defendant will be required to complete and swear to a Financial Information packet that details the defendant's personal finances. The Court will consider said packet in its determination whether the defendant is indigent.
4. **DISCOVERY:** Pursuant to Art. 39.14 (d), it is ordered that, in the case of a *pro se* defendant, the State shall produce and permit the inspection, by the Defendant, of any offense reports, any designated documents, papers, written or recorded statements of the defendant or a witness, including witness statements of law enforcement officers, but not including the work product of counsel for the state in the case and their investigators and their notes or report, or any designated books, accounts, letters, photographs, or objects or other tangible things not otherwise privileged that constitute or contain evidence material to any matter involved in the action and that are in the possession, custody, or control of the state or any person under contract with the state. By this order, the State is not required to allow electronic duplication. Before the court will accept a plea of guilty or *nolo contendere*, or before trial, either each party shall acknowledge in writing or on the record in open court the disclosure, receipt, and list of all documents, items, and information provided to the defendant under Art. 39.14, or, alternatively, the Defendant may file a written waiver of his or her right to inspect the evidence.
5. **DEFERRED DISPOSITION:** In light of the State's Standing Motion filed on 2 May 2023, the Court will grant deferred disposition for cases involving moving violations and Failure to Maintain Financial Responsibility (FTMFR)—1st offense at the clerk's window, under the conditions that are set out below:
 - a. The Defendant must be at least 17 years old at the time of the offense.
 - b. The Defendant shall not have been convicted or been on deferred disposition for the same offense, in the City of Lago Vista, Texas, for the 12 months prior to the offense for which the Defendant is now requesting deferred disposition. For example, if a Defendant was placed on a 3-month deferred disposition for speeding on 1 Jan 2023, that Defendant would not be granted another deferred disposition, at the

clerk's window, for a speeding offense alleged to have occurred between 1 Jan 2023 and 1 April 2024. That Defendant might still be able to obtain a deferred but would have to appear in court to request such.

c. The Defendant shall provide proof of valid driver's license and financial responsibility at the time the Defendant requests deferred disposition.

d. The Defendant shall not be accused of driving more than 25mph over the posted speed limit.

The conditions of any such deferred disposition that are granted under this Order shall include the following:

1. The Defendant shall be ordered to pay the maximum fine applicable to the offense plus court costs.
2. The Defendant shall be ordered to commit no new violations.
3. The Defendant shall be placed on deferred disposition for four months.
4. If the Defendant is under 25 years of age, then the Defendant shall complete a Driving Safety Course and provide proof of such to the court.
5. If the Defendant holds a provisional license, then the Defendant shall be examined by the Department of Public Safety as required by Section 521.161(b)(2), Transportation Code, regardless of whether the Defendant has been examined previously, and shall provide proof to the court that the Defendant passed the examination.
6. If the Defendant is charged with FTMFR, the Defendant shall maintain a valid driver's license and valid financial responsibility throughout the period of the deferral.

This subsection does not apply:

1. to Defendants who currently hold a CDL or held a CDL at the time of the offense;
2. to an offense which occurred in a construction or maintenance work zone with workers present;
3. to Defendants whose case is set on the Pretrial or Trial dockets or to Defendants who did not appear at either the IA or the IR dockets.

6. ***DISPOSITION OF CASES ON TRIAL DOCKET:*** The court will accept plea bargains in any cases set on a trial docket until 6:00 p.m. on the Thursday preceding the trial setting for that case. If the court does not receive paperwork, signed by all parties, before 6 p.m. on the Thursday prior to the trial setting, the case will be tried. No plea bargains will be accepted after that point. If the court is closed on the Thursday prior to the trial setting, then the date for final plea bargains is moved up to the last day prior to the court's closure. For instance, if a trial is set the week after Thanksgiving, then the last day to file paperwork for a plea bargain in that case will be the last day that the court is open the week of Thanksgiving, whether that day is Wednesday, Tuesday, or Monday. This order shall not infringe on the State's right to move to dismiss a case at any time.

C. COURT SETTINGS:

1. ***PLEAS AND DOCKETS:*** A defendant who is at least 17 years of age may enter a plea of no contest or guilty and dispose of the citation at the window in accordance with the court's standing orders and policies. Should a defendant wish to plead not guilty or request community service, then the defendant's case shall be set at the earliest possible date. On that setting docket, the defendant may dispose of the case that day or request a bench trial or a jury trial. If the defendant requests a trial, the case shall be set for the next available (bench/jury) trial docket. Defendants under the age of 17 years, must be set for the juvenile docket as they must enter their plea in open court; however, they may present evidence that results in a compliance dismissal, as detailed above, at the window prior to their initial appearance.
2. ***DEFENDANTS FAILING TO APPEAR AFTER RECEIVING A CITATION:*** Any defendant who receives a citation in person and who subsequently fails to appear by their appearance date shall contact the court to have the case set on a docket. The clerk will notify the defendant in writing of this court setting. The Defendant may appear at the window and dispose of the ticket or pay online prior to that court setting.
3. ***DEFENDANT'S DEFAULTING ON PAYMENT PLAN OR COMMUNITY SERVICE AFTER CONVICTION:*** Any defendant who defaults on a payment plan or community service after being convicted shall be set for court on the Show Cause Docket. The clerk will notify the defendant in writing of this court setting. On that setting, the Court will consider whether to grant the defendant a reinstatement of the payment plan or community service if the Defendant requests such reinstatement.

For defendants who are alleging that they are now indigent, the defendant should be required to complete the Financial Information packet. If the defendant is determined to be indigent by the judge, the judge will determine the reduction in payment/length of community service. Community service shall be ordered at no less than the rate of \$15.00 per hour.
4. ***PAYMENTS:*** It is the general policy and order of this Court that if a defendant sets a court date and disposes of the defendant's case at that court date, the defendant will be expected to pay the ticket in full on that day if possible. If not, the defendant will be placed on a payment plan as discussed above.

Further, it is the general policy and order of this Court that if a defendant has a jury trial or bench trial and is found guilty, the defendant will be expected to pay the total amount due within 10 days unless the defendant

is determined to be indigent and therefore eligible for community service / reduction in monthly payment.

5. **OFFICIAL RECORDING OF COURT PROCEEDINGS:** It is the general policy and order of this Court that all proceedings be recorded.
6. **MEDIA RULES:** It is the general policy and order of this Court that the follow rules apply to the media or any other person or entity desiring to photograph or record court proceedings:
 - (a) No video cameras, photo or digital cameras, or audio recording equipment are allowed inside the courtroom.
 - (b) Cellular phones and pagers must be turned off unless they are silent.
 - (c) Video cameras, photo or digital cameras, or audio recording equipment are allowed in the lobby area of the Municipal Court. Said equipment and personnel shall not in any way impede or block persons from entering or exiting the building or moving to a particular part of the building. If the quantity of equipment or the behavior of the media personnel becomes disruptive or interferes with the regular operations of the Municipal Court or any other department within this building, they will be asked to move outside of the building.

D. CITATIONS/COMPLAINTS IN WARRANT

1. **CAPIAS WARRANTS:** A defendant who was 17 years of age or older on the date of the original offense and who has a capias warrant for the defendant's arrest (and for warrants issued on or after 9/1/17, having been set for hearing as indicated above and either failing to appear or defaulting a second time), has four options:
 - (a) Pay the entire amount due on the ticket in warrant and the warrant will be cleared from the regional computer system.
 - (b) Be arrested by a police officer or voluntarily turn self into the Lago Vista Police Department.
 - (c) Post bond with the court in an amount that is double the total amount of the window fine and court costs for that offense.
 - (d) Retain an attorney who submits a letter of representation on behalf of the defendant.

Any defendant who has been found to be indigent (i.e., been granted community service/reduction in payment by the judge) is not liable for collection agency fees pursuant to Texas Code of Criminal Procedure

Section 103.0031. In such cases, collection agency fees shall not be added to the total owed by the Defendant and if such fees have been previously added to the total owed, those fees shall be removed.

2. ***CAPIAS WARRANTS WHEN DEFENDANT WAS UNDER 17 AT THE TIME OF THE OFFENSE:*** A defendant who was under 17 years of age on the date of the original offense and who has a capias warrant for his/her arrest (and for warrants issued on or after 9/1/17, having been set for hearing as indicated above and either failing to appear or defaulting a second time) has four options:

- (a) Pay the entire amount due on the ticket in warrant and the warrant will be cleared from the regional computer system as the case is completed.
- (b) Begin a payment plan by appearing in person at the court clerk's window during business hours and signing said agreement. In this case, the warrant will be removed from the regional system, but will not be cleared. In the event that payment is not made according to the payment schedule, the warrant will be reentered into the region system with the current amount owed. Once this is done, the only options for the defendant are to pay the amount in full or be arrested/turn into the Lago Vista Police Department.
- (c) Complete community service as directed by the court in lieu of paying the total due. Defendant must appear in person at the court clerk's window during business hours and sign said agreement. In this case, the warrant will be removed from the regional system, but will not be cleared. In the event that community service is not completed as agreed, the warrant will be reentered into the regional system with the current amount owed. Once this is done, the only options for the defendant are to pay the amount in full or be arrested/turn self into the Lago Vista Police Department.
- (d) Be arrested or voluntarily turn self into the Lago Vista Police Department.

E. YOUTH DIVERSION (for offenses committed on or after 1/1/25)

- 1. ***DIVERSION BY JUDGE:*** The court shall only participate in Diversion by Judge. The court shall not provide an Intermediate Diversion program.
- 2. ***ELIGIBILITY:*** A child shall be eligible for youth diversion for any non-traffic Class C misdemeanor under the following conditions:
 - (a) The child has not participated in a diversion program for the 365 days prior to this offense;

- (b) The child has never had an unsuccessful diversion;
- (c) The attorney for the State does not object to the child's participation in diversion;
- (d) The child and the parent both agree in writing to the child's participation in diversion;
- (e) The child does not contest the charge;
- (f) The child is under the age of 17 at the time of the offense.

3. *PROCEDURES FOR ENROLLING YOUTH INTO DIVERSION*

- (a) At docket call, the court will identify those children whose cases appear to be eligible for diversion.
- (b) The court will further investigate whether each child is, in fact, eligible for diversion. The court will explain the diversion process and the individual diversion plan to each eligible child and parent. This shall include any programs, classes, or community service restitution that is a part of the plan. This will also include the court's \$50 administrative fee and the consequences of the parent's refusal to pay the fee, once the diversion agreement is in place. The court will also explain the child's and the parent's right to refuse diversion.
- (c) If the child and/or parent refuses diversion, then such will be noted on the docket, and the case will proceed as any other criminal case.
- (d) If the State objects in writing to the child's participation in diversion, then the case will proceed as any other criminal case.
- (e) If the child does not contest the charge and the child and parent both agree to enter into diversion, then child and parent will sign the written diversion agreement and the parent shall pay the \$50 administrative fee. The court shall provide copies of the written agreement to both the child and the parent. The court shall provide a copy to the city prosecutor. The court shall also retain a copy of the diversion agreement.
- (f) Once the diversion agreement has been signed, the court shall dismiss the charge against the child.
- (g) The child, or parent as applicable, shall provide proof of completion of each diversion strategy to the city prosecutor.

- (h) If a child successfully complies with the diversion agreement, then the case shall be closed and reported as “successful.”
- (i) The diversion agreement shall last for up to 180 days, as specified in each individual diversion agreement.

4. ***DIVERSION STRATEGIES:*** “Diversion strategies” are intervention strategies that redirect a child from formal criminal prosecution and hold the child accountable for the child’s actions. The following is a non-exhaustive list of strategies that may be implemented in diversion agreements:

- (a) Requiring a child to participate in a program, including:
 - (1) a court-approved teen court program operated by a service provider;
 - (2) a school-related program;
 - (3) an educational program, including an alcohol awareness program, a tobacco awareness program, or a drug education program;
 - (4) a rehabilitation program; or
 - (5) a self-improvement program, including a program relating to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution;
- (b) Referring a child to a service provider for services, including:
 - (1) at-risk youth services under Subchapter D, Chapter 264, Family Code;
 - (2) juvenile case manager services under Article 45.056;
 - (3) work and job skills training, including job interviewing and work preparation;
 - (4) academic monitoring or tutoring, including preparation for a high school equivalency examination administered under Section 7.111, Education Code;
 - (5) community-based services;
 - (6) mental health screening and clinical assessment;

- (7) counseling, including private or in-school counseling; or
- (8) mentoring services;
- (c) Requiring a child, by court order, to:
 - (1) participate in mediation or other dispute resolution processes;
 - (2) submit to alcohol or drug testing; or
 - (3) substantially comply with a course of treatment prescribed by a physician or other licensed medical or mental health professional; and
- (d) Requiring a child, by court order, to:
 - (1) pay restitution not to exceed \$100 for an offense against property under Title 7, Penal Code;
 - (2) perform not more than 20 hours of community service; or
 - (3) perform any other reasonable action determined by the court.

5. ***REFERRAL TO COURT:*** If a child does not comply with the terms of the diversion agreement, the court shall set a non-adversarial hearing so that the court may determine whether the diversion should be declared unsuccessful. The court may hear from any person who might be of assistance in determining the best interests of the child and the long-term safety of the community. After the hearing, the court may enter an order:

- (a) amending or setting aside terms in the diversion agreement;
- (b) extending the diversion for a period not to exceed one year from the initial start date of the diversion;
- (c) issuing a continuance for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with the terms of the diversion;
- (d) requiring the child's parent to perform any act or refrain from performing any act as the court determines will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the child, provided that such order does not have the substantive effect of interfering with a parent's fundamental right to determine how to raise the parent's child, unless the court finds that the interference is necessary to prevent

significant impairment of the child's physical, mental, or emotional health.;

- (e) finding the diversion successful on the basis of substantial compliance; or
- (f) finding the diversion unsuccessful and:
 - (1) transferring the child to juvenile court for alleged conduct indicating a need for supervision under Section 51.08, Family Code; or
 - (2) referring the charge to the prosecutor for consideration of re-filing.

6. **TRIAL:** A child, who is otherwise eligible for diversion but does not enter diversion and has a trial, whether bench trial or jury trial, and is found guilty retains the right to enter into diversion. Prior to entering a judgment of conviction, the court shall go through the steps listed above in Section 3 **“PROCEDURES FOR ENROLLING YOUTH INTO DIVERSION.”** If the child and/or parent does not agree to the terms of the diversion agreement, then a judgment of conviction may be entered. If the State objects to the child’s participation in diversion, after a trial, then a judgment of conviction may be entered. If the child and parent agree to the terms of the diversion agreement and the State does not object, then the child and parent shall be allowed to enter into the diversion agreement.
7. **EXPUNCTION:** All records of a diversion pertaining to a child shall be expunged, without the requirement of a motion or request, on the child’s 18th birthday.

F. MISCELLANEOUS

REQUESTS FOR JUDGE’S CONSIDERATION: For Defendants who have already entered a plea, disposed of their case and who wish to request an extension of their time to pay, extension of time to complete community service, or who assert that they are now indigent and are therefore requesting a reduction in their monthly payment or to convert their payment plan to community service, the court will set those cases on the next available docket. Such requests will not be accepted from defendants prior to their entering a plea and disposing of their case or from Defendants for whom a capias warrant has already been issued.

MOTION FOR CONTINUANCE: Should a Defendant wish to reset any court setting, the defendant shall file a Motion for Continuance with the court no later than seven (7) days prior to the court setting which the defendant is seeking to reset. Any motion for continuance shall include three (3) alternate dates that the movant is available for the case to be reset. Any motion submitted within seven (7) days of the setting the defendant is seeking to reset must contain good cause as

to why the motion is untimely filed to be considered. If an untimely motion fails to state good cause, that motion will be denied. All Motions for Continuance will be presented to the judge within a reasonable period of time (i.e., within the next 1-3 business days if possible). Defendants are encouraged to file their Motion for Continuance well in advance of their court setting. If the defendant's Motion is denied, the defendant is expected to appear for the original court setting.