



ARRAIGNMENT SETTING INFORMATION



The City of Houston Municipal Courts would like to inform you about your upcoming arraignment setting that is stated on the citation you recently received.

The legal definition of arraignment is the first appearance of an accused before a judge in a criminal proceeding where in the charges against the accused are read and a plea is recorded. However, this first appearance can be by mail if you so choose.

There are various options available by mail, by telephone and online that can be exercised to avoid having to appear in person for arraignment. These options will be explained in greater detail below and we invite you to visit the Court's website, www.houstontx.gov/courts for additional information and any applicable forms.

ENTERING A PLEA

There are three possible pleas, "*Guilty*," "*Nolo Contendere*" (no contest), and "*Not Guilty*." If you do not wish to contest your case, you should plead "*Guilty*" or "*No Contest*." If you wish to contest your case, you should plead "*Not Guilty*."

If you plead "*Not Guilty*," you have the option of a trial by judge or a trial by jury and your case will be scheduled for another day. If you wish to have a judge make the decision in your case, you should request a trial by judge. If you wish to have a jury of six people make a decision in your case, you should request a trial by jury. If you request a trial by jury, you should expect to remain at the court the entire day. Also, your case may be reset for another day if it is not reached.

If you request a trial by judge, you will be required to sign a written waiver of jury trial. If you do not sign the written waiver of jury trial, then your case will be scheduled on the jury docket. If your case is scheduled for trial, you should be prepared to go forth with the presentation of evidence at that time, including the testimony of any witness that you may wish to call. If there are any witnesses that you wish to be subpoenaed, you should submit the names and addresses of such witnesses to the clerk of the court.

You may also be represented by an attorney of your choice. If you desire to retain an attorney to represent you, you should do so at your earliest convenience so that your attorney will have sufficient time to prepare for trial. You do not have to have an attorney and may represent yourself at the trial, however, you will be held to the same standards as the attorney representing the State.

Please be aware that trials by judge could be scheduled during the day or in the evening at various court locations according to the police officer's schedule. Jury trials are scheduled at 8:00 a.m. Monday through Friday at the central court location located at 1400 Lubbock, Houston, Texas 77002, and on Thursdays/Fridays at the court located at the Westside Command Station, 3203 South Dairy Ashford, Houston, Texas 77082.

You should plan to appear in the courtroom at least 15 minutes before the time scheduled in order to avoid any adverse consequences that may result from arriving late. If you arrive late or fail to appear, a warrant may be issued for your arrest and a new charge of "Failure to Appear" may be filed against you. In order to avoid arrest, you should come to the court as soon as possible and speak with a Judge in the Annex Court. You will not be arrested if you come to court to speak with a Judge or prosecutor.

If you plead "*Guilty*" or "*Nolo Contendere*" to any charge the court will find you guilty and assess the fine and the appropriate court costs.

If you are unable to pay the fine, there are various options available to resolve your case(s) including:

- **Deferred Payment Program:** This option allows you to pay your fines over time. You will be required to complete an application and meet with a Deferred Payment Specialist who will review your application and the terms of the Deferred Payment Program and work with you regarding your payment terms.
- **Community Service:** This option allows you to perform community service at an approved organization in order to satisfy your fine, usually a non-profit organization.
- **Indigency Hearing:** If you are still unable to pay your fines, you may request an indigency hearing. You will be requested to provide documentation regarding your inability to pay.

You are advised that, under the law, if the fine and court costs on a case are not fully paid within thirty (30) days from date of judgment, the court must assess an additional late payment fee of \$25.00 on the case.

Finally, if the fine, court costs and fees are not fully paid by the date given to you by the court, you must reappear in court at the time and date given to you in order to request additional time for payment, or show cause why you are unable to meet your court ordered obligation. The failure to appear at such time may result in a Capias Pro Fine warrant. However, if you come to court and speak with a Judge, you will not be arrested on a Capias Pro Fine warrant.

DRIVER SAFETY COURSE (DSC) OR MOTORCYCLE OPERATOR TRAINING COURSE (MOTC) OPTIONS

You may apply for DSC/MOTC on or before your scheduled court date in person at any Court location or by mail. If you comply with the requirements, the charge will be dismissed and will not appear on your driving record. If you fail to comply with the requirements, then you will be assessed a fine of \$175 and the conviction will be reported to the Texas Department of Public Safety. Please wait at least ten (10) days after you are issued the citation to make your request. You will be required to enter a plea of "*Guilty*" or "*Nolo Contendere*" in order to be granted DSC/MOTC. Below are the eligibility and requirements for both the Mandatory and the Discretionary DSC/MOTC.

Items required for all DSC/MOTC requests:

- Copy of your current auto liability policy
- Copy of your valid Texas Driver's License
- Payment of the applicable DSC Fee (*see fees below*)
- Completed and signed DSC/MOTC Application

To qualify for the Mandatory Driving Safety Course, you must:

- Have a valid Texas Driver's License (Commercial Driver's License not eligible)
- Have liability insurance or other proof of financial responsibility
- Not have taken a DSC/MOTC for a ticket dismissal within the previous 12 months
- Not charged with speeding 25 miles over the posted limit

If you are not eligible for the Mandatory DSC/MOTC, you may be eligible for the discretionary DSC/MOTC.

You may qualify for the Discretionary Driving Safety Course if you have:

- Failed to request the Mandatory DSC/MOTC on or before arraignment date
- Taken a mandatory DSC/MOTC within one year from date of citation

The Court will notify you by mail and will outline the requirements/deadlines listed below. Remember, the DSC/MOTC course you elect to take must be approved by the Texas Education Agency. You will have ninety (90) days to complete the DSC/MOTC and submit the following by mail or in person:

- DSC/MOTC Certificate of Completion (Court Copy)
- DSC/MOTC Notarized Affidavit
- Certified Driving Record from the Texas Department of Public Safety

If you fail to complete and submit all of the requirements by your specified compliance date, you will be required to appear at a Show Cause Hearing approximately thirty (30) days after the due date. A letter will be sent to the address that is on file with the court. If you do not appear for your Show Cause Hearing, you will be found guilty and assessed a fine of \$175, and the conviction will be reported to the Texas Department of Public Safety.

Fees for Mandatory DSC/MOTC:

- Moving Violation: **\$114.10**
- School Zone Moving Violation: **\$139.10**

Fees for Discretionary DSC/MOTC:

- Moving Violation: **\$154.10**
- School Zone Moving Violation: **\$179.10**

DEFERRED DISPOSITION OPTION

Deferred Disposition is a suspended sentence. On your plea of guilty or no contest, the court will defer a finding of guilt, assess Court costs, and order that you post a bond and comply with certain conditions. If you successfully comply with the terms, your case will be dismissed, and

the bond money will be applied to a special expense fee. If you fail to comply with the terms, you will be notified by mail to appear at a show cause hearing. If you fail to show cause, a judgment will be imposed, a conviction will be reported to DPS (Texas Department of Public Safety), and the bond money will be applied to the fine.

How to Request Deferred Disposition:

You may request Deferred Disposition on or before your arraignment date **in person, by phone, or by mail**. You will be required to submit a Deferred Disposition application, which can be downloaded from this website, a copy of your Driver's License, current proof of insurance, and payment of the cost and fees due when requesting Deferred Disposition as follows:

- **\$214** for each non-accident traffic case
- **\$229** for each non-accident speeding of 14 miles or less over the posted speed limit
- **\$259** for each non-accident speeding of 15 to 25 miles over the posted speed limit
- **\$254** for each non-accident school zone case
- **\$279** for accident case

If you opt to request Deferred Disposition **by mail**, your submission must be postmarked on or before your scheduled court date to avoid a Failure to Appear warrant. The judge will review your driving history and Deferred Disposition will only be granted at the discretion of the reviewing Judge.

Requests by mail **WILL NOT** be accepted for the following offenses, you **MUST** appear **IN PERSON**:

- 26 miles or more over the posted speed limit
- Any offense by a holder of a CDL (Commercial Drivers License)
- Passing a school bus
- No Liability insurance
- Any traffic violation that occurred in a construction zone with workers present
- Non-traffic cases
- Juvenile cases (must appear in person with a parent or guardian)

POST COMPLIANCE DISMISSAL OPTION:

Certain violations that are specified below may be dismissed without having to appear in court. If your violation is not specified below, it cannot be dismissed and you will have to appear in person or select another option.

Insurance:

Submit a copy of the insurance policy in your name which was valid the day and time the ticket was issued, and a copy of the registration of the vehicle you were driving. If the vehicle you were driving was owned by someone else, you may submit a copy of the insurance policy listing the vehicle that you were driving along with a copy of that vehicle's registration. If the proof submitted is sufficient, your case will be dismissed. If you obtained insurance after the

ticket was issued, your case will not be dismissed. However, you may request Deferred Disposition, and if successfully completed, you will avoid a conviction and State surcharges.

Failure to Display Drivers License:

Submit a copy of your valid Driver's License along with payment of the \$10 administrative fee (check/money order payable to: City of Houston). If the proof submitted is sufficient and the \$10 administrative fee is paid, your case will be dismissed.

Expired Driver's License:

Submit a copy of your Texas Driver's License renewal receipt along with payment of the \$20 administrative fee (check/money order payable to: City of Houston). If the proof submitted is sufficient and the \$20 administrative fee is paid, your case will be dismissed.

Failure to Report Name/Address Change:

Submit a copy of your Texas Driver's License reflecting the corrective action for the name/address change along with payment of the \$20 administrative fee (check/money order payable to: City of Houston). If the proof submitted is sufficient and the \$20 administrative fee is paid, your case will be dismissed.

Driver's License Restriction/Endorsement Violation:

Submit a copy of your Texas Driver's License indicating the removal of the endorsement along with payment of the \$10 administrative fee (check/money order payable to: City of Houston). If the proof submitted is sufficient and the \$10 administrative fee is paid, your case will be dismissed.

Expired Vehicle Registration:

Submit a copy of the receipt for the renewal of the vehicle registration along with payment of the \$20 administrative fee (check/money order payable to: City of Houston). If the proof submitted is sufficient and the \$20 administrative fee is paid, your case will be dismissed.

No Front/Rear License Plate Attached:

Submit a photograph reflecting the license plate(s) affixed to the vehicle along with payment of the \$10 administrative fee (check/money order payable to: City of Houston). If the proof submitted is sufficient and the \$10 administrative fee is paid, your case will be dismissed.

Defective Equipment (Non-commercial vehicles only):

Submit proof (documentation/photograph) that the defective equipment has been corrected along with payment of the \$10 administrative fee (check/money order payable to: City of Houston). If the proof submitted is sufficient and the \$10 administrative fee is paid, your case will be dismissed

While you are on the City of Houston Municipal Court's website, please review all of the helpful information provided, and study all of your options prior to appearing in court. All applicable forms are also available for downloading as well. Also, if you have an outstanding court matter with the City of Houston Municipal Courts, you should come in to discuss your options with a

Judge and a prosecutor, without fear of arrest. It is our primary and on-going objective to assist individuals in resolving their court cases.

We strive to provide excellence in customer service and your feedback is important. If you have a suggestion or comment on how to improve our services, please send an email to presidingjudge@houstontx.gov. On behalf of the Municipal Court Staff, thank you for taking the time to read this information and we hope your court experience is a positive one.