



**Robert Splawn, Presiding Judge
Municipal Court
City of Canyon
Randall County, Texas**

JUDGES'S STANDING ORDER NO. 6 – DEFERRED DISPOSITION

IT IS ORDERED that the Clerk may process requests for Deferred Disposition (“Deferred”) from a defendant, or his attorney, at the Clerk’s window and may complete the paperwork for the Court’s signature, if the defendant meets the eligibility requirements set forth below. Defendants not meeting said eligibility requirements may present their request for Deferred to the Court by setting the case on the Court’s docket for a “No Contest” or “Attorney Plea” hearing.

MOVING VIOLATIONS

A defendant is eligible for Deferred Disposition at the Clerk’s window for a moving violation if:

1. The defendant shows proof of a valid Driver’s License (not restricted to a Texas D.L.);
2. The Defendant agrees to pay all court costs and the special expense fee (which is equal to the window fine plus an additional \$50 if not taking a DSC as part of the deferred not to exceed the maximum fine allowable by law,); within 90 days of entering a plea.
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 by the State of Texas;
4. The defendant has not been granted Deferred by any Texas Court within twelve (12) months of the date of the request;
5. The defendant is not currently on Deferred in any other jurisdiction for a moving violation..

IT IS ORDERED that final disposition shall be deferred for 90 days, unless otherwise indicated by these orders.

A defendant is not eligible for Deferred Disposition at the Clerk’s window for a moving violation if any of the following are true:

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 in excess of \$1,500 or personal injury;
4. The offense involves passing a school bus;
5. The offense involves failing to obey a school crossing guard;
6. The offense involves speeding in excess of 25 mph or more over the posted speed limit or in excess of 94 mph;
7. The defendant is under the age of 17 years at the time of the offense;
8. The defendant has violated his original promise to appear date by more than 20 calendar days.

NON-MOVING VIOLATIONS:

A defendant is eligible for Deferred Disposition at the Clerk's Window for non-moving violations if:

1. The defendant agrees to pay all court costs and the special expense fee (which is equal to the window fine) within ninety (90) days;
2. The defendant has not been granted Deferred in any Texas Court within twelve (12) months of the date of application; and
3. The defendant is not currently on Deferred in another jurisdiction for a non-moving violation.

IT IS ORDERED that final disposition shall be deferred for 90 days, unless otherwise indicated by these orders.

A defendant is not eligible for Deferred Disposition at the Clerk's window for non-moving violations if any of the following are true:

1. The offense involves a violation of the Texas Alcoholic Beverage Code;
2. The offense is for Driving Under the Influence pursuant to 106.041 Texas Alcoholic Beverage Code;
3. The offense involves violations of Chapter 161 of the Texas Health and Safety Code (Tobacco violations); or
4. The offense is classified as a Class C Misdemeanor under Texas law;
5. The offense is a violation of the City of Canyon's Code of Ordinances;
6. The offense involves personal complaints;
7. The defendant has violated his original promise to appear date by more than 20 calendar days.

FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY:

A defendant is eligible for Deferred Disposition at the Clerk's window for the offense of Failing to Maintain Financial Responsibility if:

1. The defendant agrees to pay court costs and the special expense fee (which is equal to the window fine) within ninety (90) days of entering the plea; and
2. The defendant has not been granted Deferred in by any Texas Court within twelve (12) months of the date of application; and
3. The defendant is not currently on Deferred in another jurisdiction; and
4. 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 compliance to the Court at the end of the period, either in person or by mail.

Cause Number: _____

THE STATE OF TEXAS
VS.

MUNICIPAL COURT
CITY OF CANYON
RANDALL COUNTY, TEXAS

NAME _____

ORDER OF DEFERRED DISPOSITION

The Court orders that the Defendant is Guilty of the offense of VIOLATION: _____ and assesses a fine of \$____ plus court costs.

Under the authority of Article 45.0511 (b)(2), Texas Code of Criminal Procedure, the Court is deferring disposition without entering an adjudication of guilt and is placing the defendant on a probationary period for 90 days from this date. During the probationary period the defendant is required to comply with the following requirements;

1. Pay court costs and special expense fees in the total amount of _____
2. Not to be **convicted** of any VIOLATIONS during the 90 days.
- _____ 3. Complete Driving Safety Course during the 90 days. IF UNDER AGE OF 25 MUST COMPLETE
4. Submit to the Court within **10 days** after the probationary period a sworn affidavit attesting to the fact that the defendant was not convicted of any violations during the probationary period.

The Court further orders that if at the conclusion of the 90-day deferral period the defendant submits satisfactory evidence of compliance with the above stated requirement, the Court will remove the judgment and dismiss the charge.

If satisfactory evidence (a sworn affidavit) is not submitted to the Court within 10 days after the probationary period ends, the Court will impose the fine and court costs assessed and a conviction will be taken without notice to the defendant or the attorney.

I have read the above order and agree to the requirements imposed.

I have acknowledge and waive my rights to represented by an Attorney and waive my right to a Jury trial before the court.

Defendant's signature

Presiding Judge Splawn

Date

Docket Number: Docket

You must sign the following affidavit swearing to the Court that you have not been convicted of any VIOLATIONS within your 90 day probationary period. This affidavit must be notarized, which means you must sign it in front of a notary public. This must be submitted to the Court within **10 days** after your probationary period ends. Do not sign this document until after your probationary period ends.

I, _____ HEREBY STATE UNDER OATH THAT I HAVE NOT BEEN CONVICTED OF ANY VIOLATIONS DURING MY PROBATIONARY PERIOD.

Defendant's Signature

Sworn to subscribed before me this _____ day of _____ 20__.

Notary Public or Municipal Court Clerk

CAUSE NO: _____

Defendant Name: _____

Violation: _____

I HEREBY ENTER MY PLEA OF:

GUILTY: I am stating that I am guilty of the charge filed. The fine and costs on a plea of GUILTY will be entered by the Court. I understand that I have a right to a jury trial; however, I am waiving my right to a jury trial or hearing by the Court. I understand that payment of the fine and court costs constitutes satisfaction of the judgment and waiver of the right to appeal. I further understand that my plea may result in a conviction appearing on either a criminal record or driver's license record.

NOLO CONTENDERE (NO CONTEST): I am not disputing the charge filed. The fine and costs on a plea of NO CONTEST will be entered by the court. I understand that I have a right to a jury trial; however, I am waiving my right to a jury trial or hearing by the Court. I understand that payment of the fine and court costs constitutes satisfaction of the judgment and waiver of the right to appeal. I understand that my plea may result in a conviction appearing on either a criminal record or driver's license record.

(Check one of the following options on a plea of GUILTY OR NO CONTEST.)

I am NOT INDIGENT. I request DEFERRED DISPOSITION under ART. 45.051 CCP.

I am NOT INDIGENT. I will PAY THE FINE AND COSTS set by the Court.

CONTACT INFORMATION

DATE OF BIRTH

DRIVERS LICENSE NUMBER

SOCIAL SECURITY NUMBER

PERMANENT MAILING ADDRESS

CITY/ZIP

TELEPHONE NUMBER

EMAIL

Signature _____