

JAN 22 2014



**LOCAL RULES**

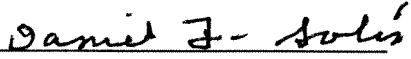
**CITY OF DALLAS**

**MUNICIPAL COURT**

*Daniel F. Solis*  
Daniel Solis, Administrative Judge

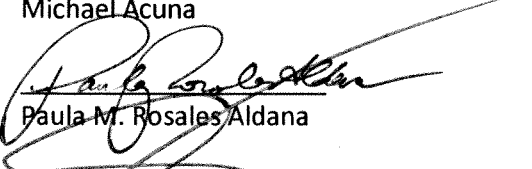
**LOCAL RULES OF THE MUNICIPAL COURT OF THE CITY OF DALLAS, TEXAS**

Be it known that on this, the 14th day of January, 2014, the Municipal Court of the City of Dallas, Texas has adopted its Local Rules of Court, in order to provide efficiency, uniformity, fairness, and justice in conducting the business of the Court.

  
Daniel Solis, Administrative Judge


**Municipal Judges:**

  
Michael Acuna

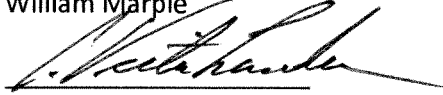
  
Paula M. Rosales Aldana

  
Julie Clancy

  
Shereen A. ElDomeiri

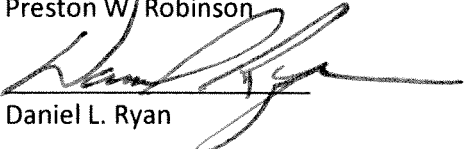
  
Kathryn Hoang


  
William Marple

  
C. Victor Lander

  
Jay E. Robinson

  
Preston W. Robinson

  
Daniel L. Ryan

  
Cheryl D. Williams

**Associate Municipal Judges:**

Roland C. Anderson

Winifred E. Cannon

Marilyn Y. Davis

Frieda J. Fiske

Tonya L. Goffney

Esther A. Grossman

Carl Hays

Thaddeus Iwuji

J. Oliver Lee, Jr.

Daniel E. McDonald, Jr.

Cadoc Tim A. Menchu

Kristine Primrose

Deanna Jefferson Smith

E. A. (Elizbeth) Srere

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**OF THE CITY OF DALLAS, TEXAS**

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**RULE ONE  
AUTHORITY AND HOURS**

**1.1 AUTHORITY FOR RULES**

Under the inherent power and duty of all Texas Courts as codified in Section 21.001 of the *Texas Government Code*, the following **Local Rules of the Municipal Court of the City of Dallas** (hereinafter **Local Rules of Court**) are promulgated and shall apply and govern any and all proceedings held within any Municipal Court of the City of Dallas, County of Dallas, State of Texas.

**1.2 APPLICATION**

The **Local Rules of Court** apply to each attorney, to each Defendant representing himself/herself (hereinafter referred to as "Pro Se Defendant") in the Municipal Court of the City of Dallas, Texas, to all Court staff, as well as to any and all witnesses or observers who appear in the Municipal Court of the City of Dallas, Texas. A judge may promulgate rules for his/her Court which do not conflict with these rules and applicable law. Failure to comply with these Rules may result in the imposition of sanctions including contempt. The Local Rules of Court are effective January 14, 2014.

**1.3 AVAILABILITY**

A copy of these rules shall be available in the courtrooms, the courthouse information desks, public service counters and on the City of Dallas website.

**1.4 CITATION FORM**

These rules shall be known as the Local Rules of the Municipal Court of the City of Dallas and each rule may be cited as "Dallas Local Rule" or "D.L.R."

**1.5 AUTHORITY OF SITTING MUNICIPAL JUDGES**

The Municipal Court of the City of Dallas is one Court, separated into Divisions, each referred to as a "Court." Each Judge, whether a full time Judge or an Associate Judge sitting for a full time Judge, has all authority within the Court in which they are sitting and in the Dallas Municipal Court in general as does any Municipal Judge of a Court of Record in the State of Texas. Each Municipal Judge, whether full time or Associate, is also a Magistrate for every county into which that the City of Dallas goes and has all authority as a Magistrate in any of those counties as set forth in State law.

## **1.6 HOURS OF OPERATION**

The Judges' Office shall be open from 7:30 am to 4:30 pm, with the exception of City observed holidays or when the Court is otherwise closed by order of the Administrative Judge or the City Manager. A judge cannot ethically speak to any party regarding the merits of a case without both sides present, except as authorized by the Texas Code of Judicial Conduct. Each full time Dallas Municipal Judge is "on call" 24 hours a day 7 days a week for emergency situations and for County Magistrate duties. Each Court will be open until all pending matters on that day's docket are resolved.

## **RULE TWO COURTROOM DECORUM**

### **2.1 FORMAL OPENING**

Each daily session of the Court shall be brought to order by formal announcement by the Bailiff of the Court, requiring all present in the Courtroom to rise as the Judge takes the Bench.

### **2.2 CONDUCT REQUIRED OF ALL PERSONS ATTENDING COURT**

Court is in session whenever the Judge is on the Bench. **While the Court is in session, unless the Judge directs otherwise the following conduct must be observed:**

- A. **No smoking** or use of tobacco products, including snuff or chewing tobacco.
- B. **No reading** of extraneous materials, such as books, newspapers or magazines.
- C. **No propping feet** or sitting on tables, railings, or on the backs of benches or chairs.
- D. **No loud noises.**
- E. **No eating** of food, drinking of beverages, or chewing and/or popping of gum.
- F. **No standing** in the Courtroom, particularly in front of Bailiff or in front of the Bench, except when addressing the Court, or by direction of the Judge, or as necessitated by the business of the Court.
- G. **No gestures**, facial expressions, or sounds indicating approval or disapproval of a ruling by the Court or a comment of a witness.
- H. **No inappropriate attire**, including shorts, tank tops, sleeveless shirts, T-shirts, low pants with underwear showing, and/or inappropriate "message" shirts.
- I. **No unattended children** in the Courtroom.

- J. **No cellular telephones** are to ring and no pagers are to sound in the Courtroom. **Cellular telephones and pagers must be silenced.**
- K. **No hats** or head coverings including scarves, bandanas or do-rags shall be worn in the courtroom unless such items are religious in nature.
- L. **No person** other than the Judge who is presiding, a peace officer or a security guard employed by the City of Dallas and on duty who has a current appropriate license shall possess a weapon in the Courthouse.
- M. **No talking** during hearings or trials, except by participants.

### 2.3 CONDUCT REQUIRED OF ALL ATTORNEYS AND *PRO SE* DEFENDANTS

Attorneys shall observe both the letter and the spirit of all canons of ethics and the *Texas Disciplinary Rules of Professional Conduct*, including those canons concerning improper *ex parte* communications with the Judge and those dealing with discussion of cases with representatives of the media. In addition:

- A. Attorneys shall advise their clients and witnesses of all of the **Local Rules of Court** that may be applicable, and shall ensure that their clients and witnesses follow and fully adhere to all appropriate **Local Rules of Court**. Attorneys (and *pro se* Defendants) shall be dressed appropriately while in attendance of the Court. Jackets and ties are required of all male attorneys, unless the trial judge waives this requirement. Upon notice by the Administrative Judge, a summer dress code shall be published in each Courtroom.
- B. *Pro se* Defendants (Defendants acting as their own attorney) shall conform their behavior to all provisions of the canons of ethics applicable to licensed Attorneys.
- C. All parties shall be prompt in arriving for Court and attending to Court business. Attorneys, defendants represented by Attorneys and *pro se* Defendants shall be on time, and if the Attorney is required to be in another Courtroom, he/she shall notify the respective Bailiff of such. The Attorney for the Defendant shall sign in for the Defendant on the Court's docket sheet prior to the docket call. The State shall not be required to make an announcement for trial on cases where the Defendant failed to personally answer the docket call. The Defendant shall appear as required by law. All witnesses shall be present at docket call. The State shall have until 1 hour and 45 minutes from the scheduled docket time to make its trial announcement.

- D. If a Defendant fails to timely appear as required by the Court for any court setting and the case is not otherwise disposed of, the Defendant shall be placed in "alias and bond status." A Defendant in alias and bond status shall post either a surety bond or cash bond at the defendant's election, if it is the first time the case is in alias and bond status, and shall post a cash bond if it is not the first time the case is in alias and bond status.
- E. Once an individual has entered the Courtroom and appeared before the Court, whether Defendant, attorney, or witness, he/she shall not leave the Courtroom without obtaining permission from the Judge.
- F. During trial or any hearing, any objections, arguments, and comments shall be directed to the Court and not to opposing counsel or to *pro se* Defendants. Any objections which have been raised during a hearing or trial shall be supported by a legal basis for such objection. Argument upon an objection will not be entertained except with the permission of the Court.
- G. During trial or any hearing, all participants in the proceedings shall address each other and members of the Jury without familiarity. The use of first names should be avoided. While addressing the Court, attorneys and *pro se* Defendants shall rise and remain standing at their positions at counsel table unless directed otherwise by the Judge.
- H. During trial or any hearing, attorneys and *pro se* Defendants shall remain seated at the counsel tables at all times, except (1) when the Judge enters and leaves, (2) when addressing the Judge or Jury, (3) when objecting to the opposing party, (4) whenever it may be proper to handle documents, exhibits, or other evidence, or (5) when the Judge directs otherwise.
- I. Attorneys (and *pro se* Defendants) shall not approach the Bench except after requesting and receiving permission from the Judge.

**RULE THREE  
ENTRY OF PLEA**

**3.1 PLEA**

A plea of not guilty, guilty or no contest must be filed with the Clerk of the Court within twenty-one (21) days following the issuance of the citation. All pleas shall be in writing. If a defendant fails to timely answer the citation, the defendant shall be placed in "alias and bond status." A defendant in alias and bond status shall post either a surety bond or cash bond at the defendant's election if it is the first time the case is in alias and bond status, and shall post a cash bond if it is not the first time the case is in alias and bond status.

### **3.2 REQUESTS FOR ASSISTANCE**

A motion by a party for an interpreter pursuant to Texas Government Code Section 57.002, shall be made in writing at the time a plea is entered or as soon as practical thereafter as a party becomes aware of the need for interpreter services.

## **RULE FOUR NOTICE**

### **4.1 RESPONSIBILITY**

It is the responsibility of all persons with business before the Court to determine the date, time and nature of each setting of the case(s) and to update or notify the Department of Court and Detention Services of any changes of address of the Defendant or of counsel for the Defendant.

### **4.2 NOTICE**

Notice of the date, time and nature of each setting shall be given by the Department of Court and Detention Services to each party in writing, in person or by mail, addressed to the last known address of a party and counsel for the party. A copy of each notice shall be marked as to the manner of its delivery, and shall be properly filed and maintained within the Court's file by the Department of Court and Detention Services.

### **4.3 VERBAL REPRESENTATIONS**

Reliance by any party upon verbal representation from any Court personnel or a police officer concerning any matters shall not be binding as grounds for continuance, grounds for setting aside a warrant, or any other relief.

### **4.4 COMPLAINT**

A copy of the Complaint shall be made available to the Defendant or counsel for the Defendant no later than 14 days before the pretrial hearing. A Complaint shall not be considered timely if this deadline is not met.

## **RULE FIVE MOTIONS**

### **5.1 MOTIONS FOR CONTINUANCE**

Motions for Continuance require reasonable basis in fact and will not be granted for delay purposes, but only to ensure that justice is done.



### 5.1.1 CODE

Continuances are governed by Chapter 29, *Texas Code of Criminal Procedure*. **Rule Five** of the **Local Rules of Court** is intended to augment and not to replace the provisions of the *Code of Criminal Procedure*.

### 5.1.2 FORM

- A. All Motions for Continuance shall be in writing and shall be filed at least five working days prior to the scheduled court date with the Department of Court and Detention Services at the Attorney Window(s) if by an attorney or at Windows 5-17 if by a *pro se* Defendant. Such Motions shall be filed immediately upon discovering the necessity for the continuance.
- B. Each Motion for Continuance shall contain:
  - 1) The cause number;
  - 2) The name of the Defendant;
  - 3) The date and time of the setting requested to be continued;
  - 4) The requested date for the new setting of the case, if any;
  - 5) The specific facts justifying the continuance;
  - 6) A certificate of conference indicating the agreement or disagreement of the opposing party; and
  - 7) An oath attesting to the truth of the matters contained in the Motion.

### 5.1.3 EMERGENCY MOTIONS

Where the underlying facts which form the basis for a motion for continuance were not discovered and could not have been discovered through the exercise of due diligence, an emergency motion for continuance may be filed. Emergency Motions for Continuance may be filed at any time prior to the respective Court proceeding, and will be ruled on by the Court at the call of the docket.

#### **5.1.4 FACTORS**

Except in cases where constitutional or statutory continuances are sought, the following factors will be among those considered in determining whether to grant or deny a Motion for Continuance:

- A. The specific nature of the conflict in scheduling;
- B. The time from the date on which the charge was initiated by citation or affidavit to the date that the continuance is sought;
- C. The number of continuances previously granted to each party; and
- D. The timeliness of the filing of the Motion, including the date on which the scheduling conflict, if any, became known to Movant.

#### **5.1.5 FORUM**

A Motion for Continuance shall be presented in the same Court where the case is set to be heard. In all cases the ruling on a Motion for Continuance shall be at the discretion of the Judge of the Court where the case is set to be heard.

#### **5.1.6 DENIED MOTION**

If a Defendant's Motion for Continuance is denied, in order for the Defendant to avoid a warrant, a bond in the amount set by the Court may be required to be posted, at the discretion of the Judge denying the Motion. It is the responsibility of the Defendant to determine whether the Motion was granted or denied and to determine whether a bond is required. If a State's Motion for Continuance is denied, the case will proceed to trial, plea, or other disposition.

#### **5.2 MOTIONS TO WITHDRAW**

Any attorney who makes an appearance on behalf of a Defendant or represents to the Court that he/she is the attorney of record for a party shall continue to be considered by the Court as the attorney of record for that Defendant until a Motion to Withdraw as Counsel is filed by that attorney and is granted by the Court.

##### **5.2.1 WITHDRAWAL WITHOUT A HEARING**

A Motion to Withdraw as Counsel for Defendant may be granted without a hearing only if the moving attorney obtains an agreement by the State and files a verified certificate stating the last known mailing address of the Defendant and files along with the Motion a written consent

to the withdrawal signed by the client which consent acknowledges that the Defendant has been advised of all future court settings.

### **5.2.2 WITHDRAWAL WITH A HEARING**

If all requirements of Rule 5.2.1 are not satisfied, a Motion to Withdraw must be presented to the Court at a hearing after notice to the Defendant and to all other parties, as prescribed by **Rule Seven** of the Local Rules of Court.

### **5.2.3 SUBSTITUTION OF COUNSEL.**

If a Motion to Withdraw as Counsel for Defendant also contains a Motion to Substitute Counsel and a Notice of Appearance by another attorney, and obtains a written agreement by the State, that appearance will satisfy the requirements of Rule 5.2.1, and the attorney named in the Notice of Appearance will thereafter be considered by the Court as attorney of record for the Defendant.

## **RULE SIX OFF-DOCKET PROCEDURES**

### **6.1 OFF-DOCKET MOTIONS**

An off-docket motion is any motion filed in a case not set on that particular day's docket. Attorneys seeking to discuss cases with the City Attorney's Office (the Prosecution) shall obtain the imaged record of the case if needed, prior to meeting with the Prosecution.

- A.** If the Prosecution agrees with the attorney's Motion, the Prosecutor shall so indicate by signing on the Motion form, and the Motion form shall be presented back to the judge of the Court where the case is set and then to the Attorney's Window of the Department of Court and Detention Services for updated entry into the imaged record of the case. If the case has not been set in any Court, the attorney shall present the Motion to the Presiding Judge of Magistrate Court.
  
- B.** If the Prosecution opposes the Motion, the Prosecution shall so indicate on the Motion form and sign such form. The attorney and the prosecutor shall then present the imaged record and the signed opposition first to the Judge of the Court in which the case is set for decision. If the case has not been set in any Court, the attorney shall present the Motion to the Presiding Judge of the Magistrate Court.

## **6.2 OFF-DOCKET COURT**

Attorneys and *pro se* Defendants may utilize the Off-Docket Court process to handle cases which are not set on that particular day's docket, cases in alias status, and cases in *capias* status. A motion for new trial, motion to set aside a plea, motion to reinstate a bond or a motion for continuance must be presented to the Court in which such case is set. If the case involves a juvenile defendant, any motion, whether agreed or not agreed, dealing with such shall not be heard in the Off-Docket Court, but rather in the Juvenile Court, Court No. 3. Each Defendant may present to the Off-Docket Court no more than a specified amount of cases per day as directed by the Administrative Judge.

## **6.3 FILES**

Defendants and their attorneys shall have access to Court files during regular hours of the Department of Court and Detention Services. Clerks shall not release imaged documents to anyone except Court personnel, licensed attorneys or their staffs, or the Defendant, unless the documents are released pursuant to the Open Records Act or some other legal means. The copies of the imaged records which are within the Courtroom shall not be removed from the Courtroom except by specific authorization of the Judge.

## **6.4 RESOLUTION OF OFF-DOCKET MATTERS**

It is the responsibility of the attorney for the Defendant or the *pro se* Defendant to ensure that the Department of Court and Detention Services is made aware of and fully updates any decisions made by the Court as a result of use by the Defendant of the off-docket process. At the conclusion of the off-docket process, the attorney for the Defendant or the *pro se* Defendant must appear before the designated Deputy Clerk of the Court for final update of the case before the off-docket procedure will be considered completed. Neither the Court, the Prosecution, or the Department of Court and Detention Services are responsible for the failure of the *pro se* Defendant or the attorney for the Defendant to provide to the Department of Court and Detention Services the documents necessary to have the file updated after rulings made by the Court under the off-docket process.

## **RULE SEVEN PRETRIAL SETTINGS**

### **7.1 ENTRY OF PLEA NOT GUILTY**

A plea of not guilty may be timely entered by mail or in person at: Clerk, Municipal Court, 2014 Main Street, 1<sup>st</sup> Floor, Dallas, TX 75201.

## **7.2 PROOF OR PLEA DOCKET**

Attorneys and *pro se* Defendants may utilize the Proof or Plea Docket process to handle certain cases off-docket. Under the Proof or Plea Docket process, any Defendant may appear before the Proof or Plea Court within 21 days of having received a citation in order to provide to the Court either: (1) proof of compliance for all cases where State law provides the opportunity for dismissal of the citation upon a showing of compliance (such as no registration, no driver's license, no inspection certificate, and failure to maintain financial responsibility), or (2) to plead any such case and request the entry of a fine or request deferred disposition, defensive driving, community service, work release, or other means of resolving the case, as appropriate.

## **7.3 PRETRIAL CONFERENCE**

Pursuant to Order of the Administrative Judge, the Clerk shall set an attorney pretrial conference for all attorneys that file a letter of representation and request a court date. A defendant's presence is not required at the pretrial conference. The complaint shall be made available to the Defendant or Defendant's counsel at the pretrial conference. A plea bargain offer shall be presented by the City Attorney to the Defendant or Defendant's counsel.

## **7.4 PRETRIAL HEARING**

Pursuant to Order of the Administrative Judge, no adult criminal trial setting shall be docketed unless the Defendant has first appeared in person at a pretrial hearing under Article 28.01, Texas Code of Criminal Procedure. A plea bargain offer shall be presented by the City Attorney to the Defendant; if such offer is rejected, such rejection shall be evidenced in writing by the Defendant or Defendant's counsel, and the case shall then be set down for trial.

## **7.5 PRETRIAL MOTIONS**

Pretrial Motions shall be in writing and filed with the Clerk at the Municipal Court, 2014 Main Street, 1<sup>st</sup> Floor, Dallas, TX 75201, with a courtesy copy to the presiding Judge of the respective Court. Pretrial Motions shall be filed no later than seven (7) days prior to the date of the pretrial hearing. Pretrial motions shall be relevant and specific as to the case involved. Service of a motion or response shall be made pursuant to law. Each motion shall contain a certificate of service signed by the Movant, indicating that a copy of such motion has in fact been served on the opposing party and setting out the manner and date of service.

## **7.6 REQUESTS FOR DISCLOSURE**

Requests for disclosure pursuant to Article 39.14 of the Texas Code of Criminal Procedure for offenses committed on or after January 1, 2014 shall be in writing and presented to the State at the City Attorney's Office, 2014 Main Street, Suite 227, Dallas, TX 75201. The requests shall also be filed with the Clerk at the Municipal Court, 2014 Main Street, 1<sup>st</sup> Floor, Dallas, TX 75201 for inclusion in the Court's file. Unless good cause is shown, requests for disclosure shall be made and filed no later than twenty-one (21) days prior to the pre-trial hearing. The State shall investigate to determine if the State or any agent of the State has possession, custody or control of the requested material. The State shall respond no later than 14 days before the pretrial hearing.

## **RULE EIGHT TRIAL SETTINGS**

### **8.1 DOCKET ORDER**

Subject to the discretion of the Judge calling the docket, the order of cases actually proceeding to trial (both trial by the Court and trial by jury) shall be as follows:

- A. Preferential settings.
- B. Cases set according to age, oldest first.
- C. Docket as set by the Department of Court and Detention Services.
- D. Other circumstances as determined by the Court in the interest of justice.

All cases not reached for trial and not otherwise disposed of on a particular day's docket will be noted as a Court's reset unless a reset is requested by a party and granted by the Court. Jury trials shall take precedence over trials by the Court.

### **8.2 PREFERENTIAL SETTING**

To receive a preferential setting, subject to the Judge's approval, a party must meet one of the following criteria:

- A. Reside more than fifty (50) miles outside of the city limits of Dallas, Texas;
- B. Have a condition, illness, or injury that would necessitate an expedited disposition of the case; or

**RULE EIGHT  
TRIAL SETTINGS**

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To receive a preferential setting, subject to the Judge's approval, a party must meet one of the following criteria:

- A. Reside more than fifty (50) miles outside of the city limits of Dallas, Texas;
- B. Have a condition, illness, or injury that would necessitate an expedited disposition of the case; or

- C. Have an outside witness who has appeared on at least one prior trial setting without the case having been reached.

Nothing herein shall prevent a Judge from assigning a preferential setting on his/her own Motion in the interest of justice.

### **8.3 RECORD OF THE PROCEEDINGS**

Upon written request of any party, prior to the commencement of a hearing or trial, court proceedings, limited to trial testimony and Motions before the court, shall be recorded.

### **8.4 VISUAL/AUDIO AIDS**

Any party seeking to use video or audio aids must provide their own necessary equipment.

### **8.5 CASE SETTINGS.**

A Defendant or defense counsel may request that the case be set for a trial. A trial before the Court will not take place unless the Defendant and a Defendant's counsel sign a form waiving the Defendant's right to a jury trial. Once a case is set in a particular Court, that case shall remain in such Court, unless the case is transferred to another Court by agreement of the respective Judges or by the Administrative Judge.

## **RULE NINE DEFERRED DISPOSITION PROBATION**

### **9.1 PAYMENT OF DEFERRED DISPOSITION FEES**

The Clerk shall not accept payment of deferred disposition fees after the deadline set out in the deferred disposition order. However, if the Court is not open for business the day of the deadline set out in the deferred disposition order, the Clerk is authorized to accept the deferred disposition fee on the first regular business day the Court is open for business.

## **RULE TEN JUVENILE PROCEEDINGS**

### **10.1 JUVENILE DEFINED**

A juvenile is defined as someone who is at least 10 years of age and younger than 17 years of age on the date an offense is committed.



## **10.2 PARENT'S PRESENCE REQUIRED**

A parent's presence is required for all juvenile court proceedings. A parent (includes a person standing in parental relation, a managing conservator, or a custodian) is required to be present with a juvenile at all court proceedings.

## **10.3 NOTICE OF CURRENT ADDRESS**

The parent and child have a continuing obligation to give written notice of current address to the Court.

## **10.4 ALCOHOL BEVERAGE CODE**

A minor (anyone under the age of 21 years) may only enter a plea of guilty or no contest to an Alcohol Beverage Code violation in open Court.

# **RULE ELEVEN**

## **SATISFACTION OF FINES, COURT COSTS and FEES**

### **11.1 PAYMENT**

All fines, court costs, and fees assessed are due and payable at the time judgment is entered.

### **11.2 EXTENSION TO PAY FINES, COURT COSTS and FEES**

If a Defendant is unable to pay the fines, court costs, and fees assessed on the day judgment is entered, an extension may be granted by the Court, conditional upon the Defendant completing a contact information form in the office of the Clerk.

### **11.3 CREDIT FOR TIME SERVED TO SATISFY FINES, COURT COSTS and FEES**

In the event a Judge allows credit for time served to satisfy fines, court costs and fees, unless otherwise ordered, a Defendant who is found guilty shall receive credit for time served in that case at the rate of \$100 per 12-hour period to be applied to the fine, court costs and fees owed. Unless otherwise ordered by a Judge, if a Defendant has been in custody on a case less than 6 hours of a 12-hour period in custody, the Defendant shall be credited \$50. Unless otherwise ordered by a Judge, Defendants shall be given concurrent credit for time served on cases in alias warrant status and consecutive credit for time served on cases in capias pro fine status. A Defendant who is arrested on a capias pro fine warrant shall receive credit for time in custody once committed to jail at the rate of \$100 per 12-hour period, to be applied to the fine, court costs and fees owed. In no case shall the credit for time served exceed the balance owed in a case.

#### **11.4 WORK RELEASE/COMMUNITY SERVICE TO SATISFY FINES, COURT COSTS and FEES**

A Defendant is eligible to satisfy fines, court costs and fees assessed by the Court if the Defendant can prove indigency. In order to prove indigency, the Defendant must submit to the Court a Financial Disclosure/Affidavit of Indigency form in a format approved by the Administrative Judge, and the Court must make a finding of indigency.

#### **11.5 INDIGENCY DURING APPEAL**

If a Defendant is indigent or otherwise financially unable to pay either the Appeal Bond or to pay for the transcript, she/he may file an Affidavit of Indigency with the Court and file a Motion to Waive Costs on forms approved by the Court. Such Affidavit of Indigency and/or Motion to Waive Costs must be filed within the ten (10) day statutory period to file an Appeal Bond. A hearing on the Motion to Waive Costs shall then be scheduled by the Court which has entered the Order being appealed.

### **RULE TWELVE SEVERABILITY AND CONSTRUCTION**

#### **12.1 SEVERABILITY**

If any provision of these policies, rules and regulations as contained in the Local Rules of Court or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of these policies, rules and regulations which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of these policies, rules and regulations are severable. In lieu thereof there shall be added a provision as similar in terms to such illegal, invalid, unconstitutional and unenforceable provision as may be possible and be legal, valid, constitutional and enforceable.

#### **12.2 INAPPLICABILITY TO CIVIL CASES**

The Local Rules of Court set forth herein are the Local Rules of Court applicable to criminal proceedings, and are not applicable to the civil cases and administrative hearings heard in the City of Dallas Municipal Court with the exception of **Rule Two (Courtroom Decorum)**.

#### **12.3 CONSTRUCTION**

The Local Rules of Court shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the Municipal Court of the City of Dallas.