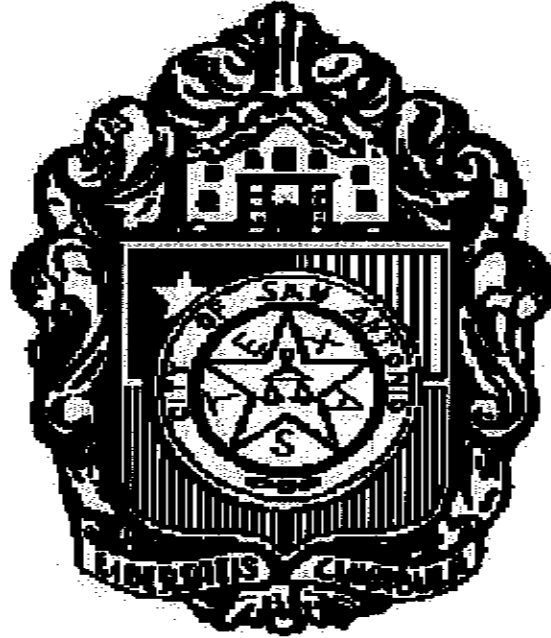



**PRACTICE AND
PROCEDURES
FOR THE
MUNICIPAL COURT
CITY OF SAN ANTONIO**



BE IT KNOWN that on this day, July 1st, 2008, the Municipal Court of San Antonio, Texas has adopted its PRACTICES AND PROCEDURES, in order to provide efficiency, uniformity and fairness in conducting the business of this court.



John W. Bull
Presiding Judge

TABLE OF CONTENTS

	Page
PRACTICE AND PROCEDURE NUMBER ONE	# 1
(Arraignment)	
PRACTICE AND PROCEDURE NUMBER TWO	# 2
(Courtroom Decorum)	
PRACTICE AND PROCEDURE NUMBER THREE	# 3
(Appearance)	
PRACTICE AND PROCEDURE NUMBER FOUR	# 4
(Pretrial Settings)	
PRACTICE AND PROCEDURE NUMBER FIVE	# 5
(Dockets)	
PRACTICE AND PROCEDURE NUMBER SIX	# 5
(Plea Bargain Court)	
PRACTICE AND PROCEDURE NUMBER SEVEN	# 6
(Motions)	
PRACTICE AND PROCEDURE NUMBER EIGHT	# 8
(Trial Settings)	
PRACTICE AND PROCEDURE NUMBER NINE	# 10
(Post Trial & Adjudication)	

The following Practices and Procedures are general in nature. It is discretionary with each trial court Judge to impose any other reasonable court rules that comply with relevant statutory or case law.

PRACTICE AND PROCEDURE NUMBER ONE

ARRAIGNMENT

The court appearance date that appears on a citation or summons is an arraignment setting. General arraignment is 8:00 a.m. to 5:00 p.m. Monday through Friday. The Court provides extended hours on Friday until 8:00 p.m. to handle uncontested cases in arraignment status. Each of the individual courts are assigned general arraignment hours throughout the day. Once a Judge assigned to a particular court has taken action on a case, the case will be handled by that court until the case is closed. All General Arraignment cases are set between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

During the general arraignment process there will be a 20 case(s) transaction limit at a time per defendant and/or their attorney. The transaction limit means the case must be completely processed including payment if necessary.

No Court Document for any defendant will be processed at the cashier window if the Judgment has been signed by a Judge on a prior date.

Requests for Assistance.

A) A request for a language interpreter should be made in writing prior to the time a plea is entered.

B) Requests for assistance from persons with disabilities should be made prior to the time the plea is entered.

Court Reporter Request.

A defendant may request, or waive, a court reporter at the initial announcement of the case or at the time of trial.

Defendant Appearance.

A defendant who is not represented by an attorney must appear at all court settings of his/her case. Only the Defendant or Attorney for the Defendant may enter a plea in a case.

Arraignment Docket.

The purpose of the arraignment setting is to determine the defendant's plea to the offense charged and for the Court to apprise the defendant of his/her Constitutional Rights.

A) At the arraignment setting, the defendant shall enter a plea of guilty, not guilty, or nolo contendere (no contest). If the plea is guilty or nolo contendere, the defendant may give an explanation in mitigation of any fine to be assessed prior to the judge assessing a fine. The defendant may also request time to hire an attorney to represent him/her.

B) If a not guilty plea is entered, the case will be set for a trial at a later date. If the defendant wishes to have a trial by jury, a jury trial request may be made at the arraignment. An attorney who makes an appearance for the Defendant shall provide name, office address, bar card number, and telephone numbers.

C) If the Defendant refuses to enter a plea, a plea of not guilty will be entered and the case set for a jury trial.

D) If the Defendant and/or their attorney set a case(s) for a non-jury trial a jury waiver must be executed.

Detention Hearings

Persons detained in the City of San Antonio Detention Facility for criminal offenses within the jurisdiction of the City of San Antonio Municipal Courts shall be seen each day of the week by a Judge at times prescribed by the Presiding Judge.

PRACTICE AND PROCEDURE NUMBER TWO

COURTROOM DECORUM

Order.

Order shall be maintained at all times. Violation of this rule can result in a reprimand by the judge, expulsion from the courtroom or a contempt citation.

Weapons.

Absolutely no illegal weapons shall be brought into the courtroom. The exception of those intended to be offered as evidence. Commissioned peace

officers may bring weapons into the courtroom. The Judge shall have the discretion to have any object removed from the courtroom.

Food\Drink.

In order to maintain cleanliness and decorum in the courtroom, no open containers of food or drink shall be consumed in or brought in to the courtroom, except with permission of the judge.

Seating.

All persons in the courtroom shall be seated except: when addressing the judge or jury, when a seat is not available, when directed to rise by a court officer or with permission of the judge.

Attire.

All individuals appearing in Court shall dress appropriately.

Electronic Devices.

All electronic devices must be turned off or in silent mode in the courtroom.

PRACTICE AND PROCEDURE NUMBER THREE

APPEARANCE

A case not set on a given Court's docket may only be seen at the Judge's discretion.

Responsibility.

It is the responsibility of all persons with business before the court to

- a) determine the date, time and nature of each setting of case(s) and appear accordingly: and
- b) update or notify the court of any change of address.

Notice.

Notice of the date, time and nature of each setting shall be given to each party in writing, in person or by mail, to the last known address of a party or counsel. A

copy of each notice shall be included in the papers of the case, and marked as to the manner of its delivery.

Verbal Representations.

Reliance upon verbal representation from any court personnel concerning any matter shall not be considered grounds for continuance, setting aside of a warrant or any other relief. Reliance upon a police officer's verbal statement(s) regarding disposition of an offense is not binding upon the court.

PRACTICE AND PROCEDURE NUMBER FOUR

PRETRIAL SETTINGS

Motions.

Pretrial Motions should be filed in writing in all cases where Defendants' claim there are legal issues involving the sufficiency of the criminal complaint or the law from which the complaint is drawn. These issues shall include, but not be limited to, any factual situations that would invalidate the premise upon which a law or ordinance has been promulgated.

Hearings.

No more than one pretrial hearing shall be set per case without leave of the Court. Failure to file pretrial motions as indicated herein shall constitute a waiver of having those issues heard before trial.

Deadline to File.

Filing of motions shall be governed by Chapter 28 of the Texas Code of Criminal Procedure.

Service.

It shall be the responsibility of the party filing any pretrial motion to serve opposing counsel or party with a copy of the motion. Service may be made by hand delivery, certified mail, or fax.

Subpoena/Evidence.

The State is responsible for the appearance of all necessary witnesses in response to a defendant's motion to suppress evidence. In all other cases, each party shall be responsible for subpoenaing its own witnesses and physical evidence.

Filing and Copying

Defendants and attorneys shall file all written motions in Central Filing, Room 131, Frank Wing Municipal Court Building. Copies of court documents may be obtained in Central Filing, Room 131, Frank Wing Municipal Court Building, subject to any lawful charge set by the Clerk of the Court.

PRACTICE AND PROCEDURE NUMBER FIVE

DOCKETS

The Defendant shall be present at pretrial and trial settings, in accordance with Rule 28.01 of the Texas Code of Criminal Procedure.

Initial trial settings are assigned pursuant to the Court's docketing system. Trial dates may be changed only within the discretion of the Court (or Judge) to which the case(s) are assigned.

Generally, cases in which defendants have pled "not guilty" will be set date, time and court specific for trial.

In order to maintain docket control and provide adequate notice to witnesses, once a case has been set for trial it can only be resolved in the court to which it has been assigned.

With the exception of general traffic arraignment, each Judge shall maintain his/her own dockets. Cases which are set time, date and court specific will only be seen at the time of the setting unless the Judge, in his/her discretion, decides to hear the case(s) at another time.

A defendant must be present to enter into an installment/payment plan agreement.

PRACTICE AND PROCEDURE NUMBER SIX

ATTORNEY PLEA BARGAIN COURT

Attorneys seeking to discuss cases with a prosecutor and/or Judge, regarding unadjudicated case(s) prior to the case formally being set for trial, may appear on the date and at times prescribed by the Presiding Judge in the courtroom

designated for attorney plea bargain. Attorneys choosing not to avail themselves of Attorney Plea Bargain court shall follow the general arraignment process. Attorneys are not allowed to maintain custody of court documents unless authorized by a judge. Attorneys intending to utilize plea bargain court may fax a written request asking the court to prepare the necessary court documents. Faxed requests must be received no later than 48 hours preceding the Plea Bargain Court date. Court Documents will be held in Plea Bargain Courtroom until close of business on the Plea Bargain Court Date. Repeated failure to pick up Court Documents may result in Clerk of the Court revoking privilege to fax requests for Court Documents.

Attorneys not utilizing plea bargain court will proceed through the general arraignment process subject to the hourly arraignment rotation among all of the courts. During the general arraignment process there will a 20 case(s) transaction limit at a time per defendant and/or his/her attorney. The transaction limit means the case must be completely processed including payment if necessary.

No Court Documents will be processed at the cashier window if the Judgment has been signed by a Judge on a prior date. In order to maintain the integrity of Court documents, no Court Documents shall be taken from the Court, either 401 S. Frio or 601 N. Frio. Court Documents that have left the Court will not be processed.

A defendant must be present to enter into an installment/payment plan agreement.

Plea Bargain Court times and dates will be posted in Central Filing, Room 131, Frank Wing Municipal Court Building.

Files

Defendants and their attorneys have access to court documents in the presence of court personnel. Clerks shall not release court documents to anyone except court personnel. Court documents shall not be removed from the courtroom except with authorization by the judge.

PRACTICE AND PROCEDURE NUMBER SEVEN

MOTIONS

Motions for Continuance

Continuances are governed by Chapter 29, Texas Code of Criminal Procedure. These rules augment but do not replace that Code.

Form.

A. All motions for continuance shall be in writing and shall be filed with the clerk of the court (motions clerk). Such motions shall be filed immediately upon discovering the necessity for a continuance. Motions filed less than two working days prior to the scheduled event will be ruled on at the call of the docket.

B. Each motion shall contain:

- 1) The cause number,
- 2) The name of the defendant,
- 3) The date and time of the setting to be continued, and
- 4) The specific facts justifying the continuance.

Factors.

Except in cases where constitutional or statutory continuances are sought, the following factors will be among those considered in determining a motion for continuance:

- A. The specific nature of the conflict (illness, higher court schedule including court and case number, out of town, etc.)
- B. The time from the date on which the charge was initiated by citation or affidavit.
- C. The number of continuances previously granted to each party.
- D. The timeliness of the filing of the motion, including the date on which the conflict became known to Movant.

Forum.

In all cases the ruling on a motion for continuance shall be at the discretion of the judge to whom it is presented. A subsequent motion for the same setting shall be presented to the judge who denied the original motion, if practicable.

Denied Motion.

If a motion is denied, in order to avoid an arrest warrant, a bond in the amount set by the Court may be posted. It is the responsibility of the defendant to determine whether the motion was granted or denied.

Motions to Withdraw.

Once an attorney enters an appearance on a case, they are considered the attorney of record unless and until a motion to withdraw is granted.

An attorney may be allowed to withdraw from representing a defendant upon good cause shown, as determined by the judge presiding over the case(s). All motions to withdraw must be in writing and must state why withdrawal should be granted. Notice of the motion to withdraw must be given to the defendant in person or mailed to the defendant's last known address by both certified and regular mail. Notice must also be given to the City Attorney's Office. The Court may impose further restrictions upon granting leave to withdraw.

All motions must state:

- (a) A copy of the motion has been delivered to the defendant
- (b) The defendant has been notified in writing of their right to object
- (c) Whether the defendant consents to the motion
- (d) The defendant's last known address
- (e) All pending court settings
- (f) A copy of the motion has been delivered to the City Attorney.

If the motion is granted, the attorney shall immediately notify the defendant in writing of any deadlines the attorney has knowledge of at the time of withdrawal and has not already notified the defendant.

PRACTICE AND PROCEDURE NUMBER EIGHT

TRIAL SETTINGS

Docket Order.

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

1. Special settings.
2. Cases according to age, oldest first. All cases not reached will be noted as the court's reset, with no penalties assessed against either the defendant or the state.
3. Cases shall be set and assigned according to a court wide docketing plan. Once a case has been set for trial, it is within the sound discretion of the trial court judge as to any change in setting.

Special Setting.

To receive a special setting, subject to the judge's approval, a party should meet one of the following criteria:

- A. Reside more than fifty (50) miles outside of the city.
- B. Have a condition, illness, or injury that would necessitate an expedited disposition of the case.
- C. Have a non-defendant witness who has appeared on at least two prior trial settings without their case having been reached.

Failure to Appear.

If defendant or defense counsel is not present, the Judge may require a bond be posted in order to have the case reset. The bond may only be waived by the Judge who assessed the bond. If state's witness is not present, state shall show good cause for witness's absence or proceed to trial.

Record of the Proceedings.

A. Request and Availability. A defendant may request a court reporter at the initial announcement of the case or at time of trial. No fee is required to have a court reporter present.

B. Purpose. San Antonio Municipal Court is a court of record. It is the court reporter's function to record (transcribe) the entire trial proceeding. In order to appeal a finding of guilt to County Court, a defendant should have a written record of the trial proceeding sent to the appellate court either by a court reporter's transcript or by an agreed statement of facts approved by the Assistant City Attorney.

Visual/Audio Aids.

The judge presiding over the proceedings shall make the final decision on what audio or video recordings, if any, are to be admitted into evidence.

Media Access.

Broadcast media will be allowed to record court proceedings within the discretion of the Judge presiding over the case(s).

PRACTICE AND PROCEDURE NUMBER NINE

POST TRIAL & ADJUDICATION

Appellate Information.

The Clerk of the Court, upon request, shall make available to each defendant a handout summarizing the appeal process.

Indigency.

If a defendant is indigent or otherwise too poor to pay either the appeal bond or the transcript, she/he may file an Affidavit of Indigency with the court and a Motion to Waive Costs within the ten (10) day period to file an appeal bond. A hearing on the motion to waive costs shall then be scheduled by the court.

Inability to Pay Fine.

If a defendant is unable to pay the fine when due, the defendant may seek an indigency determination, apply for community service or an installment plan subject to the Judge's approval. A defendant must be present to enter into an installment/payment plan agreement.

Capias Pro Fine Warrant.

Once a case has been adjudicated, if a defendant does not pay the fine and/or fees, meet all obligations of an installment payment plan, or discharge the fine by performing community service as ordered by the Court, a warrant will be issued which will subject the defendant to arrest. Defendants appearing on cases in Capias Pro Fine status may proceed directly to the cashier window to pay the fine(s) in full. If a defendant is seeking to resolve the Capias Pro Fine case(s) in any manner other than paying the fees and fines assessed in full; they may be seen within the discretion of a Judge or appear in the Compliance Court subject to the Judge's Compliance docket. The Compliance Court Judge will see Capias Pro Fine cases daily during times prescribed by the Judge presiding in that Court. Individuals wishing to pay the judgment in full may proceed directly to the cashier window and need not see the original Judge or Compliance Court Judge. A defendant must be present to enter into an installment/payment plan agreement.

Post Adjudication.

No Judge may take action affecting a previous ruling by a current, sitting full-time Judge, unless the original Judge authorizes the action.