

Local Rules of Procedure for the Cedar Park Municipal Court

NOTICE: These rules are intended to supplement, not replace the Texas Rules of Criminal Procedure. In the event of any conflict between these rules and the Texas Rules of Criminal Procedure, the latter will control. These rules are to provide guidance to attorneys and individuals who appear in the Cedar Park Municipal Court and are not a substitute for legal advice. In the event you have any legal questions, please direct them to an attorney of your own choosing.

PRETRIAL

All cases will be for set for a pre-trial conference with the Prosecutor before it is set for trial. The pre-trial conference between the Prosecutor and the defendant and/or his or her attorney will be to determine the following:

MOTIONS

Any motions that the defendant or defendant's attorney wants to file. All motions (with the exception of continuance requests) will require the filing party to send the opposing party a true and correct copy of the motion by first class mail and certify the same by including a certificate of service attached to the motion.

- * Motion of discovery (facts and information about the case)
- * Motion for continuance (to reset case for "good cause" to a new trial date)
- * Motion to suppress evidence (to keep from revealing to a jury)
- * Motion for appointment of interpreter, if needed
- * The exceptions to the form or substance of the complaint (defendants in municipal court may file a motion that says there is a problem with the form or substance of the complaint)

The pre-trial conference is used to try to resolve the case prior to the case actually going to trial.

Any questions you may have concerning your pre-trial conference should be directed to the court at: (512) 260-4300.

THE TRIAL

A trial in municipal court is a fair, impartial and public trial as in any other court. The Cedar Park Municipal Court adheres to the Texas Rules of Criminal Procedure and Evidence

Under Texas law, you may be brought to trial only after a sworn complaint is filed against you. A complaint is a document that alleges the act that you are accused of committing and that the act is unlawful. You may only be tried for the offense(s) alleged in the complaint.

If the judge tries the case, the judge's decision is called a judgment.

If a jury tries the case, the jury's decision is called a verdict.

In determining the defendant's guilt or innocence, the judge or jury may consider only the testimony of witnesses and any evidence admitted during the trial.

If you are found guilty at trial, you will be responsible for payment of a fine, court costs, and fees, including the costs of overtime paid to a peace officer for time spent testifying in the trial of the case or for traveling to or from testifying in the trial of the case.

If you are found guilty by either the judge or jury, the penalty will be announced at that time. Unless you plan to appeal your case, you should be prepared to pay the fine and costs at this time.

You have the following rights in court:

1. The right to have notice of the complaint not later than the day before the proceeding; (you may request a copy from the clerk's office).
2. The right to inspect the complaint before a trial, and have it read to you at the trial;
3. The right to have your case tried before a jury, if you choose;
4. The right to hear all testimony introduced against you;
5. The right to cross-examine witnesses who testify against you;
6. The right to testify in your behalf;
7. The right not to testify, if you so choose. If you choose not to testify, your refusal to do so may not be held against you in determining your innocence or guilt;
8. You may call witnesses to testify in your behalf at the trial, and have the court issue a subpoena (a court order) to any witnesses to ensure their appearance at your trial. The request may be oral to a judge or in writing to the clerk.

If you choose to have the case tried before a jury, you have the right to question jurors about their qualifications to hear the case. If you think that a juror will not be fair, impartial or unbiased, you may ask the judge to excuse the juror. The judge will decide whether or not to grant your request. In each jury trial, you are also permitted to strike three jury members of the jury panel for any reason you choose, except an illegal reason (such as a strike based solely upon a person's race or gender).

(over)

CONTINUANCES

If you need a continuance for your **trial setting**, you must make the request in writing and submit it to the court no later than **SEVEN DAYS** prior to your trial **EXCEPT** in an emergency. If you need a continuance for your **pretrial conference**, you must make the request in writing and submit it to the court no later than **THREE DAYS** prior to your trial **EXCEPT** in an emergency. **A previously scheduled court appearance in another court is not an emergency.** The judge may require your appearance in court to further testify to your continuance request. The judge will make a decision whether or not to grant the continuance. A continuance will only be granted upon showing of “good cause”.

PRESENTING THE CASE

As in all criminal trials, the State (also referred to as the prosecution) will present its case first by calling witnesses to testify against you. Be advised that the State’s Prosecutor will likely request a subpoena for the issuing Officer to be present at trial.

After the prosecution witnesses have finished testifying, you have the right to cross-examine or ask the witness questions about their testimony or any other facts relevant to the case. You may not, however, argue with the witness, comment on the testimony or give testimony at this time. This is the time for witnesses to answer questions. You will have an opportunity to tell your side of the case later in the trial. Your cross-examination of the witness must be in the form of questions only.

After the prosecution has presented their case, you may present your case. You have the right to call on any witness who has relevant knowledge about the incident. The State has the right to cross-examine any witness that you call.

If you so choose, you may testify in your own behalf, but as a defendant, you cannot be compelled to testify. It is your choice and your silence may not be used against you. If you do testify, the state has the right to cross-examine you.

After all testimony is concluded, both sides can make a closing argument. This is your opportunity to tell the courts why you think you are not guilty of the offense charged. The State has the right to present the first and the last arguments. The closing arguments may only be based on the testimony presented during the trial. You may not introduce new evidence during closing arguments.

ATTORNEYS

The Municipal Court does not appoint attorneys or lawyers. You may hire an attorney to represent you in court and have the attorney file a letter of representation with the court. If you are a juvenile and have an attorney representing you in court, you and your parent **MUST** still appear when you enter your plea to the offense in open court. If you are a minor charged with an alcohol offense, and have an attorney representing you in court, you **MUST** still appear if you enter a plea of guilty to the offense in open court.

NEW TRIAL

If you are found guilty, you may make an oral or written motion to the municipal court for a new trial. The motion must be made within 5 days after a judgment of guilt has been rendered against you. The judge may grant a new trial if the judge is persuaded that justice has not been done in the trial or your case. Only one new trial may be granted to each offense.

APPEAL

If you are found guilty and are not satisfied with the judgment of the court, you have the right to appeal your case to the county. To appeal, you must file an appeal bond with the municipal court within 10 days of the judgment if you appeared in open court. Your appeal bond will be twice the amount of the judgment rendered in the municipal court.



NO WEAPONS ALLOWED IN COURT BUILDING. **ALL PERSONS ENTERING THIS BUILDING CONSENT TO A SEARCH FOR WEAPONS.**

RULES OF ATTIRE:

1. No shorts or cut-offs
2. No muscle shirts, clothing with offensive, vulgar, racist, sexist, obscene, or suggestive words, slogans, depictions, or pictures, including grotesque creatures.
3. No clothing that is too tight or too short.
4. No hats.

RULES OF CONDUCT:

1. No food or drinks allowed
2. Rise when the Judge enters courtroom and remain standing until the Judge or bailiff announced “Be seated.” Rise when the Judge exits the courtroom.
3. Address the Court as “Judge” or “Your Honor”.
4. Do not approach the Judge’s bench without permission. Do not rest arms or hands on the bench.
5. Do not read newspapers, magazines, books, etc in the courtroom during your proceedings.
6. Do not disturb or distract the Court, counsels, witnesses, or other court personnel. Children must not create a disturbance or be kept out of the courtroom.
7. Racist, sexist, obscene, or profane language or gestures are prohibited unless it is pertinent to a case and is elicited and quoting from facts in the case.
8. Mute all phones and pagers while in the courtroom. NO phone calls allowed in the courtroom.