

**BASTROP MUNICIPAL COURT
CITY OF BASTROP, TEXAS**

STANDING ORDERS

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

The Rules 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 Bastrop, Texas, to all Municipal Court Staff (hereinafter “Court Clerk” or “Court Administrator”), as well as to any and all witnesses or observers who appear in the Municipal Court of the City of Bastrop, Texas. The Rules are intended to ensure a more efficient process and to provide prompt and effective assistance to those members of the public having business before the Court. Failure to comply with these Rules may result in the imposition of sanctions including contempt.

Therefore, it is ORDERED:

PERSONS UNDER THE AGE OF SEVENTEEN (17)

The Clerk shall not accept an initial payment or proposed plea from a Defendant under the age of 17, including the parent, guardian, or managing conservator acting on behalf of the minor. All such persons shall be advised that it is necessary for the parent, guardian, or managing conservator to appear in open court if the person subject of the citation is under the age of 17. This order shall not prevent the Clerk from accepting payments on a deferred payment arrangement previously approved by the Court.

PERSONS SEVENTEEN (17) YEARS OF AGE OR OLDER

In the event a person 17 years of age or older desires to enter a written plea of guilty or nolo contendere, the Clerk shall:

- a. Advise the person of the standard fine and court cost established for the offense.
- b. Advise the person that they may plead guilty, nolo contendere, or not guilty.

If the defendant desires to plead guilty or nolo contendere, the Clerk may accept payment for the fine in full, subject to the Court’s review and approval. The person must sign the plea form, pleading guilty or nolo contendere and include a waiver of trial by jury or bench.

The Clerk must advise the person that the plea will be presented to the Court for approval. In the event the plea is rejected, the person will be given notice and opportunity to appear before the Court to enter their plea.

ACCEPTANCE OF FINES AND COURT COSTS; PAYMENT PLANS; COMMUNITY SERVICE; DEFERRED ADJUDICATION

The Clerk is authorized to accept fines and court costs as follows:

- a. Payment in Full - In all cases, the Clerk may allow the defendant up to thirty (30) days to make payment of fine and costs in full.
- b. Installment Agreement (Payment Plans) – If approved, payments shall be paid as follows:
 - i. Payments must be made monthly if the person is paid weekly.
 - ii. Payments must be made weekly if the person is paid weekly.
 - iii. Payments must be made bi-weekly if the person is paid bi-weekly.
 - iv. Payments must be at least \$25.00 per week, or \$50.00 bi-weekly.
 - v. All payment plans are subject to approval by the Court.
 - vi. Payment plans of more than thirty (30) days will be subject to a mandatory State Fee of \$15.00 per charge.
 - vii. Payment plans cannot exceed 180-days.
- c. Community Service - Defendants requesting community service must complete and submit a financial ability form approved by the Court, signed by Defendant under penalty of perjury, whereupon the Court will set and conduct a hearing on the issue of inability or indigency of the Defendant, and enter Judgment accordingly, which may include an order for alternative disposition. The Defendant must submit with their completed financial ability form financial information, including ownership or lease information regarding housing, utility bills, and proof of income, if any. This will be presented to the Court at an indigency hearing.
- d. Deferred Adjudication - Defendants, *other than those with speeding tickets of twenty-five (25) mph or more above the speed limit or for a moving violation if the offense occurred in a construction or maintenance work zone when workers are present*, may request deferred adjudication at the window. A fee equal to the amount of fine plus court costs is required and due within the time frame of the deferral period. The defendant must successfully complete the conditions of the deferred adjudication within ninety (90) days of the approval.

The Clerk shall inform Defendants between the ages of 18 and 25 that they are required by law to complete a driving safety course as a condition of deferral.

Length of Deferral. The length of deferred disposition processed at the Clerk's window shall be as follows:

- a. 90 days
 - i. Failure to maintain financial responsibility.
 - ii. Speeding in a school zone.
 - iii. Failure to obey a stop sign, traffic control device, or lawful directive of an officer.
 - iv. Failure to use child car seats as required by law.
 - v. Passing a stopped emergency or police vehicle at an excessive or unsafe speed.
 - vi. Speeding more than 10 miles above the speed limit.
 - vii. Moving violations of Defendants under 25 years of age.
- c. 60 days
 - i. License violations.
 - ii. Failure to properly use seatbelts.
- d. 30 days
 - i. All others.

All required documentation must be submitted on or before the last day of the deferral period and failure to timely and fully do so may be a basis for the setting of such a case for hearing for revocation of deferred disposition and entry of a final judgment of conviction.

If a driving safety course, special counseling, community service, or other alternative disposition conditions are required by the Court, completion of such requirements on a date or dates outside the deferral period will not be accepted for compliance.

If there is a deferral granted for a non-moving violation, a class related to the underlying offense shall be ordered and must be completed in order to complete the deferred adjudication.

If there is a deferral granted related to a moving violation, a driving safety course subsequent to the citation date must be completed regardless of when any prior driving safety course were completed by Defendant unless ordered otherwise by Court.

Defendant must provide a driving record from the licensing agency located in their state of residency to demonstrate that they have not charged with any other criminal offenses during the deferral period in order to successful complete the deferred adjudication.

NOT GUILTY PLEAS

A Defendant who announces to the Clerk their desire to plead not guilty, will be informed by the Clerk as follows:

- a. Should the person wish to waive a jury trial, they may sign a not guilty plea form with waiver of jury trial and the matter will be set for the next available Pre-Trial date.
- b. Should the person not wish to waive a jury trial, they must sign a not guilty plea without waiver of jury trial and the matter will be set to the next available Pre-Trial date.

REQUESTS TO RESET APPEARANCE DATE

All requests to reset the case must be approved by the Court.

PRE-TRIAL MOTIONS

IT IS ORDERED that all Pre-Trial Motions and Motions for Discovery shall be filed and served on the opposing party at least seven (7) days before the Pre-Trial setting in the case.

REQUIREMENTS APPLICABLE TO DISMISSALS

The Clerk is authorized to accept the payment of a \$20.00 compliance dismissal fee and initiate the dismissal of the following offense if the evidence is presented:

Expired Registration: The defect is remedied no later than the 20th working day from the date of the offense or before the Defendant's first court appearance, whichever is later.

Fail to Display Handicap Placard: The Defendant will provide a valid Placard to the Court.

The Clerk is authorized to initiate dismissal procedures for the following offenses upon receiving the required proof.

- a. *Failure to provide Proof of Financial Responsibility:* The Defendant will provide insurance policy faxed from the insurance company.
- b. *Fail to Display Driver's License:* The Defendant will provide a valid Driver's License within ten (10) days of offense date.

PAYMENT POLICY

The Clerk is authorized to prepare all required documents for the Court's approval in the following circumstances:

Request for Thirty (30) Day Extension to Pay

When a Defendant appears at the court window or sends a letter requesting thirty (30) days to pay their fine in full, the Clerk shall reflect the request on the docket sheet and submit the request to the Court for approval or denial. Approved payment plans will be mailed or emailed to the Defendant. If denied, the case will be reset on a Show Cause docket.

Requests to Make Long Term Payments

When a Defendant appears at the court window or sends a letter requesting an Installment Agreement (payment plan), the Clerk shall reflect the request on the docket sheet and submit the request to the Court for approval or denial. Approved payment plans will be mailed or emailed to the Defendant. If denied, the case will be reset on a Show Cause docket.

Requests for Community Service in Lieu of Fine

When a Defendant appears at the court window or sends a letter requesting to do community service, the clerk shall complete and submit the paperwork to the Court for approval. The submittal will include the required supporting documentation for an indigency hearing. Approved community service will be mailed or emailed to the Defendant. If denied, the case will be reset on a Show Cause docket.

FAILURE TO APPEAR AT SHOW CAUSE HEARING

IT IS ORDERED that when a Defendant fails to comply with the terms of a Deferred Disposition, Driver Safety Course, Installment Agreement (payment plan) or any other Court Agreement, they shall be placed on a Show Cause docket. If the Defendant fails to appear for said Show Cause hearing, their Deferred Disposition, Driver Safety Course, Installment Agreement (payment plan) or Court Agreement, shall be revoked and a final judgment shall be entered.

GENERAL RULES OF COURTROOM CONDUCT

The Court is charged with the responsibility of maintaining proper order and decorum. Accordingly, the Court shall require all defendants, jurors, witnesses, lawyers, and others with whom the Judge deals in an official capacity, to conduct and dress in a manner deemed fitting and respectable. All parties shall:

1. Not argue with the Court or court personnel.
2. Address the Court as “Judge” or “Your Honor.”
3. Address opposing parties, counsel, witnesses, and court personnel and officers as “Mr.,” “Mrs.,” “Miss,” “Officer”, etc.
4. Not talk at the same time as the Court, counsels, witnesses, or other court personnel.
5. Not talk loudly or cause a disturbance during court proceedings.
6. Not use racist, sexist, obscene, or profane language or gestures unless it is pertinent to a case and is elicited and quoted from facts in the case.

7. Not disturb or distract the court, counsels, witnesses, and other court personnel. Children must not create a disturbance, or they will be kept out of the courtroom. No unattended children or children under the age of 10 years of age will be allowed in the courtroom, unless child(ren) is appearing for court or prior approval has been granted by the Judge.
8. Rise when the Judge enters the courtroom and remain standing until the Judge or Bailiff announces, "Be seated," or until the Judge is seated. Rise when the Judge exits the courtroom.

All officers of the court (except the Judge and jurors) and all other participants (except witnesses who have been placed under the rule) shall promptly enter the courtroom before the scheduled time for each court session. When the bailiff or Clerk of Court calls the Court to order, complete order should be observed.

In the courtroom there shall be:

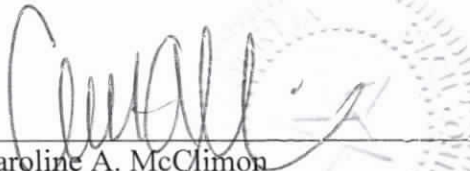
1. **NO TALKING** during the hearings/trials, except by participants;
2. **NO SMOKING** or use of tobacco products, including snuff or chewing tobacco;
3. **NO EATING** of food, drinking of beverages, or chewing and/or popping of gum. Bottled water is allowed in the Courtroom;
4. **NO INAPPROPRIATE ATTIRE**, including pajamas, shorts, tank tops, sleeveless shirts, underwear showing, bare feet or flip flops, and/or inappropriate "message" on clothing;
5. **NO HATS** or head coverings, including scarves, bandanas or do-rags, worn in the Courtroom unless such items are religious in nature;
6. **NO CELLULAR TELEPHONES** or electronic devices (computer, recording devices, game devices, etc.) allowed in the Courtroom. Failure to comply will result in item(s) being confiscated and returned at the end of the hearing.
7. **NO UNATTENDED CHILDREN** or children under the age of 10 years of age allowed in the Courtroom, unless child(ren) is appearing for Court unless approved in advance by the Judge. Children must not create a disturbance, or they will be kept out of the courtroom.
8. **NO READING** of extraneous materials, such as books, newspapers or magazines;
9. **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;
10. **NO PHOTOGRAPHY**, audio capture/recording, video capture/recording, livestreaming, or any type of broadcasting in the courtroom without express permission in advance from the Judge;
11. **NO LOUD NOISES**;
12. **NO PROPPING** of feet on tables or chairs;
13. **NO OFFENSIVE, LOUD, ABUSIVE, OR PROVOCATIVE LANGUAGE** unless the language is part and parcel of evidence offered in a good faith effort to administer justice;
14. **NO ANIMALS** except service animals;

15. **NO GESTURES**, facial expressions, or sounds indicating approval or disapproval of a ruling of the Court or a comment of a witness;
16. **NO WEAPONS**, including guns (assault rifles, pistols, automatics, shotguns, grenade launchers, rockets, etc.), knives, bat/pipe/baton/clubs, razorblades, bombs, ricin, pepper spray, bow & arrows, and objects construed as weapons, are allowed in the courtroom other than by the Judge, a Texas Peace Officer, or a Bailiff employed by the City.

Failure to abide by the Courtroom Conduct may result in Contempt of Court or a Peace Officer escorting the individual(s) out of the Courtroom.

THESE STANDING ORDERS REGARDING MUNICIPAL COURT STAFF ARE EFFECTIVE IMMEDIATELY AND SHALL APPLY UNTIL AMENDED OR SUPERSEDED BY LAW OR FURTHER ORDER OF THE COURT.

IT IS SO ORDERED, SIGNED AND ENTERED THIS 20th DAY OF MARCH 2023.



Caroline A. McClimon
Presiding Municipal Judge
City of Bastrop, Texas

(A faint circular seal of the City of Bastrop, Texas is visible in the background behind the signature.)

Effective: 03/20/2023

**BASTROP MUNICIPAL COURT
CITY OF BASTROP, TEXAS**

**STANDING ORDERS FOR DISCOVERY
PURSUANT TO ART. 39.14, C.C.P.**

Under the inherent power and duty of all Texas courts as codified in Section 21.001 of the Texas Government Code, the following *Standing Orders for Discovery Pursuant to Article 39.14, Texas Code of Criminal Procedure* of the Bastrop Municipal Court (hereinafter “Discovery Standing Order”) are promulgated. These rules are adopted for the purpose of securing uniformity in proceedings and to promote justice.

IT IS ORDERED that all parties appearing before the Bastrop Municipal Court, Bastrop County, Texas shall comply with Article 39.14, Texas Code of Criminal Procedure and shall be deemed to have read and understood the obligations and duties imposed on the parties as that article relates to matters of discovery of evidence in cases pending before the Court.

Duty to Disclose

IT IS ORDERED that the State, after receiving a timely written request from a defendant represented by counsel, shall produce and permit the inspection and the electronic duplication, copying of, and photographing of listed evidence at least thirty (30) days before trial, or if requested within thirty (30) days of trial, as soon as practicable.

“Discoverable items” include:

- a. any offense reports;
- b. any documents, papers, and written or recorded statements of the defendant or a witness, including witness statements of law enforcement officers; and
- c. any books, accounts, letters, photographs, objects, or other tangible things not otherwise privileged that constitute or contain evidence material to any matter involved in the case and that are in the possession, custody, or control of the State or any person under contract with the State. The State may comply with this discovery duty by providing to the defendant electronic duplicates of any documents or other information described by Article 39.14.

IT IS FURTHER ORDERED that State may exclude from discovery any written communications between the State and an agent of the State. Nothing in this Order shall require the removal of the documents, items, or information from the State’s possession. Any inspection shall be in the presence of a representative of the State.

State’s Right to Withhold Discovery

IT IS ORDERED that the State may withhold discovery when, in the opinion of the State, a portion of an item is discoverable and a portion is not. In such event, the State shall give the Defense those parts that are discoverable and inform the Defense that a portion is not discoverable.

If the Defense wishes to challenge the withholding of items, the Defendant may request a hearing for the Court to determine whether the withholding is justified.

Self-Represented Defendants

IT IS ORDERED that self-represented defendants may inspect and review discoverable items listed above. However, they shall not be entitled to electronically duplicate those documents in any way. If the Defendant requests to review a video that the State intends to offer into evidence at trial, the Defendant shall make a written request not less than fourteen (14) days prior to trial. Court Services shall make reasonable accommodations to facilitate viewing the video not less than seven (7) days prior to trial.

Disclosure

IT IS ORDERED that on the motion of the State or Defendant, the Court orders all parties to disclose to the party making the motion the name and current address of each person the other party may use at trial to present evidence under Rules 702 (Testimony by Experts), 703 (Basis of Opinion Testimony by Experts), and 705 (Disclosures of Facts or Data Underlying Expert Opinion), Texas Rules of Evidence. The other party must make the disclosure to the party making the motion a) not later than the 30th day before the date the bench trial or jury trial begins or within thirty (30) days of the motion being filed, whichever occurs first; and (b) by any reasonable means requested by the party making the motion.

Disclosure of Discoverable Items to Third Parties

IT IS ORDERED that no discoverable item produced to the Defense pursuant to this Order shall be disclosed to any third party, except and unless:

- a. the Court orders the disclosure upon a showing of good cause after notice and hearing to consider the security and privacy interests of any victim or witness;
- b. the materials have already been publicly disclosed; or
- c. the disclosure is made to a member of the “entrusted circle” or the “expanded circle” of the Defense Attorney. The “Entrusted Circle” of the Defense Attorney shall include the attorney representing the defendant or an investigator, expert, consulting legal counsel, or agent for the attorney representing the defendant. The “Expanded Circle” includes the defendant, witness, or prospective witness.

IT IS ORDERED that a member of the Entrusted Circle may allow a member of the Expanded Circle to view the information provided pursuant to this Order, but shall not permit that person to copy or reproduce, in any form, nor to have copies of, the information provided, other than a copy of the witness’s own statement.

IT IS FURTHER ORDERED that before allowing a person to view a document or the witness statement of another, the Party possessing the information shall redact the address, telephone number, driver’s license number, Social Security number, date of birth, and any other identifying numbers contained in the document.

IT IS FURTHER ORDERED that the defendant may not be the agent for the attorney representing the Defendant.

Exculpatory Evidence

IT IS ORDERED that in all cases pending before this Court, the State shall strictly comply with the duty and obligation to disclose to the Defendant any exculpatory, impeaching, or mitigating document, item, or information in the possession, custody, or control of the State that tends to negate the guilt of the defendant or would tend to reduce the punishment for the offense charged.

Record of Disclosure

IT IS ORDERED that the State shall electronically record or otherwise document any document, item, or other information provided to the Defendant under this article.

Recorded Acknowledgement

IT IS ORDERED that before accepting a plea of guilty or nolo contendere, or before trial, each party shall acknowledge in writing or on the record in open court the disclosure, receipt, and list of all documents, items, and information provided to the Defendant under this Order and pursuant to Art. 39.14, C.C.P.

IT IS FURTHER ORDERED that the parties may agree to discovery equal to or greater than that required by this Order or Art. 39.14, C.C.P.

Continuing Obligation to Disclose

IT IS ORDERED that, notwithstanding any other provision of this Order or Article 39.14, C.C.P., at any time before, during, or after trial, the State has a continuing obligation to disclose any additional document, item, or information discovered, and shall promptly disclose the existence of the document, item, or information to the defendant or the Court.

Discovery Costs

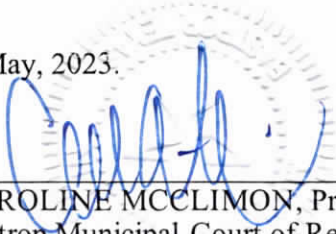
IT IS ORDERED that, upon request by the State, the Defendant to pay costs related to discovery and in accordance with Subchapter F, Chapter 552, Texas Government Code.

Motions to Modify Standing Order

IT IS ORDERED that the Court may at any time, upon motion properly filed by the State or Defendant, order that the discovery or inspection provided for by this Standing Order be modified, denied, restricted, or deferred, or make such other order as is appropriate under the Texas Code of Criminal Procedure or Texas Rules of Evidence.

IT IS FURTHER ORDERED that any dispute between the State and the Defendant relating to discovery matters in general or to compliance with this Standing Order, should be brought to the Court's attention as soon as possible.

ORDERED AND ENTERED this 1st day of May, 2023.



CAROLINE MCCLIMON, Presiding Judge
Bastrop Municipal Court of Record
Bastrop, Texas