

LOCAL RULES
OF THE
MUNICIPAL COURT
OF THE
CITY OF DE LEON, TEXAS

BE IT KNOWN that on this, the 12th day of January, 2018, pursuant to statute and regulation, the Municipal Court of the City of De Leon, Texas, has adopted its **LOCAL RULES OF COURT**, in order to provide efficiency, uniformity, fairness and justice in conducting the business of the Court.

A handwritten signature in black ink, appearing to read 'Wayne T. Parsons II', with a long horizontal flourish extending to the right.

Wayne T. Parsons II
Presiding Judge

**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 De Leon** (hereinafter **Local Rules of Court**) are promulgated and shall apply and govern any and all proceedings held within the Municipal Court of the City of De Leon, County of Comanche, 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 De Leon, 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 De Leon, Texas. The Local Rules of Court are updated and effective **January 12, 2018.**

1.3 AVAILABILITY

A copy of these rules shall be available at the Court Clerk’s Window and on the City of De Leon’s Website.

1.4 CITATION FORM

These rules shall be known as the Local Rules of the Municipal Court of the City of De Leon and each rule may be cited as “De Leon Local Rule” or “DLR”.

1.5 AUTHORITY OF THE MUNICIPAL JUDGE

The Presiding Municipal Judge has all authority granted to him/her by state law for a Municipal Court of Non-Record. The Presiding Municipal Court Judge is also a Magistrate for Comanche County and has all authority as Magistrate in Comanche County as set forth in state law.

1.6 HOURS OF OPERATION

The Court Clerk’s Window shall be open from **8:00 am to 5:00 pm, Monday through Friday**, with exception of City observed holidays. Defendants who want to appear before the Judge or are required to appear before the Judge to enter a plea, will contact the Court Clerk to schedule a time on the Court’s docket. The Judge cannot ethically speak to any party regarding the merits or facts of a case without both sides present.

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**RULE TWO
COURTROOM DECORUM**

2.1 FORMAL OPENING

The Court will have a formal opening only when the Court is conducting Bench Trials or Jury Trials. The Court shall be brought to order by formal announcement by the Court Clerk, requiring all present in the Courtroom to rise as the Judge takes the Bench.

2.2 CONDUCT REQUIRED OF ALL PERSONS ATTENDING COURT (INCLUDING COURTROOM WAITING AREAS).

Court is in session whenever the Judge is on the Bench. **While 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 of feet** or sitting on tables, railings, or on backs of chairs.
- D. No loud noises.**
- E. No eating** of food, drinking of beverages (beverages are permitted as counsel table), or chewing and/or popping of gum.
- F. No standing** in the Courtroom, particularly in front of the Bench, except when addressing the Court, or by the 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, a comment of the witness, or a comment/question by Counsel.
- H. No inappropriate attire**, including shorts, tank tops, sleeveless shirts, T-shirts, low pants with underwear showing, and/or "message" shirts. **(Shorts of modest length and T-shirts with sleeves and no messages are acceptable for non-trial settings.)**
- 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 a Court Security Officer or Police Officer who has a current and appropriate license shall possess a weapon in the Courtroom. Others may be allowed to possess a weapon in the Courtroom with the permission of the Judge.
- M. No person** may make audio, video or photographic recordings of the Court while in session without the permission from the Judge. This applies to Jury deliberations also.

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:

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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**.

B. *Pro Se* Defendants (Defendants acting as their own attorney) shall conform their behavior to all provisions of the canons and ethics applicable to licensed Attorneys. Attorneys (and *Pro Se* Defendants) shall be dressed appropriately while in attendance of the Court.

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. The Defendant shall appear as required by law.

D. Failure of the Defendant to personally appear when required may result in a warrant being issued against the Defendant.

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 the 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 the hearing or trial shall be supported by legal basis for such objection. Argument upon 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 table 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.

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**RULE THREE
ENTRY OF PLEA**

3.1 PLEA.

A plea of not guilty, guilty or no contest must be filed with the Court within ten (10) calendar days following the issuance of the citation. All pleas shall be in writing. Not Guilty pleas may be made at the Clerk's Window or by mail. Pleas made by the Defendant or by the Defendant's Attorney of Record. **Defendants who have received a citation for an offense that requires, by law, that a plea of No Contest or Guilty be made in open Court shall do so.**

Court personnel shall not advise the Defendant as to which plea to enter.

3.2 DEFERRED DISPOSITION NOT REQUESTED

A Defendant pleading No Contest or Guilty and is not requesting Deferred Disposition, may enter the plea in writing and sign a waiver of jury trial. The plea may be submitted to the Court either at the Clerk's Window or by mail. Payment of fines and court costs are required at the time of the plea, unless other arrangements have been made by the Defendant.

3.3 DEFERRED DISPOSITION REQUESTED

A Defendant pleading No Contest or Guilty and is requesting that the Court grant a deferred disposition shall make his/her request in open court unless a deferred disposition is specifically allowed at the Clerk's Window under **Judge's Standing Order #3.**

3.4 REQUESTS FOR ASSISTANCE

A motion by a party for the appointment of 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 notify the Court Clerk of any changes of address of the Defendant or of counsel for the Defendant.

4.2 NOTICE

Notice of date, time and nature of each setting shall be given by the Court Clerk to each party in writing, in person or by regular 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 delivery, and shall be properly filed and maintained within the Court's file by the Court Clerk.

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4.3 VERBAL REPRESENTATIONS

Reliance by any party on verbal representations 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 will be made available to the Defendant or counsel for the Defendant upon request to the Court Clerk. The Complaint shall be available to the Defendant or to counsel for the Defendant within 60 days of the date of the entry of a plea of Not Guilty, but no later than 24 hours prior to a scheduled trial.

**RULE FIVE
COURT FILES AND DOCUMENTS**

5.1 FILES AND DOCUMENTS

Defendants and their attorneys shall have access to Court files and documents during regular hours of the Court Clerk. The Clerk shall not release imaged documents to anyone except Court personnel, Attorneys of Record or their staffs, or the Defendant unless the documents are released pursuant to the Open Records Act or some other legal means.

**RULE SIX
PRETRIAL SETTINGS**

6.1 MOTIONS

Pretrial Motions shall be filed in writing at the Court Clerk's Window. Pretrial motions must be relevant and specific as to the case(s) involved.

6.2 HEARINGS

Any requests for a hearing must be approved by the Judge. Failure to file pretrial Motions as indicated herein shall constitute a waiver of having those issues heard before trial.

6.3 DEADLINE TO FILE

Unless Leave of Court has been granted, all pretrial Motions (except Motions in Limine) shall be filed at least ten (10) business days prior to trial date, and responses thereto, if any, shall be filed at least two (2) days prior to trial date. If a pretrial Motion has not been ruled upon before trial date, such Motion shall be heard on the date of trial.

6.4 SERVICE

Service of a Motion of Response may be made as provided by law. Each Motion of Response shall contain a Certificate of Service signed by the Movant indicating that a copy of such Motion of Response has been served upon the opposing party; the manner of service; and the date of service.

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6.5 SETTING THE HEARING DATE

If a hearing prior to trial date is requested by a Movant and granted by the Court, it shall be the responsibility of the Movant to obtain a hearing date from the Court Clerk and to timely inform the opposing party of the date and time of such hearing.

6.6 PRETRIAL CONFERENCE FOR PRO SE DEFENDANTS

All *Pro Se* Defendants who have requested a jury trial, will be scheduled for a Pretrial Conference. The purpose of the conference is to provide the *Pro Se* Defendant with information regarding procedures and processes used in the court during jury trials.

**RULE SEVEN
JUVENILE PROCEEDINGS**

7.1 JUVENILE DEFINED

A juvenile is defined as someone who is at least 10 years of age and younger than 17 (18 in some instances) on the date the citation is issued.

7.2 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.

7.3 NOTICE OF CURRENT ADDRESS

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

7.4 ALCOHOL BEVERAGE CODE

A minor (anyone under the age of 21 years) may only enter a plea of guilty to an Alcohol Beverage Code violation in open court.

**RULE EIGHT
POST TRIAL PROCEEDINGS**

8.1 ADMONISHMENT

Pro Se Defendants are admonished to seriously consider retaining counsel to represent them on appeal.

8.2 INABILITY TO PAY FINE AND COSTS

If a Defendant does not appeal the Court’s decision, but claims to be indigent, the Defendant must complete the form approved by the Court and request a hearing (see **Judge’s Standing Order #11**).

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8.3 INDIGENCY DURING APPEAL

If a Defendant is indigent or otherwise financially unable to pay the Appeal Bond, he/she 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 with 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.

**RULE NINE
SEVERABILITY AND CONSTRUCTION**

9.1 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.

9.2 INAPPLICABILITY TO CIVIL CASES

The Local Rules of Court set forth herein are applicable to criminal proceedings only with the exception of **RULE TWO (Courtroom Decorum)**.

9.3 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 De Leon, Texas.

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