

JUDGE'S STANDING ORDER NO. 13

DEFERRED DISPOSITION

IT IS ORDERED that a Clerk may process requests for Deferred Disposition (DD) from a Defendant, or his/her attorney, at the Court Clerk's Window and may complete the paperwork for the Court's signature if the Defendant meets the eligibility requirements set forth below. Defendants not meeting said eligibility requirements may present the request for Deferred to the Court by setting the case on the Court's next available docket.

MOVING VIOLATIONS

A Defendant is eligible for DD at the Clerk's Window for a moving violation if:

1. The Defendant show proof of a valid Driver's License (not restricted to a Texas driver's license);
2. The Defendant pays in full at the time of the request all court costs and special expense fee;
3. The Defendant is at least 25 years of age, or if less than 25 years of age is mandated to complete a driving safety course approved under Chapter 1001, Texas Education Code;
4. The Defendant is not currently on DD in any other jurisdiction; and
5. The Defendant submits a notarized compliance affidavit within 10 days from the DD ending date.

IT IS ORDERED that the deferral period shall be 90 days, unless otherwise indicated by these orders.

A Defendant is **NOT** eligible for DD at the Clerk's Window for a moving violation **IF**:

1. The driver is the holder of a **COMMERCIAL DRIVER'S LICENSE** (CLASS A and some CLASS B that indicate commercial)
2. The offense occurred in a **construction or maintenance work zone when workers are present**;
3. The Defendant was involved in an **accident resulting in property damage or personal injury**;
4. The offense involves **passing a school bus**;
5. The offense involves **failing to obey school crossing guard**;
6. The offense involves speeding in excess of **25 mph or more over the posted speed limit or in excess of 90 mph**;
or
7. The case is in "Omni/Warrant Status" as defined by the Court.

NON-MOVING VIOLATIONS

A Defendant is eligible for DD at the Court Clerk's Window for non-moving violations if:

1. The Defendant pays in full at the time of the request all court costs and special expense fee;
2. The Defendant is not currently on DD in any other jurisdiction; and
3. The Defendant submits a notarized compliance affidavit within 10 days from the DD ending date.

IT IS ORDERED that the deferral period shall be 60 days, unless otherwise indicated by these orders.

A Defendant is **NOT** eligible for DD at the Clerk's Window for non-moving violations **IF**:

1. The offense involves a violation of the Alcohol Beverage Code;
2. The offense is for Driving Under the Influence pursuant to 106.041 of the Texas Alcoholic Beverage Code;
3. The offense involves violations of the Chapter 161 of the Texas Health and Safety Code (Tobacco violations);
4. The offense involves personal complaints;
5. The case is in "Omni/Warrant Status" as defined by the Courts Standing Order.

FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY:

A Defendant is eligible for a 180-day period DD at the Court Clerk's Window for the offense of Failing to Maintain Financial Responsibility if:

1. The Defendant pays in full at the time of the request all court costs;
2. The Defendant is not currently on DD in another jurisdiction;
3. The Defendant presents proof of Financial Responsibility that is valid on the day of the request, maintains financial responsibility for the entire deferral period of 180 days and provides proof of financial responsibility during the entire deferral period to the Court at the end of the deferral period either in person, by US Postal mail or by email; and
4. The Defendant submits a notarized compliance affidavit within 10 days from the DD ending date.

POSSESSION OF DRUG PARAPHERNALIA

A Defendant is eligible for a 180-day period DD at the Court Clerk's Window for the offense of Possession of Drug Paraphernalia if:

1. The Defendant pays in full at the time of the request all court costs;
2. The Defendant is not currently on DD in another jurisdiction;
3. The Defendant provides proof of a Drug Awareness Course Completion Certificate within the 180-day deferral period;
4. The Defendant complete 15 hours of community service if 21 years of age; or completes 30 hours of community service if under the age of 21; and
5. The Defendant submits a notarized compliance affidavit within 10 days from the DD ending date.

DRIVING WHILE LICENSE INVALID

A Defendant is eligible for a 90-day period DD at the Court Clerk's Window for the offense of Driving While License Invalid if:

1. The Defendant pays in full at the time of the request all court costs;
2. The Defendant is not currently on DD in another jurisdiction;
3. The Defendant presents proof of Financial Responsibility that is valid on the day of the request, maintains financial responsibility for the entire deferral period of 90 days and provides proof of financial responsibility during the entire deferral period to the Court at the end of the deferral period either in person, by US Postal mail or by email;
4. The Defendant provides proof of a valid Driver's License or Occupational License
5. The Defendant submits a notarized compliance affidavit within 10 days from the DD ending date.

If the defendant fails to comply with the terms of the deferral order, the Clerk shall summons the Defendant to Court to show cause why such evidence was not submitted timely. If the defendant fails to appear, a final judgment shall be prepared for the Court's signature.

SIGNED AND ENTERED on this the 22 day of OCTOBER 2020.



Richard Corrigan
Presiding Judge

City of Terrell Hills Municipal Court