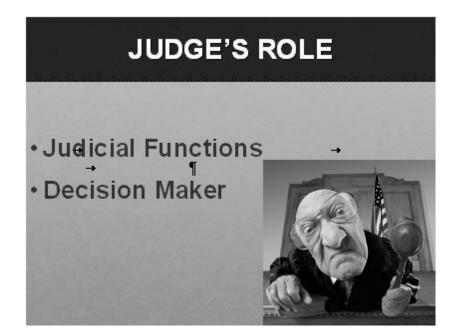
### IT'S A JUDGMENT CALL:

- Credit for Time Served
- Community Service
- Indigency

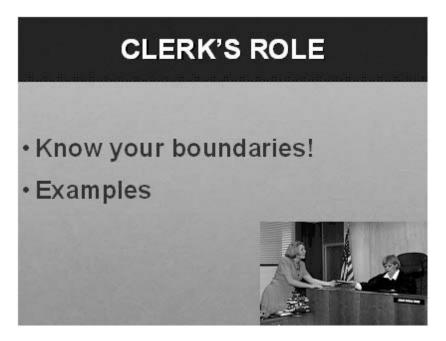




The **JUDGE** is responsible for presiding over trials and other court proceedings.

The Judge may assign  $\boldsymbol{ADMINISTRATIVE}$  duties.

Unless there is clear language in the statute the Judge may not **DELEGATE JUDICIAL** duties.



The clerk is responsible for **ADMINISTRATIVE** duties.

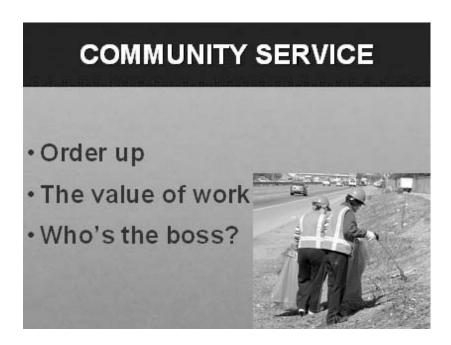
The clerk is responsible for **PROCESSING** orders of the court.



WHO: Rendering judgment is a JUDICIAL function.

WHAT: A judgment is the WRITTEN DECLARATION of the court reflecting the conviction or acquittal. CCP 42.01

**HOW:** See form samples



A WRITTEN ORDER is required of the Court, CCP 45.049

Must specify the number of hours and period of time

No more than 16 hours a week

Not less than \$50.00 for each EIGHT HOURS

Only governmental entity or nonprofit organization

Agency must agree to SUPERVISOR defendant

Agency must agree to report on defendant's WORK

### CREDIT FOR TIME SPENT IN JAIL • Judicial Discretion • Time is money • Judgment

The Justice or Judge **SHALL** credit the defendant for time served in jail. CCP 45.041.

The Judge of the Court in which the defendant is **CONVICTIED** shall give credit for time served. CCP 42.03

The credit shall be applied to the amount of the fine and costs at the rate of:

Not less than \$50.00 and for a period of time that is not less than EIGHT or more than 24 hours. CCP 45.048

Must be reflected in the **JUDGMENT**. CCP 42.01

# INDIGENCY: TO COMMIT OR NOT TO COMMIT Judgment Hearing..Hearing It's an Order

Judgment, a hearing and **ORDER** is required. CCP 45.046



In order to commit, there MUST be a written determination that the defendant is:

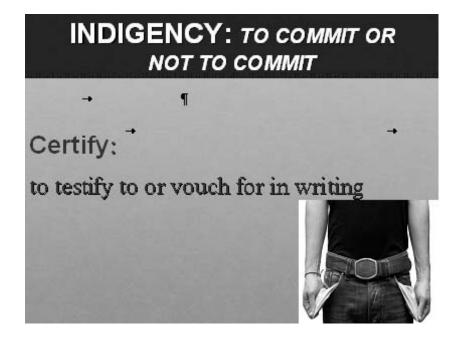
Not INDIGENT and has failed to make a good faith effort to discharge the fine and cost

OR

Is indigent and failed to make a good faith effort to discharge the fines and cost with COMMUNITY SERVICE

**AND** 

Would not have experienced any UNDUE HARDSHIP



A **CERTIFIED COPY** of the judgment, sentence, and order is sufficient to authorize such confinement. CCP 45.046.




A defendant placed in jail on account of failure to pay the fine and cost shall be **DISCHARGED** when he has remained in jail a sufficient length of time to satisfy the fine and costs.

Credit for time served will be given as specified on the JUDGMENT. CCP 42.01

Credit in the amount of not less than \$50.00 for a period of time that is not less than EIGHT hours or more than 24 hours. CCP 45.048




A Municipal Court may waive payment of a fine or costs imposed on a defendant who defaults in payment if the court determines that:

The defendant is **INDIGENT**;

AND

Discharging the fine and cost under Article 45.049 would CREATE AN UNDUE HARDSHIP on the defendant



**IMPRISONMENT FOR DEBT** – No person shall ever be imprisoned for debt. In 1833 the United States reduced the practice of imprisonment for debts at the federal level. Most states followed suit. It is still possible, however, to be incarcerated for debt, **but only in those circumstances in which the court finds that the debtor actually possesses the money or means available to pay the debt.** 

THE END

### Judgment Forms: (list is from TMCEC Forms Book)

- Judgment: Jury Waived Guilty
- Judgment: Jury Waived Not Guilty
- Judgment: Jury Waived Guilty (Juvenile)
- Judgment: Jury Waived Not Guilty (Juvenile)
- Dismissal by the Court
- Judgment after Jury Verdict
- Judgment after Jury Verdict (Juvenile)
- Judgment: Driving Safety Course/Motorcycle Operator Training Safety Program Granted
- Judgment: Final Disposition of Deferred Disposition
- Judgment: Driving under the Influence of Alcohol by Minor Guilty
- Judgment: Driving under theInfluence of Alcohol by Minor Not Guilty
- Judgment: Possession, Purchase, Consumption, or Receipt of Cigarettes or Tobacco Product by Minor Guilty
- Judgment: Possession, Purchase, Consumption, or Receipt of Cigarettes or Tobacco Product by Minor Not Guilty
- Judgment: Purchase of Alcohol by Minor, Attempt to Purchase Alcohol by Minor, Consumption by Minor, Minor in Possession of Alcohol, Misrepresentation of Age by Minor Guilty
- Judgment: Purchase of Alcohol by Minor, Attempt to Purchase Alcohol by Minor, Consumption by Minor, Minor in Possession of Alcohol, Misrepresentation of Age by Minor Not Guilty

JUDGMENT: JURY WAIVED - GUILTY

<b>CAUSE NUMBER:</b>	

S	TATE OF TEXAS	<b>§</b>	IN THE MUNICIPAL COURT
VS.		§	CITY OF
		<b>§</b>	COUNTY, TEXAS
	peared (by attorney) (in peared		dant in the above numbered and entitled cause (no contest) (not guilty) and waived a jury trial;
	The Defendant, being for Court that the State of T and recover from the Depaid.	ound <b>guilty</b> and assessed a fine of \$exas, for the use and benefit of the City ofefendant the fine in the amount of \$	, is therefore <b>Ordered and Adjudged</b> by the, Texas, do have, plus any and all costs required to be
	☐ immediately.	Ordered to pay the fine and costs:  ls. See the attached payment order incorporated	as part of this judgment.
	(If sentence in addition t	to payment of fine is authorized) It is further (	Ordered that the Defendant shall
	no later than	, 200	
		Ordered to pay restitution in the amount of Said restitution to be paid by	
cos	fendant shall be committed tts are fully paid. In the ev de of Criminal Procedure,	d to the custody of the Chief of Police of the Cent the Defendant defaults in the discharge of the Court specifies that the Defendant remains	comply with the orders of this judgment, the City of, Texas until said fine and f this judgment, pursuant to Article 45.048(b), n in jail:
		ess than 8 or more than 24) to earn.  ollar amount \$50) to satisfy the fine and costs	S.
De	It is further Ordered fendant for the amount of s		n may issue against the property of the said
		Judge, Munic	cipal Court Date
	(municipal court seal)	City of	

### JUDGMENT: DRIVING UNDER THE INFLUENCE OF ALCOHOL BY MINOR – GUILTY (Sec. 106.041, ABC)

		CAUSE NUMBER:	
ç	TATE OF TEXAS	§	IN THE MUNICIPAL COURT
S	VS.	\$ <b>§</b>	CITY OF
	<b>v</b> 5.	\$ §	COUNTY, TEXAS
evi	eared in person and entered a plea	, 200, the Defendation of (guilty) (no contest) and waived endant guilty of the offense of Drivin	ant in the above numbered and entitled cause a jury trial; and the Court, having heard the g Under the Influence of Alcohol by a Minor,
	The Defendant, being found guilty Court that the State of Texas, for and recover from the Defendant th	y and assessed a fine of \$ the use and benefit of the City of e fine in the amount of \$	, is therefore <b>Ordered and Adjudged</b> by the, Texas do have, plus any and all costs required to be paid.
	The Defendant is hereby <b>Ordered</b> ☐ immediately.  ☐ by  ☐ at designated intervals. See the	to pay the fine and costs:  attached payment order incorporated a	s part of this judament
	It is further Ordered that the I	Defendant present to the Court evidence	ence of completion of an alcohol awareness within 90 days of the date of final conviction.
	is the (parent)(guardian) of the Deattend the above-mentioned alcol	fendant. (Optional) It is therefore O	ge and that rdered that ndant and present to the Court evidence of 
		ed to return to this Court no later than hours of community service at	n, 200 with evidence that
cus	tody of the Chief of Police of the C		Sendant shall be committed to the non-secure further Ordered and Adjudged by the Court mount of such fine and costs.
	(municipal court seal)	Judge, Municipal C City of	Court Date
			County, Texas
	The Court finds that Defendant co	ompleted the alcohol awareness progr	am within 90 days as ordered by this Court.
It i		ne ordered to be paid onan half of the initial of fine assessed.	, 200 is reduced to
	(municipal court seal)	Judge, Municipal C City of	Court Date
			County, Texas

### DOCKET NUMBER: C03 STATE OF TEXAS Ş IN THE MUNICIPAL COURT VS. CITY OF CEDAR PARK 8 N01 WILLIAMSON COUNTY, TEXAS **JUDGMENT** On C67, at the required time of this Court came the described cause to be heard, and the Defendant, to the charge of: 001: Mailed/Faxed to the court a plea of (guilty) (nolo contendere); Having been informed of the right to a jury trial entered an appearance (by phone) (in person) (by counsel) waived right to a jury trial and Plead C65 Was present in court and both the State and the Defendant announced ready for trial; Defendant plead not guilty to the complaint; AND THE Court (the Defendant having waived the right to a jury trial and submitted the decision of the cause to this Court), Jury having been duly selected, impaneled and sworn, who having heard the complaint read and the defendant's plea, thereto, and after hearing the evidence and argument, and after due consideration of the same FINDS THE DEFENDANT Guilty of the offense as charged in the complaint of this cause and assess a fine of \$ C58 plus any and all cost required to be paid; Not guilty of the offense charged in the complaint of this cause; IT IS THEREFORE ORDERED AND ADJUDGED BY THIS COURT THAT The Defendant, being found not guilty, is immediately discharged from all further liability for the offense which the has herein been tried, and the Defendant may go hence without payment of costs; The Defendant, being found guilty as charged, that the State of Texas for the use and benefit of the City of Cedar Park, Texas do have and recover from the Defendant the aforesaid fine and cost; IT IS FURTHER ORDERED and the Defendant is hereby directed to Pay the entire fine and costs immediately; Pay fine and costs on or before Pay fine and costs at designated intervals according to an installment agreement which is incorporated and made part of this judgment The Court determines that the offense involved family violence, as defined by Section 71.004, Family Code. It is therefore unlawful for the Defendant to possess or transfer a firearm or ammunition. If the Defendant fails to comply with the orders of this Judgment, the Defendant shall be committed to the custody of the Chief of Police of the City of Cedar Park, Texas until said fine and costs are fully paid. In the event the Defendant defaults in the discharge of this judgment, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court

the Chief of Police of the City of Cedar Park, Texas until said fine and costs are fully paid. In the event the Defendant defaults in the discharge of this judgment, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant remain in jail:

24 hours for every:

\$100, to satisfy the fine and costs.		
	(Municipal Court Seal)	
Date of Judgment		Municipal Court Judge
		City of Cedar Park.

Texas

### **COMMITMENT ORDER**

### DOCKET NUMBER: C03

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF CEDAR PARK
N02	§	WILLIAMSON COUNTY, TEXAS

### TO THE SHERIFF OF WILLIAMSON COUNTY, TEXAS - GREETINGS:

### **COMMITMENT ORDER**

On U03, the Court considered the foregoing Defendant's motion to serve time in jail in lieu of payment of the fine and costs. **THE COURT FINDS** that the motion was made freely and knowingly and the Court determines that the request should be granted.

Therefore you are commanded to commit to the jail of your County the above-named Defendant, who was, on C93, convicted before the Municipal Court in the City of Cedar Park, Williamson County, Texas of the offense of O01 and assessed a fine and court costs totaling \$C60, of which \$C62 is unpaid.

### The undersigned finds that EITHER

- (1) the arrestee is the same person as the Defendant in the cause described above;
- (2) the Defendant has intentionally failed to make a good faith effort to pay said fine and costs; and,
- (3) the Defendant is not indigent and has failed to make a good faith effort to discharge said fine and costs;

### OR

- (1) the arrestee is the same person as the Defendant in the cause described above;
- (2) the Defendant has intentionally failed to make a good faith effort to pay said fine and costs; and,
- (3) the Defendant is indigent and:
  - (a) has failed to make a good faith effort to discharge the fine and costs under Art. 45.049, C.C.P. (community service);
  - (b) could have discharged the fine under 45.049, C.C.P. (community service) without experiencing any undue hardship.

It is therefore **ORDERED** that the Defendant N02 is committed to the Sheriff of Willimason County, Texas until such time as Defendant's fine and costs have been discharged as provided by law and that this Motion and Commitment be kept with the papers of this cause.

Unless otherwise specified in the judgment or sentence in said cause, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant remain in jail:

## DAYS, (not less than 8 hours or more than 24hours) to satisfy, in fines and costs. (minimum dollar amount \$50) It is ORDERED that this Motion and Commitment be kept with the papers of this cause. Ordered on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_. Judge, Municipal Court City of Cedar Park Williamson County, Texas (municipal court seal)

### **COMMUNITY SERVICE ORDER** CAUSE NUMBER: C03 STATE OF TEXAS § IN THE MUNICIPAL COURT § VS. CITY OF CEDAR PARK N01 § WILLIAMSON COUNTY, TEXAS On this date appeared N02, defendant in the above styled and numbered cause, who, having been previously assessed a fine and costs of C60 in this cause which remains unpaid balance in the amount of C62 (and the court having determined that the defendant has Insufficient resources or income to pay such fine and costs\* IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT THE DEFENDANT DISCHARGE ALL OF THE FINE AND COSTS BY PERFORMING COMMUNITY SERVICE AS FOLLOWS: 1. THE DEFENDANT SHALL WORK A TOTAL OF HOURS; 2. THE DEFENDANT SHALL WORK AT \_\_\_\_\_; 3. THE DEFENDANT'S WORK SHALL CONSIST OF \_\_\_\_\_ 4. THE DEFENDANT'S WORK SHALL BE COMPLETED NO LATER THAN C54. AND THE COURT HAVING FURTHER FOUND THAT THE WORKING OF MORE THAN 16 HOURS OF COMMUNITY SERVICE PER WEEK (WILL)(WILL NOT) WORK A HARDSHIP ON THE DEFENDANT, IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT THE DEFENDANT SHALL WORK NO MORE THAN HOURS PER WEEK IN PERFORMING THE ABOVE-ORDERED COMMUNITY SERVICE.

JUDGE, MUNICIPAL COURT CITY OF CEDAR PARK WILLIAMSON COUNTY

DATE: