

# The Recorder

The Journal of Texas Municipal Courts

Volume 24

May 2015

No. 3

© 2015 Texas Municipal Courts Education Center. Funded by a grant from the Texas Court of Criminal Appeals.

## VEHICLE REGISTRATION AND INSPECTION: ONE STICKER TO CONFUSE THEM ALL?

Robby Chapman

Director of Clerk Education & Program Attorney, TMCEC

The good news is that Texas drivers no longer need two windshield stickers. H.B. 2305, passed by the Texas Legislature in 2013, replaced dual registration and inspection windshield stickers with one combined sticker. It was a simple solution to the sometimes inefficient process of obtaining vehicle inspection and registration in Texas. The bad news is that implementation of the law is proving to be complicated and confusing.

### I. Background and Legislation

Confusion involving vehicle regulation in Texas is not new. Compulsory vehicle registration was authorized by the 30th Legislature in 1907 and initially was not clear what type of registration mark to use.<sup>1</sup> The statute simply required a

*One Sticker continued on pg. 7*



## BAIL

### Fixing, Taking, and the Limits on Law Enforcement Involvement

Mark Goodner

Deputy Counsel & Director of Judicial Education,  
TMCEC

Taking bail is one of the most important magistrate functions performed by municipal judges in Texas. When magistrates give Article 15.17 warnings to defendants in custody, they have a duty to set bail, as well.<sup>1</sup> In 2014, municipal judges issued magistrate warnings over 500,000 times.<sup>2</sup> With so many instances of setting bail, questions often arise for magistrates. Who may set bail? When must it be done? Is it okay for peace officers to take bail without involving the magistrate? Can the magistrate

*Taking Bail continued on pg. 11*

### INSIDE THIS ISSUE

#### Features:

Bail: Fixing, Taking, and the Limits on Law Enforcement Involvement .....	1
Considerations When Setting Bail .....	14
Five Latin Words That Shouldn't Faze You .....	3
Vehicle Registration and Inspection: One Sticker to Confuse Them All? .....	1

#### Notices/Information:

Around the State .....	2
Clerks Program Update .....	22
Court Administrators Seminar Agenda .....	23
DRSR Update .....	16
From the Center .....	20
Registration Forms .....	25
Resources for Your Court .....	15

## Texas Municipal Courts Education Center

2210 Hancock Drive  
Austin, Texas 78756  
512.320.8274 or 800.252.3718  
Fax: 512.435.6118  
www.tmcec.com

*Fair and Impartial Justice for All*

### FY15 TMCEC Officers

President: Kathleen Person, Temple  
President-Elect: Edward Spillane, College Station  
1st V.P.: Stewart Milner, Arlington  
2nd V.P.: Robin A. Ramsay, Denton  
Secretary: Hilda Cuthbertson, Bryan  
Treasurer: Robert C. Richter, Missouri City  
Past-President: Julie Escalante, Baytown

### Directors

Gary Bellair, Ransom Canyon • Danny Rodgers, Fort Worth • Michael Acuna, Dallas  
Phyllis Rogers, Sulphur Springs • Sharon Hatten, Midland • David L. Garza, Bee Cave  
• John Bull, San Antonio • Donna Starkey, Alvin • Esmeralda Garcia, Houston • Connie Rodriguez, McAllen

### Staff

- Hope Lochridge, Executive Director
- Ryan Kellus Turner, General Counsel & Director of Education
- Mark Goodner, Deputy Counsel and Director of Judicial Education
- Robby Chapman, Director of Clerk Education and Program Attorney
- Regan Metteauer, Program Attorney
- Deadra Stark, Administrative Director
- Patty Thamez, Program Coordinator & Network Administrator
- Tessa Madison, Program Coordinator
- Edward Minevitz, TxDOT Grants Administrator & Program Attorney
- Pat Ek, Registration Coordinator
- Crystal Ferguson, Research Assistant & Office Manager
- Avani Bhansali, Administrative Assistant
- Chris Clontz, Communications Assistant

Published by the Texas Municipal Courts Education Center through a grant from the Texas Court of Criminal Appeals. An annual subscription is available for \$35.

Articles and items of interest not otherwise copyrighted may be reprinted with attribution as follows: "Reprinted from *The Recorder: The Journal of Texas Municipal Courts* with permission from the Texas Municipal Courts Education Center."

The views expressed are solely those of the authors and are not necessarily those of the TMCEC Board of Directors or of TMCEC staff members.



## AROUND THE STATE

# 2015 MTSI AWARD WINNERS ANNOUNCED!

TMCEC's Municipal Traffic Safety Initiatives (MTSI) grant, funded by the Texas Department of Transportation (TxDOT), recently sponsored a traffic safety awards competition to recognize those municipal courts that have demonstrated outstanding contributions to traffic safety and eliminating impaired driving in their respective communities. This competition was a friendly way for municipalities to increase their attention to quality of life through traffic safety activities. All municipal courts in the State of Texas were eligible to apply.

Applicants were judged on their activities relating to increasing traffic safety while decreasing impaired driving traffic crashes, traffic fatalities, juvenile DUI, child safety seat offenses, red light running, and other traffic-related offenses. Fifteen courts have been selected to receive awards: five low volume (serving less than 30,000 people), five medium volume (serving 30,000 to 149,999 people), and five high volume (serving 150,000 or more people). Ten courts were also selected as honorable mentions.

The following courts were selected by a panel of judges to receive recognition for their excellent traffic safety programs:

Low Volume Courts	Medium Volume Courts	High Volume Courts
Corinth	Bryan	Amarillo
Hollywood Park	Cedar Hill	Arlington
Lakeway	College Station	El Paso
Linden	La Porte	Houston
Magnolia	San Marcos	Irving

Bunker Hill Village, Conroe, Harker Heights, Leander, Little Elm, Mansfield, McAllen, Sinton, Southlake, and Tahoka were also selected to receive honorable mentions for their commendable traffic safety efforts.

Award recipients were honored at the TMCEC Traffic Safety Conference that was held from March 29-31, 2015 at the Omni Southpark in Austin. Award recipients hosted a breakout session at the conference so like-sized courts could learn more about the award recipients' traffic safety programs. These sessions have proven effective in creating models for courts without traffic safety programs to emulate. Judge Kathleen Person of Temple, President of the Texas Municipal Courts Association, said "This year's winners are outstanding. Courts throughout the state should proudly take notice of the energy being put forth toward safety and court awareness. Such programs benefit all of our courts. We may all look to these winners for guidance to implement similar programs in our communities for the betterment of our courts and citizens."

To learn more about the MTSI Awards and how to apply for next year's awards, contact Ned Minevitz at 512.320.8274 or [ned@tmcec.com](mailto:ned@tmcec.com), or visit [www.tmcec.com/mtsi](http://www.tmcec.com/mtsi).

---

# FIVE LATIN WORDS THAT SHOULDN'T FAZE YOU

Regan Metteauer  
Program Attorney, TMCEC

The influence of Latin on other languages began with the Roman conquest. Carried by Roman soldiers, administrators, settlers, and traders to the various parts of their growing empire, the Latin language became the language of government, administration, legislation, the judiciary, and trade, with little variance among conquered countries.<sup>1</sup> Specifically, Latin's standing as a legal language can be traced back to 450-451 B.C. with the creation of the Twelve Tables, the foundation of Roman law.<sup>2</sup> All subsequent sources of Roman law are written in Latin.<sup>3</sup> Though the Roman Empire fell in 476 A.D., Latin persevered through the Middle Ages, the Renaissance, the Reformation, into present day American jurisprudence.

Despite the movement for legal language to become plain and absent of legalese (Latin terms included), Latin isn't on the ropes yet. Even if future judicial opinions and legal textbooks become devoid of Latin terms, no movement can erase this country's legal foundation, which is replete with Latin, and still generally stands as precedent. Latin is perceived by some to have ancient and durable qualities.<sup>4</sup> Whether for the sake of history, efficiency, legal community identity, or other reasons to cling to those Latin legal terms, it is perhaps not yet time to dismiss the significance of Latin.

That said, the history and significance of Latin should not cause paralysis when terms appear in motions or surface in open court (especially when used by the defendant as a threat to the judge). This article identifies and explains five specific Latin legal terms: habeas corpus; nunc pro tunc; writ of procedendo; judgment nisi; and scire facias.

## 1. Habeas Corpus (*hay-bee-əs kor-pəs*)

---

Article 1, Section 9, clause 2 of the U.S. Constitution reads, "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." This is the only British common-law writ to appear in our Constitution.<sup>5</sup> Habeas corpus means, "that you have the body,"<sup>6</sup> or loosely, "produce the body."<sup>7</sup>

The original purpose of habeas corpus was to contest detention by the king. Going back to the 13th century in England, the Magna Carta limited the power of King

John, reading in part, "No free man shall be seized or imprisoned...except by the lawful judgment of his equals or by the law of the land."<sup>8</sup> This was known as the "Great Writ," the forefather of the writ of habeas corpus.<sup>9</sup> Legislature shall enact laws to render the remedy speedy and effectual." Those laws are found in Chapter 11 of the Code of Criminal Procedure.

## *Magna Carta*

---

**JUNE, 2015** This year marks the 800th Birthday of the Magna Carta, the Great Charter of Liberty. Information about this important document may be accessed at <http://magnacarta800th.com/>.

Habeas corpus generally operates by ordering a prisoner be brought (by a jailer or detention official) to a court of law to review the validity of that prisoner's detention. It can function as a pre-trial remedy or a post-trial mechanism for post-conviction review of sentences.<sup>10</sup> Generally, in misdemeanor cases, a person confined may apply to the county judge for a writ of habeas corpus (county courts have original jurisdiction in habeas corpus proceedings when the validity of a misdemeanor conviction is challenged).<sup>11</sup> However, a habeas corpus statute (curiously) found in the Municipal Courts of Record Act, Section 30.00006 of the Government Code, also authorizes a municipal judge in a court of record to issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court.

In Texas, a person does not have to be confined in jail to apply for a writ of habeas corpus. Article 11.01 of the Code of Criminal Procedure provides that habeas corpus is the remedy when any person is "restrained in his liberty."<sup>12</sup> It goes on to say that the writ is an order directed to anyone having a person in custody, *or under his restraint*. Article 11.09, by its language, applies to misdemeanors generally, not just those punishable by jail time. Articles 11.21 and 11.22 of the Code of Criminal Procedure define "confinement" and "restraint," to clearly include situations beyond actual detention. Examples from cases where individuals have pursued a writ of habeas corpus under Article 11.09 (not necessarily successfully) include "confinement" because the defendant was denied the opportunity to obtain a Texas peace officer license,<sup>13</sup>

---

because a conviction resulted in exclusion from military service,<sup>14</sup> and because of enhanced punishment in other cases.<sup>15</sup>

A municipal judge will generally be subject to a writ of habeas corpus, though it is possible that he or she may be petitioned for one. A county judge might grant such a writ, for example, if an individual was arrested on a *capias pro fine* with no underlying judgment, and was subsequently put in jail because the municipal judge was not available. This is not likely to happen because a defendant is merely subject to a fine.<sup>16</sup> If a municipal judge is petitioned for a writ of habeas corpus, he or she should determine whether the requirements of the petition are met,<sup>17</sup> and if so, hold a hearing,<sup>18</sup> and issue a ruling granting or denying the petition in a written order. Under Article 11.15, it shall be granted “unless it be manifest from the petition itself, or some documents annexed to it, that the party is entitled to no relief whatever.”

## 2. Nunc Pro Tunc (nəŋk proh təŋk)

---

In Latin, *nunc pro tunc* means “now for then.” This term describes acts permitted to be done after the time when they should have been done with retroactive effect, having the same effect as if done at the proper time. It is used in reference to an order or judgment. The idea behind *nunc pro tunc* is that a trial court has the authority and the right to correct the record to reflect the truth.<sup>19</sup> Rule 23 of the Texas Rules of Appellate Procedure (TRAP) has been interpreted by the Court of Criminal Appeals to vest a trial court with the authority to correct mistakes in a judgment after the court’s plenary power expires with the entry of a judgment *nunc pro tunc*.<sup>20</sup> A court’s plenary power is the power to dispose of any matter properly before it.

A *nunc pro tunc* order is used to make corrections in the judgment.<sup>21</sup> The result is a judgment *nunc pro tunc*, which will be the focus hereafter. A judgment *nunc pro tunc* is a method for trial courts to correct the record when there is a discrepancy between the judgment pronounced in court and the judgment reflected in the record.<sup>22</sup> For example, in *Modica v. State*,<sup>23</sup> the defendant was convicted by a municipal court jury for a Class C assault. The judgment stated that the defendant was convicted of “City Appeal-Other.” The defendant argued on appeal that “City Appeal-Other” was not an offense under Texas law, and thus, the judgment was void. The court agreed with the State that the incorrect language in the judgment was merely an irregularity that could be corrected by a judgment *nunc pro tunc*. The court noted that the complaint and the jury charge contained the correct offense, and also pointed out as a reminder that the written judgment is not itself the conviction, but evidence that a conviction occurred.<sup>24</sup>

The correction made via *nunc pro tunc* must reflect the

judgment actually rendered, but for whatever reason was not properly entered in the record (not what the court thinks should have happened). Such a correction is limited to clerical errors and not proper for errors involving judicial reasoning.<sup>25</sup> Whether an error is clerical or judicial is a question of law, however, a *nunc pro tunc* judgment is improper if it modifies, changes, or alters the original judgment or effectually makes a new order.<sup>26</sup> Examples from case law of clerical errors include incorrect calculation of or omission of jail time credit,<sup>27</sup> omission of the defendant’s name in the judgment,<sup>28</sup> and mistaken entry of a range of punishment in the judgment instead of the definite term of years actually sentenced.<sup>29</sup> Courts have found improper the use of a *nunc pro tunc* judgment to change the start date of a deferral period where the evidence only showed the original date in the order,<sup>30</sup> to grant additional jail time credit that contradicted a term of the plea bargain,<sup>31</sup> and to add language to the judgment to effectuate mandates to the trial court by an appellate court.<sup>32</sup>

*Nunc pro tunc* judgments are appealable.<sup>33</sup> One reason for appeal has been discussed, that the error corrected was not clerical, but one of judicial reasoning. Another reason is that the trial court lacked authority to enter a *nunc pro tunc* judgment. A trial court lacks authority (jurisdiction) to enter a *nunc pro tunc* judgment after a defendant appeals, i.e., once the defendant has filed a notice of appeal and the record has been filed with the appellate court.<sup>34</sup> The trial court may act again on the case once it receives the appellate court’s mandate.<sup>35</sup> Under Rule 23.1 of the Texas Rules of Appellate Procedure, a trial court lacks authority to enter a *nunc pro tunc* order or judgment if a new trial has been granted or the judgment arrested.

There is no statutory time limit or one imposed by case law concerning how long after the original judgment a court may correct it with a *nunc pro tunc* order. The Court of Criminal Appeals found no error in entry of a judgment *nunc pro tunc* more than six months after rendition of judgment,<sup>36</sup> stating as the reason that entry of a judgment *nunc pro tunc* came 22 months after rendition of judgment in another case.<sup>37</sup> This makes sense. The judgment *nunc pro tunc* merely reflects the judgment actually rendered.

What should a municipal court judge do when presented with a motion for judgment *nunc pro tunc*?<sup>38</sup> First, the court must have jurisdiction to rule on the motion (think timeliness under Rule 23.1). If the court has such authority, there must be proof the proposed judgment was *actually rendered or pronounced at an earlier time*.<sup>39</sup> Whether or not a court may enter an *ex parte* change to the judgment is unclear. The Court of Criminal Appeals has said that before an unfavorable *nunc pro tunc* order may be entered, the person convicted should be given an opportunity to be present at the hearing and represented by counsel in order to accord due process.<sup>40</sup> However, the Court subsequently stated that if the trial court properly

---

changed its order, remanding for a hearing would be a “useless task.”<sup>41</sup> The safe approach would be to hold a hearing and have the defendant present at the hearing (with an attorney if they have one) if correcting the judgment is “unfavorable” to the defendant. Finally, make sure the proposed correction is clerical (actually reflects the original judgment) and does not require judicial reasoning or create a new judgment or order.

### **3. Writ of Procedendo (pròwsədéndow)**

---

The word, procedendo, comes from the Latin for “proceed.” A writ of procedendo is a directive from a higher court to a lower court to proceed to judgment. It is one of the six historical prerogative writs from English law, also identified as extraordinary writs. The other five writs are certiorari, habeas corpus, mandamus, prohibition, and quo warranto. Article V, Sections 3 and 5 of the Texas Constitution authorize the Texas Supreme Court and the Court of Criminal Appeals to issue the writ of procedendo. Authority for a county court to issue such an order comes from its power to issue all writs necessary to enforce its jurisdiction, found in Article V, Section 16 of the Texas Constitution and Section 25.004 of the Government Code.

Generally, a writ of procedendo is the remedy available to the State to have a case remanded from county court to municipal court when a defendant *has not perfected* his or her appeal in a criminal case.<sup>42</sup> If an appeal is perfected, however, use of the writ becomes more complicated. One complication is the effect on the judgment of an appeal from a non-record municipal court. The trial shall be de novo in the county court, the same as if the prosecution had been originally commenced in that court.<sup>43</sup> If the county court dismisses the case, it doesn’t return to the non-record municipal court. It is as if the case was never filed there. A writ of procedendo is then improper, because if it was never filed there, then there is no judgment to proceed to execute.

Another complication after an appeal is perfected is if the defendant fails to appear in county court. According to the Court of Criminal Appeals, it is proper for the county court to forfeit the defendant’s bond, not to issue a writ of procedendo to the municipal court.<sup>44</sup> Defects in the bond subsequently discovered in county court could result in a dismissal of the appeal and warrant a writ of procedendo. However, the county court has discretion under Article 44.15 of the Code of Criminal Procedure to allow amendment of the bond and the Court of Criminal Appeals seems to frown upon not providing an opportunity to submit a sufficient bond after a dismissal for want of a sufficient bond.<sup>45</sup> A defendant given such an opportunity, but fails to amend or submit a sufficient bond, could face dismissal of the appeal and a writ of procedendo could be warranted.<sup>46</sup>

### **4. Judgment Nisi (nI-sI)**

---

Nisi means “unless” in Latin, and when attached to the word, judgment, becomes an intermediate judgment which will become final, unless something happens, typically unless the defendant appears after a bond forfeiture and shows cause why the judgment should not become final. A judgment nisi is the judicial declaration of the forfeiture of the bond and is prima facie proof that the statutory requirements of a bond forfeiture have been satisfied.<sup>47</sup> The burden is on the defendant to show otherwise.<sup>48</sup>

Article 22.02 of the Code of Criminal Procedure provides the manner of taking a forfeiture of bail bonds and personal bonds.<sup>49</sup> Specifically, the defendant’s name shall be called distinctly at the courthouse door, and then if the defendant does not appear within a reasonable time after such call is made, judgment shall be entered that the State of Texas recover of the defendant the amount of money in which he is bound, and of his sureties, if any, the amount of money in which they are respectively bound. The judgment shall also state that same will be made final, unless good cause be shown why the defendant did not appear. The judgment referred to in the statute is the judgment nisi. The elements of the State’s cause of action in a bond forfeiture proceeding are the bond and the judgment nisi.<sup>50</sup> However, a judgment nisi in bond forfeiture proceedings may be judicially noticed by the trial court.<sup>51</sup>

### **5. Scire Facias (sI-ree fay-shee-əs)**

---

Saving the strangest word for last, scire facias requires the least explanation. In Latin, scire facias means, “you are to make known, show cause.” In the realm of bond forfeitures, this is used to describe a docket. After entry of a judgment nisi, the case is set on the scire facias docket. Pursuant to Article 22.10 of the Code of Criminal Procedure, the plaintiff in a bond forfeiture case is the State of Texas and the defendant(s) is the principal and his sureties, if any. From that point on, the proceedings are generally governed by the same rules as a civil suit.

The writ of scire facias was created in 1285 by the English Parliament during the 13th year of the reign of Edward I, and was abolished by Parliament in 1948.<sup>52</sup> It was considered at one time to be a prerogative writ.<sup>53</sup> Notable in American history, the royal charter of the Massachusetts Bay Colony was rescinded in 1684 by a writ of scire facias for its interference with the royal prerogative in founding Harvard College among other matters.<sup>54</sup>

As Ralph Waldo Emerson said, “knowledge is the antidote for fear.” Behind unfamiliar Latin terms are plain, relatable meanings with recurring application in local courts. Proficiency in the nuances and complexities of these words is not required to at least recognize the context for these words. Experience using the terms will further demystify them. *Ipsa scientia potestas est*. Knowledge itself is power.

<sup>1</sup> Ristikivi, Merike, *Latin: The Common Legal Language of Europe?*, *Juridica*, I 2005, p. 199.

<sup>2</sup> *Id.*, citing Ditlev Tamm, *Roman Law and European Legal History*, 191 (Copenhagen DJUF Publishing 1997).

<sup>3</sup> See, n. 1.

<sup>4</sup> Peter R. Macleod, *Latin in Legal Writing: An Inquiry into the Use of Latin in the Modern Legal World*, 39 B.C. L. Rev. 235, 242 (1998).

<sup>5</sup> Jonathan Shaw, *Harvard Magazine*, *The War and the Writ: Habeas Corpus and Security in an Age of Terrorism*, <http://harvardmagazine.com/2009/01/the-war-the-writ> (January-February 2009).

<sup>6</sup> *Black's Law Dictionary* 715 (Bryan A. Garner ed., 7th ed., West 1999).

<sup>7</sup> See, n. 5.

<sup>8</sup> *Encyclopaedia Britannica*, *Magna Carta*, <http://www.britannica.com/EBchecked/topic/356831/Magna-Carta> (accessed January 5, 2015).

<sup>9</sup> See, n. 5.

<sup>10</sup> Dallin H. Oaks, *Legal History in the High Court—Habeas Corpus*, 64 Mich. L. Rev. 451 (1966).

<sup>11</sup> Article 11.09, Code of Criminal Procedure.

<sup>12</sup> See also, Article 11.64 of the Code of Criminal Procedure, providing that Chapter 11 applies to persons in any manner restrained in their personal liberty.

<sup>13</sup> *State v. Collazo*, 264 S.W.3d 121.

<sup>14</sup> *Ex parte Davis*, 748 S.W.2d 555 (Tex. App.—Houston [14th Dist.] 1988, pet. ref'd).

<sup>15</sup> *Ex parte Burt*, 499 S.W.2d 109 (Tex. Crim. App. 1973).

<sup>16</sup> See generally, *Ex parte Beamer*, 285 S.W.2d 255, 256 (Tex. 1926).

See also, *Ex parte Rinkevich*, 222 S.W.3d 900 (Tex. App.—Dallas 2007, no pet.) (habeas corpus relief denied where at the time relief was sought, the defendant had already paid the fine, rendering appeal from the judgment moot).

<sup>17</sup> See, Articles 11.12 and 11.14, Code of Criminal Procedure.

<sup>18</sup> See, Articles 11.10 and 11.11, Code of Criminal Procedure.

<sup>19</sup> *Shaw v. State*, 539 S.W.2d 887, 890 (Tex. Crim. App. 1976).

<sup>20</sup> *State v. Bates*, 889 S.W.2d 306, 309 (Tex. Crim. App. 1994). The 1997 changes to the Texas Rules of Appellate Procedure amended Rule 36 (referenced in the case) without substantive change and is now Rule 23.

<sup>21</sup> This is generally true. Nunc pro tunc can also describe a sentence.

<sup>22</sup> Rule 23.1, Texas Rules of Appellate Procedure; *Blanton v. State*, 369 S.W. 3d 894, 897-898 (Tex. Crim. App. 2012).

<sup>23</sup> *Modica v. State*, 151 S.W.3d 716, 719 (Tex. App.—Beaumont 2004, pet. ref'd).

<sup>24</sup> *Id.* at 720, citing *Jones v. State*, 795 S.W.2d 199, 202 (Tex. Crim. App. 1990).

<sup>25</sup> *Blanton*, 369 S.W.3d at 898, citing *Ex parte Poe*, 751 S.W.2d 873, 876 (Tex. Crim. App. 1988).

<sup>26</sup> *Ex parte Dickerson*, 702 S.W.2d 657, 658 (Tex. Crim. App. 1986).

<sup>27</sup> *Ex parte Ybarra*, 149 S.W.3d 147 (Tex. Crim. App. 2004).

<sup>28</sup> *Miller v. State*, 702 S.W.2d 586, 588 (Tex. Crim. App. 1981).

<sup>29</sup> *Johnson v. State*, 168 Tex. Crim. 79, 323 S.W.2d 449 (1959).

<sup>30</sup> *In re Cherry*, 258 S.W.3d 328, 333 (Tex. App.—Austin 2008, no pet.) (Although the court may have meant for the defendant's

deferral to begin on October 18, 2005, it ordered the deferral to begin on October 18, 2004. A correction nunc pro tunc can only be used to reflect what was actually done, not what should have been done).

<sup>31</sup> *Collins v. State*, 240 S.W.3d 925, 929 (Tex. Crim. App. 2007) (finding that granting the judgment nunc pro tunc required judicial reasoning to determine whether the judge was bound by the terms of the plea bargain).

<sup>32</sup> *Harrelson v. State*, 2007 Tex. App. LEXIS 1728 (Tex. App.—Beaumont March 7, 2007, no pet.) (finding that the added language created new judgments instead of correctly reflecting the trial court's original judgments).

<sup>33</sup> *Blanton*, 369 S.W.3d at 904.

<sup>34</sup> Rule 23.1, Texas Rules of Appellate Procedure; *Hightower v. State*, 2009 Tex. App. LEXIS 5297 (Tex. App.—Texarkana July 7, 2009, no pet.) (citing *State v. Bates*, 889 S.W.2d 306, 309 (Tex. Crim. App. 1994)).

<sup>35</sup> *Hightower v. State*, 2009 Tex. App. LEXIS 5297 (Tex. App.—Texarkana July 7, 2009, no pet.). See also, *DeLuna v. State*, 387 S.W.2d 678, 679 (Tex. Crim. App. 1965) (Once appeal is disposed of, the trial court is authorized to enter judgment or sentence nunc pro tunc.).

<sup>36</sup> *Ex parte Sanchez*, 489 S.W.2d 295, 297 (Tex. Crim. App. 1972).

<sup>37</sup> *Id.* (citing *Kazmir v. State*, 438 S.W.2d 911 (Tex. Crim. App. 1968)).

<sup>38</sup> A motion is not required for a judge to enter its original judgment. Presumably, a motion is also not required for a court to correct the judgment with a nunc pro tunc order to reflect the original judgment.

<sup>39</sup> *Gomez v. State*, 2015 Tex. App. LEXIS 486 (Tex. App.—Tyler January 21, 2015, no pet.) (citing inter alia, *Collins v. State*, 240 S.W.2d 261, 263 (Tex. Crim. App. 2007)).

<sup>40</sup> See, *Shaw v. State*, 539 S.W.2d 887, 890 (Tex. Crim. App. 1976).

<sup>41</sup> *Gomez v. State*, 2015 Tex. App. LEXIS 486 (Tex. App.—Tyler January 21, 2015, no pet.) (citing *Homan v. Hughes*, 708 S.W.2d 449, 454-55 (Tex. Crim. App. 1986)).

<sup>42</sup> Ryan Kellus Turner, *Writ of Procedendo: Enforcing Judgments Post Appeal*, *The Recorder* (May 2004).

<sup>43</sup> Article 44.17, Code of Criminal Procedure.

<sup>44</sup> *Ex parte Swift*, 172 Tex. Crim. 460, 461, 358 S.W.2d 629 (1962).

<sup>45</sup> *Martin v. State*, 171 Tex. Crim. 245, 248, 346 S.W.2d 840 (1961).

<sup>46</sup> See, n. 42 (citing *Lopez v. State*, 649 S.W.2d 165 (Tex. App.—El Paso 1983, no pet.)).

<sup>47</sup> *Alvarez v. State*, 861 S.W.2d 878, 881 (Tex. Crim. App. 1992).

<sup>48</sup> *Id.*

<sup>49</sup> Additionally, Article 45.044 of the Code of Criminal Procedure provides a method of forfeiting a cash bond.

<sup>50</sup> *Alvarez*, 861 S.W.2d at 880.

<sup>51</sup> *Hokr v. State*, 545 S.W.2d 463, 466 (Tex. Crim. App. 1977).

<sup>52</sup> World Public Library, [http://netlibrary.net/articles/scire\\_facias](http://netlibrary.net/articles/scire_facias) (accessed March 4, 2015).

<sup>53</sup> C.J. Antieu, *The Practice of Extraordinary Remedies: Habeas Corpus and the Other Common Law Writs*, Vol.II, p. 82 (1987).

<sup>54</sup> J.T. Adams, *The Founding of New England* (Atlantic Monthly Press 1921), [http://en.wikisource.org/wiki/The\\_Founding\\_of\\_New\\_England/XV](http://en.wikisource.org/wiki/The_Founding_of_New_England/XV) (accessed March 4, 2015); J.H. Baker, *An Introduction to English Legal History* p. 145 (4th ed., London: Butterworths 2002).



## One Sticker

*continued from pg. 1*

number, six inches high, to be attached to “the machine.”<sup>2</sup> Left to their imagination and industry, citizens attached leather, ceramic, and even wood plates bearing registration numbers to their vehicles.<sup>3</sup> By the time compulsory inspection came about in 1951, the initial confusion was not over how to mark the vehicle, but the timelines to come into compliance. H.B. 223, authorizing the first vehicle inspections in Texas, mandated that approximately three million vehicles in Texas complete inspection in the year commencing with the effective date of the Act.<sup>4</sup> The infrastructure, however, did not yet exist to meet these timelines. The Act took effect on September 6, 1951, but the Department of Public Safety did not have enough human resources to administer the program until January 1952.<sup>5</sup> Predictably, public outcry followed and lawsuits over government overreach were threatened.<sup>6</sup> Though things ultimately worked themselves out, and compulsory inspections became both the law of the land and a practical reality. In fact, none other than the Governor of Texas, Allan Shivers, claimed the first inspection certificate.<sup>7</sup>

Today, less than 70 years later, the inspection sticker is set to become history. H.B. 2305, passed by the 83rd Legislature, makes Texas a “one sticker” state. Nationwide, this is not a novel approach to vehicle registration and inspection as a majority of states already use the “one sticker” system.<sup>8</sup> A 2012 Texas study by the Department of Public Safety and the Department of Motor Vehicles examined three possibilities to change the system: completely do away with windshield stickers for inspection and registration, remove the registration and keep the inspection sticker, or remove the inspection and keep the registration sticker.<sup>9</sup> The study concluded that the latter choice, eliminating the inspection sticker and keeping the registration, would save the state up to \$2.5 million annually.<sup>10</sup>

H.B. 2305 made sweeping changes to Chapter 548 of the Transportation Code, but in a nutshell, a vehicle inspection is now a required step in order to renew vehicle registration. There is no longer a separate vehicle inspection certificate and, after March 1, 2015, there is no longer a requirement to display the inspection sticker on a vehicle’s windshield.<sup>11</sup> From a practical standpoint, this means that vehicle owners will no longer receive an inspection sticker as proof of a completed inspection. The inspection station will instead provide the vehicle owner with a “Vehicle Inspection Report” (VIR) indicating that the vehicle completed the inspection.<sup>12</sup> Inspection stations will also electronically submit the inspection data to a database maintained by the Department of Public Safety (DPS).<sup>13</sup> The Department of Motor Vehicles and the county assessor-collector registering the vehicle can access that database in order to verify inspection and issue a registration renewal.<sup>14</sup> The vehicle inspection report is

meant to serve as proof of inspection in the event that the database is not available.<sup>15</sup>

What does this mean to law enforcement and courts? The familiar Fail to Display Inspection offense and its corresponding compliance dismissal and administrative fee are no more.<sup>16</sup>

Five Changes to Know	
Fail to Display Inspection (548.602)	Repealed. Applies only to an offense committed before March 1
Dismissal; Administrative Fee (548.605)	Repealed. Applies only to an offense committed before March 1
Attachment of Inspection Certificate (548.255)	Repealed effective March 1
Proof of Inspection Required to Register Vehicle (548.256)	Effective March 1
Electronic Inspection Database and Submission (548.251/548.253)	Effective March 1

## II. Questions Answered

The potential for “one sticker” confusion was foreshadowed during a public hearing on the issue when a committee member asked Senator Royce West of Dallas, “How would the owner of a vehicle know when it’s time to renew their inspection sticker?” Before answering, the Senator joked, “After they get a ticket.”<sup>17</sup> Humor aside, this seems to be a common occurrence when it comes time to actually implement new legislation. The implementation of “one sticker” in Texas is no different.

### 1. What are the timelines involved?

The “one sticker” changes went into effect on March 1, 2015. According to the DPS, to account for different expiration dates on inspection and registration stickers, there will be a transition period from March 2015 to February 2016. During this period, registration may be renewed with prior valid inspection and there will be no need to have the vehicle inspected again until the registration period is up. This means that it may be more than a year between inspections for some vehicles. For example, assume a vehicle’s inspection was renewed in January 2015 and the registration expired in March 2015. The previous valid inspection will qualify the vehicle to receive the registration sticker in March. Inspection will not need to be completed again until registration is up for renewal the following March 2016. Beginning in March 2016, registration and inspection dates will then be the same.

### 2. How does this affect trailers?

Inspection is still required for certain trailers.<sup>18</sup> The requirement generally includes trailers, semitrailers, pole

---

trailers, and mobile homes with an actual gross weight or registered gross weight of over 4,500 pounds.<sup>19</sup> Anecdotal evidence suggests that trailer owners tended to be unaware of the inspection requirement.<sup>20</sup> Under the two-sticker system, owners could neglect inspection while renewing registration without consequence year to year. That is not possible under “one sticker” as registration cannot be renewed without the inspection.

### **3. What about commercial motor vehicle inspections?**

Commercial motor vehicles are still required to complete an annual safety inspection that meets the requirements of federal motor carrier safety regulations.<sup>21</sup> Commercial motor vehicle operators will receive a Vehicle Inspection Report indicating that the vehicle has met both federal and state inspection requirements.<sup>22</sup> The changes involve inspection stations and the manner in which the state receives its portion of the commercial motor vehicle inspection fee.<sup>23</sup> The Department of Motor Vehicles or the county assessor-collector that registers the commercial motor vehicle will collect and remit the fee.<sup>24</sup>

### **4. Should officers stop issuing citations for expired inspection stickers after March 1, 2015?**

Yes. There is no longer an offense. The offense of Failure to Display Inspection Certificate was repealed effective March 1, 2015. This is problematic because officers may see still see expired inspection stickers on vehicles. It may also be a law enforcement practice to check issue dates for inspection stickers through the Texas Law Enforcement Telecommunications System (TLETS) while working traffic enforcement. To add to the confusion, the “Two Steps, One Sticker” public information website suggests in its FAQ that waiting to renew expired inspection during the transition period would be “operating a vehicle without a valid inspection.”<sup>25</sup> But to what end?

With some exceptions, an officer may arrest a driver that commits a “Rules of the Road” offense within his view.<sup>26</sup> A traffic violation can also give rise to probable cause to arrest or reasonable suspicion to temporarily detain a driver.<sup>27</sup> Even if the officer has some other subjective, pretextual motive to make the stop, it is not unlawful if there is an objectively valid basis for the stop.<sup>28</sup> The issue here, however, is a traffic stop based on an offense that has been repealed. The officer’s mistaken belief or good faith may not be sufficient to justify the stop if it is based on an offense that no longer exists.<sup>28</sup> This can not only lead to unhappy defendants receiving citations for a law no longer on the books, but also may result in suppression of evidence.<sup>30</sup>

Considering that Section 548.255 of the Transportation Code, requiring attachment of the inspection certificate to the vehicle, was also repealed effective March 1, it could be argued that drivers should simply remove the old inspection sticker from their windshield after that date.

### **5. Should an officer issue a citation after March 1, 2015 for an inspection sticker that expired in February 2015? After all, the inspection sticker should have been renewed prior to March 1. Isn’t this an offense committed prior to March 1?**

No, the officer should not issue a citation. At the time that the officer observed the offense, the statute had been repealed. Recall the elements of the Fail to Display Inspection offense:

(a) After the fifth day after the date of expiration of the period designated for inspection, a person may not operate:

(1) A motor vehicle registered in this state unless a current and appropriate inspection certificate is displayed on the vehicle.

The offense was not simply failing to renew inspection; rather, it was the operation of the vehicle with the expired inspection. There is not a definition of “operate” in the chapter, but elsewhere in the Transportation Code, operate is defined to mean “drive or be in actual control of the motor vehicle.”<sup>31</sup> In other criminal cases, the Court of Criminal Appeals has generally interpreted it to mean that the defendant took some action to affect the functioning of his vehicle in a manner that would enable the vehicle’s use.<sup>32</sup> The officer did not observe, or have any articulable facts to suspect, that the vehicle was operated prior to March 1.

### **6. What about offenses that happened before March 1, 2015? Should those be dismissed since the law was repealed?**

Generally, new laws are prospective rather than retrospective.<sup>33</sup> Here, the Legislature clearly intended for offenses that occurred prior to March 1 to be governed by the old law.<sup>34</sup> This means that the court could process a compliance dismissal and assess the administration fee for these offenses. Likewise, defendants cited for expired inspection prior to March 1 that do not qualify for a compliance dismissal are still on the hook.

### **7. How should courts handle Fail to Display Inspection charges filed after March 1, 2015?**

The court may not even have jurisdiction. If the offense occurred after March 1, then there would be no offense with which to charge the accused. The case could be subject to dismissal or prosecutorial review.

### **8. What about defendants convicted of Fail to Display Inspection prior to March 1, 2015?**

The judgment is most likely final. The Court of Criminal Appeals has held that unless there is legislative intent to the contrary, the judgment is final for an offense if the corresponding statute is later repealed.<sup>35</sup>



## 9. In the future, what offense should officers be citing for an expired sticker?

Inspection has now become a required step to obtain vehicle registration, similar to showing proof of insurance. Failure to pass a vehicle inspection would be reflected by an expired registration sticker. Officers could cite for Operation of Vehicle with Expired License Plate (502.407), Operation of Vehicle Under Improper Registration (502.472), or Operation of Vehicle without Registration Insignia (502.473) in the future.

## 10. Are there any public resources available?

The current public awareness campaign, called “Two Steps, One Sticker” has a website, <http://twostepsonesticker.com/> (see next page of this issue). Citizens can enter registration and inspection sticker dates to determine how to renew their registration under the new system.

- <sup>1</sup> The History of Texas License Plates – 80th Anniversary Edition, Texas Department of Transportation (March 1999), p.8., [ftp.dot.state.tx.us/pub/txdot-info/utr/plate\\_history.pdf](ftp.dot.state.tx.us/pub/txdot-info/utr/plate_history.pdf) (accessed March 31, 2015).
- <sup>2</sup> Acts 1907, 30th Regular Legislature, Chapter 96 (H.B. 93), Section 1.
- <sup>3</sup> *Supra*, Note 1 at 9.
- <sup>4</sup> Acts, 1951, 52nd Regular Legislature, Chapter 141 (H.B. 223); Tex. Atty. Gen. Op. V - 1385 (1952).
- <sup>5</sup> Texas Department of Public Safety: 65th Anniversary: Courtesy, Service, Protection (Turner Publishing Company, 2002), p. 40.
- <sup>6</sup> Associated Press, *Auto Inspection Law Challenged*, The Victoria Advocate (January 10, 1952). Among other things, newspaper accounts relate the story of an angry car owner that managed to telephone Homer Garrison, Director of the Texas Department of Public Safety, at 2:00 a.m. to protest the law.
- <sup>7</sup> Texas Department of Public Safety: 65th Anniversary: Courtesy, Service, Protection, pp. 39-40.
- <sup>8</sup> Texas Department of Motor Vehicles and Texas Department of Public Safety, Consolidated Inspection and Registration System Study (2012), p.1. Retrieved from [http://www.txdps.state.tx.us/rsd/vi/vic/SB-197\\_inspectionRegistrationStudy.pdf](http://www.txdps.state.tx.us/rsd/vi/vic/SB-197_inspectionRegistrationStudy.pdf). Twenty-seven states have a single sticker program with the registration sticker being displayed.
- <sup>9</sup> The joint study by the Department of Public Safety and Texas Department of Motor Vehicles was mandated by Acts 2011, 82nd Regular Legislature, Chapter 1202 (S.B. 197), Section 7.
- <sup>10</sup> *Supra*, Note 8 at 28.
- <sup>11</sup> Acts, 2013, 83rd Regular Legislature, Chapter 1291, (H.B. 2305), Section 50.
- <sup>12</sup> Section 548.252, Transportation Code.
- <sup>13</sup> Section 548.251, Transportation Code; Section 548.253, Transportation Code.
- <sup>14</sup> Section 548.256, Transportation Code.
- <sup>15</sup> *Id.* It is not clear how or why the database would be unavailable. There have already been some computer issues, however, with billing and renewals under the new system. Lindsay Bramson, *320,000 Incorrectly Billed During Vehicle Registration Renewal*, <http://kxan.com/2015/03/23/320000-incorrectly-billed-during-vehicle-registration-renewal/> (accessed March 31, 2015).
- <sup>16</sup> Acts, 2013, 83rd Regular Legislature, Chapter 1291, (H.B. 2305), Section 50.
- <sup>17</sup> Senate Committee on Transportation, S.B. 1350 Public Hearing, 83<sup>d</sup> Legis., Reg. Sess. (April 17, 2013) (available at [http://tlesenate.granicus.com/MediaPlayer.php?view\\_id=9&clip\\_id=331](http://tlesenate.granicus.com/MediaPlayer.php?view_id=9&clip_id=331)). S.B. 1350 was the predecessor to the changes made in H.B. 2305. S.B. 1350

stalled and Senator West offered the changes as an amendment to H.B. 2305.

- <sup>18</sup> Section 548.051, Transportation Code.
- <sup>19</sup> Section 548.052, Transportation Code.
- <sup>20</sup> Shannon Tompkins, *Law Requires that Trailers Get Safety Inspections*, <http://www.chron.com/sports/article/Law-requires-that-trailers-get-safety-inspections-6115851.php> (accessed March 31, 2015). Criminal law practitioners will no doubt also be familiar with the “I didn’t know it was against the law” argument.
- <sup>21</sup> Section 548.201, Transportation Code.
- <sup>22</sup> Texas Administrative Code, Title 37, Part 1, Chapter 4, Subchapter C, Section 4.36.
- <sup>23</sup> The state still receives \$10 of each commercial motor vehicle inspection. The change was to Section 548.504(b), which previously required the inspection station to remit the fee to the state.
- <sup>24</sup> Section 548.509, Transportation Code.
- <sup>25</sup> Under Frequently Asked Questions about registration, the website poses this hypothetical: “My inspection was due in December 2014 but my registration is due in July 2015. Can I wait to get my inspection 90-days prior to renewing?” The answer: “No. You are operating your vehicle without a valid inspection.” This is a true statement, but until it comes time to renew registration, would there be any consequence with the repeal of 548.602?
- <sup>26</sup> Section 543.001, Transportation Code.
- <sup>27</sup> *Whren v. United States*, 517 U.S. 806, 810 (1996); *Eugene v. State*, 764 S.W.2d 567, 569 (Tex. App.—Houston [14th Dist.] 1988, no pet.) (expired inspection sticker).
- <sup>28</sup> *Crittenden v. State*, 899 S.W.2d 668, 673 (Tex. Crim. App. 1995).
- <sup>29</sup> *United States v. Lopez-Valdez*, 178 F.3d 282, 288-90 (5th Cir. 1999) (holding a traffic stop unconstitutional where a trooper pulled over a vehicle on the mistaken belief that a broken brake light was an offense). The Court explained its rationale: “But if officers are allowed to stop vehicles based upon their subjective belief that traffic laws have been violated even where no such violation has, in fact, occurred, the potential for abuse of traffic infractions as pretext for effecting stops seems boundless and the costs to privacy rights excessive.”
- <sup>30</sup> But see *Heien v. North Carolina*, 135 S. Ct. 530, 539 (2014) (holding a traffic stop constitutional where an officer stopped a vehicle under the mistaken belief that the law required two working brake lights). In this case, the Court focused on whether the mistake was an objectively reasonable mistake of law. Justice Kagan points out in her concurring opinion, however, that “the government cannot defend an officer’s mistaken legal interpretation on the ground that the officer was unaware of or untrained in the law... Those considerations pertain to the officer’s subjective understanding of the law and thus cannot help to justify a seizure.”
- <sup>31</sup> Section 724.001(11), Transportation Code.
- <sup>32</sup> See, *Denton v. State*, 911 S.W.2d 388, 390 (Tex. Crim. App. 1995).
- <sup>33</sup> Section 311.022, Government Code.
- <sup>34</sup> Acts, 2013, 83rd Regular Legislature, Chapter 1291 (H.B. 2305), Section 51 (“Repeal by this Act of Sections 548.602 and 548.605, Transportation Code, apply only to an offense committed on or after March 1, 2015. An offense committed before March 1, 2015, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.”).
- <sup>35</sup> *Ex parte Andres*, 91 Tex. Crim. 93, 237 S.W. 283 (Tex. Crim. App. 1922). But see, *Cox v. State*, 90 Tex. Crim. 256, 234 S.W. 531 (Tex. Crim. App. 1921).

From the twostepsonesticker.com web site.

TEXAS VEHICLE INSPECTION AND REGISTRATION STICKERS ARE PARTNERING UP!



**KICK UP YOUR HEELS FOR THE NEW TEXAS TWO STEP**

**INFORMATION FOR:**

- MOTORISTS
- DEALERS
- GOVERNMENT
- FLEET
- MOTOR CARRIERS

**WHEN DO I INSPECT?**

CALCULATE MY DATE

**WHEN WAS MY LAST TEXAS INSPECTION?**

CALCULATE MY FEE

HOME > RESOURCES

**Resources** <http://twostepsonesticker.com/resources#faqs>

FREQUENTLY ASKED QUESTIONS	FEES	DOWNLOAD SUPPORT MATERIALS
INSPECTION TYPE	COUNTIES	STATE PORTION
One-Year Safety	Counties except the emission counties listed below and vehicles 25 years and older	\$7.50
Safety-only (vehicles 25 years or older)	Statewide	\$7.50
Two-Year Safety (new vehicles)	Statewide	\$16.75
Commercial	Statewide	\$22.00
Trailer/Motorcycle	Statewide	\$7.50
Safety Emissions (TSI/OBD)	El Paso	\$8.25
Safety Emissions (TSI/OBD)	Travis, Williamson	\$10.25
Emission (ASM) for vehicles model-year 1995 and older	Brazoria, Fort Bend, Galveston, Harris, Montgomery, Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant	\$8.25
Emission (OBD) for vehicles model-year 1996 and newer	Brazoria, Fort Bend, Galveston, Harris, Montgomery, Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant	\$14.25
Emission-Test Only	El Paso	\$2.75
Emission-Test Only	Travis, Williamson	\$2.75
Emission-Test Only	Brazoria, Fort Bend, Galveston, Harris, Montgomery, Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant	\$2.75



## Taking Bail

*continued from pg. 1*

simply take a pass on setting bail and rely on a jailer or peace officer to fulfill those duties? The Code of Criminal Procedure sheds some light, but unfortunately it creates some shadows, as well. This article aims to provide some answers and context regarding those questions and show that while peace officers do have some authority in the fixing of bail, that authority should only be exercised in rare and compelling circumstances. The fixing of bail should routinely be done by a magistrate in conjunction with the Article 15.17 magistration process, to avoid the appearance of impropriety and over-involvement of law enforcement.

### What Is Bail and Why Is It Important?

Bail is the security given by the accused that he or she will appear in court to answer the charge against them.<sup>3</sup> The American legal system places a person's right to bail in a position of high importance, for multiple reasons. First, defendants are presumed innocent until proven guilty.<sup>4</sup> This presumption of innocence, although not articulated in the Constitution, is considered by the U.S. Supreme Court to be a basic component of a fair trial and its enforcement lies at the foundation of the administration of criminal law.<sup>5</sup> To withhold bail and to require pretrial detention is a significant burden and treads dangerously close to punishment prior to an adjudication of guilt.<sup>6</sup> Additionally, a system that does not allow pretrial release would strip all defendants, guilty and innocent, of their freedom and would, at a minimum, call into question the fairness of our system and would cause the wrongful imprisonment of the innocent.<sup>7</sup> Moreover, a person's release on bail allows the accused to effectively prepare a defense to the charges and helps preserve familial and community ties.

In Texas, the bail process is codified in the Code of Criminal Procedure and tracks the federal ideals supporting a general right to pretrial release and a prohibition against excessive bail. The process of release on bail in Texas courts is interesting and complicated, as it relates to other events in the chronological steps of processing criminal cases. Upon an arrest, defendants typically must be taken before a neutral and detached magistrate.<sup>8</sup> This meeting of the defendant and the magistrate is referred to as magistration.<sup>9</sup>

### Magistration

During magistration, several things happen. First, the magistrate must determine probable cause,<sup>10</sup> if the arrest was made without a warrant—if the arrest was pursuant to a warrant, then the issuing judge or magistrate has already determined probable cause. Once probable cause is determined, the magistrate must issue required warnings

and admonishments under Article 15.17 of the Code of Criminal Procedure. The magistrate must then set bail, if allowed by law (bail is not permitted in capital murder cases or in noncapital felony cases against defendants with two prior felony convictions, for example).<sup>11</sup> Upon making bail, the defendant is released pending trial. While the procedure seems straightforward and simple, questions and concerns can arise at multiple stages of the process. How long does the officer have before the defendant must be taken before a magistrate? What happens if there is no probable cause determined? What if there is no magistrate available? What if time has been exhausted and no magistration has occurred?

### The Probable Cause Connection

Determination of probable cause is an important part of the magistration process, although it is not expressly required by Article 15.17. In the vast majority of cases, probable cause is also a prerequisite to the setting of bail.<sup>12</sup> The standard for arrest is probable cause, defined in terms of facts and circumstances sufficient to warrant a prudent person in believing that the suspect had committed or was committing an offense.<sup>13</sup> If the arrest is not made pursuant to a warrant, it is important that a magistrate determine the existence of probable cause in order to justify the arrest and any further detention. In *Gerstein v. Pugh* (1975), the Supreme Court determined that the 4th Amendment required a timely determination of probable cause as a prerequisite to detention.<sup>14</sup> The court felt that the standard and procedures for arrest and detention, derived from the 4th Amendment, had to balance the right to liberty with the state's duty to control crime.<sup>15</sup> Because this determination must be made with both the rights of the accused as well as the duties of the state, the *Gerstein* Court reasoned that it should be made by a neutral magistrate, independent of the prosecution and police.<sup>16</sup>

Subsequent to *Gerstein*, the U.S. Supreme Court, in *County of Riverside v. McLaughlin* (1991), began to further define what is considered "timely."<sup>17</sup> In *Riverside*, the court found that jurisdictions that provide determinations of probable cause within 48 hours of arrest generally comply with the requirement for a prompt determination.<sup>18</sup> This 48-hour bright line rule is met in Texas by the timelines required under the Code of Criminal Procedure.<sup>19</sup> It is incorrect to assume, however, that in every case where a magistrate determines probable cause within 48 hours that a timely or prompt determination has been made, as a defendant could still prove that the probable cause determination was delayed unreasonably.<sup>20</sup> Examples of unreasonable delay are delays for gathering additional evidence to justify the arrest, a delay motivated by ill will against the arrested individual, or delay for delay's sake.<sup>21</sup>

Thanks to *Gerstein* and *Riverside*, states have guidance regarding the timeliness of a probable cause determination as well as who should make that determination (a neutral

---

magistrate). This probable cause guidance is directly tied to the bail process. A determination of probable cause typically happens in the same setting and at the same time (or immediately preceding) the setting of bail. Probable cause and pretrial detention both deal with the right to liberty. First, it must be determined whether the restriction on liberty was justified through the determination of probable cause. Then, if probable cause is found, it must be considered what bail is appropriate in order for an accused to regain their liberty pending trial.

If there is a finding that probable cause does not exist, then the accused should be released immediately. Absent probable cause, there is no justification for an arrest or for continued detention.

### **Who Sets Bail?**

Who has authority to determine the amount of bail to be provided? In Texas, the rules for fixing amount of bail are found in Article 17.15 of the Code of Criminal Procedure. Prior to listing the rules, Article 17.15 tells us that the amount of bail required is to be regulated by the court, judge, magistrate, or *officer taking the bail* (emphasis added). Peace officers and jailers are considered to be officers for the purposes of taking a bail bond and discharging any other related powers and duties under this chapter. This language appears to make the person taking the bail and the person setting the bail to be one in the same. However, does this mean that anyone with the authority to take bail also has authority to set it? Is this the intent of the Legislature?

Several articles in the Code of Criminal Procedure grant the ability to take bail to people who are not magistrates. Article 17.05 tells us that a bail bond can be taken from the defendant by a peace officer if authorized by Article 17.20, 17.21, or 17.22. Article 17.20 states that, for misdemeanors, a sheriff or other peace officer may take of the defendant a bail bond. Reading only Articles 17.05 and 17.20, it would seem that an officer may *set* and *take* bail at any time for a misdemeanor. While there is an alarming shortage of substantial discussion regarding the setting of bail by peace officers, this authority should only be exercised in rare circumstances. The Court of Criminal Appeals, in *Hokr v. State*, stated that an officer's authority should be limited to situations in which no magistrate is available, or in arrests pursuant to a warrant in which the proper magistrate (the one who issued the warrant) is unavailable.<sup>22</sup> The Court also stated that a person arrested when a magistrate is unavailable can be detained until the magistrate's normal working hours without violating the statutory requirement of an appearance without unreasonable delay.<sup>23</sup> The Court here has clearly stated a preference for bail to be set by a magistrate, even if it means waiting for the magistrate to come on duty. This might limit the need for middle-of-the-night magistrations, although courts and officers should remain mindful of the

time limitations on presentation before a magistrate,<sup>24</sup> the determination of probable cause,<sup>25</sup> and release on bail.<sup>26</sup> Additionally, a peace officer may not release a defendant charged with a misdemeanor on personal bond.<sup>27</sup> Article 17.031 limits release on personal bond to magistrates.

Article 17.21 pertains to bail in felony cases. In felony cases, the court in which the prosecution is pending (i.e., an indictment has been returned) shall fix the amount of bail if it is in session, and the peace officer (except a city police officer) may take a bail bond in the amount fixed by the court. So, here again there is a limit on the officer taking a bail bond preventing the officer from fixing the bail—at least while the court is in session.<sup>28</sup> Article 17.22 prescribes the process for taking bail in a felony when the court is not in session. In that case, the sheriff or another officer having the defendant in custody may take bail in the amount fixed by a court or magistrate, or if the amount has not been fixed, the officer may set the bail at an amount the officer considers reasonable.

### **No Warrant and No Magistrate**

There may be times where a warrantless arrest is made, and no magistrate is available to make the timely determination of probable cause. Article 17.033, passed in 2001,<sup>29</sup> creates predetermined bail amounts triggered by the absence of a magistrate. Under Article 17.033, a defendant arrested without a warrant must be released on bail not later than the 24th hour (for misdemeanors) or 48th hour (for felonies), if a magistrate has not determined probable cause. A bond is not to exceed \$5,000 for a misdemeanor or \$10,000 for a felony. In the absence of a probable cause determination, these caps on bail signify another limit on the setting of bail by non-magistrate officers, such as peace officers and jailers. While Article 17.033 makes no mention of the absence of a magistrate and no mention of officers setting or taking bail, it can only be triggered by the absence of a magistrate—because if the magistrate is there, the magistrate has a duty to determine probable cause and to set bail. Without the presence of a magistrate, the officers can rely on their ability to set and take bail, but their discretion in determining reasonable bail is limited by statute. If the defendant is unable to deposit money in the amount of the bond or is unable to obtain a surety, the defendant must be released on personal bond. This release is the very limited exception to the general rule prohibiting peace officers from releasing defendants on personal bond.

### **Unable to Make Bail**

Frequently, jail facilities are left housing defendants who are unable to make bail. This leaves local governments wondering exactly how long a defendant can remain in custody and what to do. The Code of Criminal Procedure provides some guidance. If unable to make bail, eventually a defendant must be released. Article 17.151 states that the defendant is to be released on personal bond or by

reducing the bail required within 90 days if he or she is accused of a felony. The limit is 30 days if he is accused of a misdemeanor punishable by a sentence of imprisonment in jail for more than 180 days. A defendant can be held for 15 days if they are accused of a misdemeanor punishable by a sentence of imprisonment for 180 days or less. A defendant accused of a misdemeanor punishable by a fine only may not be held more than five days. Some courts have struggled with trying to negotiate both Article 17.151 and Article 17.15 (the rules for fixing the amount of bail) at the same time, opining that even after a defendant had reached the 90 day maximum, the court did not have to reduce bail to ensure release.<sup>30</sup> On review, however, the Court of Criminal Appeals stated that the first sentence of Article 17.151 “unequivocally declares that a defendant detained pending trial ‘must be released’ if the State is not ready for trial within the appropriate amount of time,” and “conditioning release under Article 17.151 on matters such as victim- or community-safety concerns deprives the statute of any meaning apart from Article 17.15 and potentially frustrates Article 17.151’s clear intent.”<sup>31</sup>

### Caveat Emptor

It deserves emphasis; law enforcement does have the authority to set bail, but there are limits found in statute and in case law. In misdemeanor cases, peace officers should only set bail when a magistrate is unavailable and waiting for the magistrate would violate a statutory requirement of a timely appearance before a magistrate.<sup>32</sup> In felony cases, peace officers may set bail only when the court is not in session and only if it has not previously been set by a magistrate or judge. The statutes have authorized officers to set and take bail, but ignoring the limitations could raise multiple concerns. Preserving the rights of the accused is the front-and-center focus of the bail process, and the limited authority of law enforcement to set bail should be reserved for true instances of when these rights are at risk. They are not a tool of convenience for magistrates who do not want to go to the jail or for officers that do not want to present the accused before the magistrate. Similarly, such statutes were not intended to be construed by local governments as cost-saving measures. Magistrates who knowingly participate in, or perhaps assist in designing, a procedure to skip coming to court or a jail to avoid magistrations, determining probable cause, and setting bail are shirking their mandatory duties under Article 15.17 of the Code of Criminal Procedure and are creating an appearance of impropriety violative of the Code of Judicial Conduct.<sup>33</sup> Officers who take it on themselves to set bail without presenting the accused before the magistrate are disregarding their duties under Article 14.06. City and county officials who misconstrue such laws in an effort to skimp on magistrate costs may learn that it is potentially an expensive proposition.

<sup>1</sup> Article 15.17(a), Code of Criminal Procedure.

<sup>2</sup> See, the OCA *Annual Statistical Report for the Texas Judiciary*, 2014,

<http://www.txcourts.gov/media/782473/sting-report-final.pdf> 2014 at 121 (accessed April 3, 2015).

<sup>3</sup> See, Article 17.01, Code of Criminal Procedure.

<sup>4</sup> *Taylor v. Kentucky*, 436 U.S. 478, 479 (1978).

<sup>5</sup> *Id.*

<sup>6</sup> 41 Dix & Schmolesky, *Texas Practice: Criminal Practice & Procedure*, Sec. 21.1 (3d ed. 2011).

<sup>7</sup> *Id.*

<sup>8</sup> Article 14.06(a) of the Code of Criminal Procedure, requires a peace officer to take an arrested person before a magistrate without unnecessary delay, and not later than 48 hours after arrest.

<sup>9</sup> Texas law contains no specific term for the presentation of the accused before a magistrate. The lack of a statutory term has resulted in the use of various terms (e.g., “magistration,” “15.17 hearing”). In the past, the U.S. Supreme Court has referred to the accused’s presentation before the magistrate as an “initial appearance,” although the term “magistration” appears to be gaining ground. In 2008, the U.S. Supreme Court in *Rothgery v. Gillespie County*, 554 U.S. 191, noted the lack of a formal term for what they acknowledged as “magistration.” See, Ryan Kellus Turner & W. Clay Abbott, *The Municipal Judges Book* 1-26) 5<sup>th</sup> ed., Tex. Mun. Cts. Educ. Ctr. (2014).

<sup>10</sup> See, discussion of *Gerstein v. Pugh* *infra* under “The Probable Cause Connection” heading.

<sup>11</sup> *Supra* n. 1.

<sup>12</sup> While probable cause is necessary for arrest and further detention, in the extraordinary circumstance of a magistrate or a judge not being available, bail may be set by an officer. This will be further discussed *infra* under “Who Sets Bail?” heading.

<sup>13</sup> *Gerstein v. Pugh*, 420 U.S. 103 (1975).

<sup>14</sup> Much of *Gerstein* dealt with whether the determination of probable cause had to be an adversary process under the 4<sup>th</sup> Amendment. Ultimately the court said it did not have to be adversarial, but it did need to be timely.

<sup>15</sup> See, n. 13.

<sup>16</sup> In *Gerstein*, the defendant was detained after a probable cause determination was made by the prosecutor.

<sup>17</sup> *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at n. xvi. (See, requirement for presentation under Article 14.06(a), Article 15.17(a), Code of Criminal Procedure, reiterates the 48-hour timeline for presentation. Article 17.033, Code of Criminal Procedure, requires release if there has not been a probable cause determination within 48 hours for felonies or 24 hours for misdemeanors.)

<sup>20</sup> *Riverside*, 500 U.S. at 56.

<sup>21</sup> *Id.*

<sup>22</sup> Under Article 15.16, a person arrested under warrant is to be taken before the magistrate who issued the warrant or before the magistrate named in the warrant, if the magistrate is in the same county as the person arrested. *Hokr v. State*, 545 S.W.2d 463 (Tex. Crim. App. 1977).

<sup>23</sup> *Id.*

<sup>24</sup> Article 14.06, Code of Criminal Procedure, requires presentation before the magistrate without unreasonable delay, but not later than 48 hours.

<sup>25</sup> See, n. 18.

<sup>26</sup> See, n. 29.

<sup>27</sup> Tex. Atty. Gen. Op. JM-760 (1987). But see, Article 17.033, Code of Criminal Procedure, which requires defendants to be released on personal bond if they cannot make bail set within the statutory guidelines and if there has not been a determination of probable cause.

<sup>28</sup> Whether a district court (which is where a felony would be pending) is in session, may vary from county to county. Section 24.012 of the Government Code pertains to terms and session of court and says that each district court holds terms that commence on the first Mondays in January and July of each year, and terms are continuous. Each term begins on a day fixed by law and continues until the day of the beginning of the next succeeding term. While the statute makes it

# Considerations When Setting Bail

According to Article 17.15, judges, magistrates, or officers setting bail are to be governed by the Constitution and by the following rules:

**1. The bail shall be sufficiently high to give reasonable assurance that the undertaking will be complied with.**

Typically, the undertaking to be complied with is commitment to show up for court. In determining amount of bail, the trial court can consider various factors that go into determining what amount will be required to give reasonable assurance that the defendant will be present at trial including prior felony convictions, potential punishment, and previous instances of skipped bail.<sup>1</sup>

**2. The power to require bail is not to be so used as to make it an instrument of oppression.**

Using the amount of bail to force a defendant to remain in jail pending trial has been viewed as oppression.<sup>2</sup> In *Ex Parte Harris*, a district court's refusal to reduce bail was found to be an abuse of discretion because the refusal was for the express purpose of forcing the defendant to remain incarcerated, not upon a determination that the amount was necessary to assure appearance or that the defendant had not made adequate effort to make bail.<sup>3</sup>

**3. The nature of the offense and the circumstances under which it was committed are to be considered.**

The nature of the offense necessarily involves consideration of the punishment permitted by law.<sup>4</sup> The circumstances of the crime should also come into play as it did when a defendant convicted of first-degree murder was not entitled to have his \$100,000 bail reduced pending appeal. The court considered the facts that he had put a gun against his girlfriend's face and shot her between the eyes, carried a gun to school on a school bus, intimidated witnesses, endangered lives

of other students at school, disposed of the gun after the murder, and created a false impression that another person had committed the offense.<sup>5</sup>

**4. The ability to make bail is to be regarded, and proof may be taken upon this point.**

Courts should remember that while the ability to make bail is a factor that must be considered, the ability or inability to make bail does not alone control the amount, even when indigency is involved.<sup>6</sup> In *Ex parte Scott*, testimony that a defendant lacked sufficient resources to post \$100,000 bond on a charge of aggravated kidnapping, and that his family could pay a bond if it was reduced to \$25,000, did not make the \$100,000 bail unconstitutionally excessive.<sup>7</sup>

**5. The future safety of a victim of the alleged offense and the community shall be considered.**

The Code, unfortunately, does not tell us precisely why an increase in the risk of financial loss reduces the risk of harm to the victim or the community, and courts have simply treated the fact that a defendant poses a risk as an acceptable factor to support a higher bail amount.<sup>8</sup> A limitation on the constitutional right to bail due to victim or community safety is valid only if there is a reasonable relationship between the amount of bail and the protection of the victim or the community.<sup>9</sup>

<sup>1</sup> *Ex Parte Watson*, 940 S.W.2d 733 (Tex. App.—Texarkana 1997, no pet.).

<sup>2</sup> *Ex parte Milburn*, 8 S.W.3d 422, 424 (Tex. App.—Amarillo 1999, no pet.).

<sup>3</sup> *Ex parte Harris*, 733 S.W.2d 712 (Tex. App.—Austin 1987, no pet.).

<sup>4</sup> *Ex parte Runo*, 535 S.W.2d 188 (Tex. Crim. App. 1976).

<sup>5</sup> *Hughes v. State*, 843 S.W.2d 236 (Tex. App.—Houston [14th Dist.] 1992, no pet.).

<sup>6</sup> *Ex parte Penagos*, 810 S.W.2d 796 (Tex. App.—Houston [1st Dist.] 1991, no pet.).

<sup>7</sup> *Ex parte Scott*, 122 S.W.3d 866 (Tex. App.—Fort Worth 2003, no pet.).

<sup>8</sup> 41 Dix & Schmolesky, *Texas Practice: Criminal Practice & Procedure*, Sec. 21.28-21.29 (3d ed. 2011).

<sup>9</sup> *Id.*

clear that a court is always “in term,” Section 24.012(d) states that a district judge may hold as many sessions of court in a county as he or she considers proper and expedient. Magistrates, however, have no session and would be setting felony bail as a part of their duties under Article 15.17 not as a court under Chapter 17 of the Code of Criminal Procedure.

<sup>29</sup> Article 17.033 was added as a part of SB 7, The Texas Fair Defense Act. This Act ushered in significant changes related to the period of

time between arrest and magistration as well as the appointment and compensation of counsel representing indigent persons accused of a crime.

<sup>30</sup> See, *Ex parte Gill*, 413 S.W.3d 425, 430 (Tex. Crim. App. 2013).

<sup>31</sup> *Id.*

<sup>32</sup> See, Articles 14.06 and 15.17, Code of Criminal Procedure.

<sup>33</sup> Canon 2 charges judges with avoiding impropriety or the appearance of impropriety in their judicial activities.



# RESOURCES FOR YOUR COURT

## Clerk Certification Updates Beginning September 1, 2015

### Test Registration Fee Increase

Fees will increase to reflect the following:

<i>Members</i>	<i>Non-Members</i>
<b>Level 1: \$75</b>	<b>Level 1: \$150</b>
<b>Level 2: \$75 (or \$25 per part)</b>	<b>Level 2: \$150 (or \$50 per part)</b>
<b>Level 3: \$75 (or \$25 per part)</b>	<b>Level 3: \$150 (or \$50 per part)</b>

### New Level III Book

Starting September 1, 2015, “The 5 Levels of Leadership: Proven Steps to Maximize Your Potential” by John C. Maxwell will be added to the Level III Reading list. This book does not replace any books, but instead is an addition to the existing books. Testing over this book will not begin until September 1, 2015. Copies will be available to check out beginning in summer 2015.

## TMCA 2015 Annual Conference

### First Legislative Preview of the Year!

*Sunday-Tuesday, August 2-4, 2015 – The Omni Hotel  
Corpus Christi*

On the heels of the 84th Legislative Session wrapping up, TMCA invites you to attend its 2015 Annual Meeting in Corpus Christi. Be one of the first to learn how the 84th Legislative Session affects municipal courts. Check the TMCA website [[www.txmca.com](http://www.txmca.com)] for additional information, agendas, and registration. Online registration will be available.

The Omni Hotel Corpus Christi will be the host hotel. A special room rate of \$103 single and \$139 double has been secured for those attending the TMCA Annual Meeting and Conference. Last year’s room block sold out at this low special rate, so register and reserve your room early. Contact the Hotel directly at 1-800-THE OMNI and mention our group and date for the special rate. If you have any questions, please contact Judge Sharon Hatten, Chairperson of the Annual Meeting Committee at [shatten2018@yahoo.com](mailto:shatten2018@yahoo.com).

---

## Texas Court Remote Interpreter Service (TCRIS)

The Office of Court Administration (OCA) would like to remind municipal courts statewide of the availability of the Texas Court Remote Interpreter Service (TCRIS). During the 2015 calendar year, TCRIS provided services for 89 judges at over 500 hearings.

This OCA program provides:

- free Spanish language interpretation services by licensed court interpreters in all case types
- by telephone or by videoconference, using the court’s existing equipment
- for short, non-evidentiary hearings that are typically 30 minutes or less in length\*
- by advanced scheduling or on demand, as available

TCRIS is not intended to replace the need to maintain existing arrangements with local, licensed court interpreters. The program’s primary goal is to improve access to licensed Spanish court interpreters in rural district and county-level courts with limited access to licensed interpreters. However, as time and resources permit, we will accept requests for interpretation services from justice and municipal courts. OCA invites you to visit the TCRIS webpage for more information on this program, at: [www.txcourts.gov/tcris](http://www.txcourts.gov/tcris). And, if you have any questions, please contact the TCRIS office by email at [interpreter@txcourts.gov](mailto:interpreter@txcourts.gov), or by phone at 512.463.5656.

*\* Examples of short, non-evidentiary hearings are hearings in which no or limited evidence is introduced, such as arraignments, plea hearings, bail hearings, pre-trial motions, magistrate’s order for emergency protection hearings, etc.*



## DRIVING ON THE RIGHT SIDE OF THE ROAD UPDATE

# ACCESSING YOUR COMMUNITY'S YOUTH THROUGH DRSR

With funding from the Texas Department of Transportation (TxDOT), TMCEC offers a court to classroom program called *Driving on The Right Side of the Road* (DRSR) which provides municipal courts with free resources used to reach out to local schools and community groups. The overarching aim of the program is to improve quality of life by addressing traffic safety and responsible decision making. To learn more about this program and its available resources, contact Ned Minevitz at 512.320.8274 or [ned@tmcec.com](mailto:ned@tmcec.com); or visit [www.tmcec.com/drsr](http://www.tmcec.com/drsr).

Some of the free resources available to your court through DRSR are:

- **Children's Safety Books:** TMCEC currently has six colorful children's traffic safety books, including *Don't Monkey Around with Safety in the Car*, *Don't Monkey Around on Your Bicycle*, *Don't Monkey Around with Safety on Field Trips*, *Safe-T-Squad*, *Be Careful, Lulu!*, and the *Safe, Not Sorry* sticker book. These books can be given out to children in your court's lobby, or you can go to a school and actively read the stories to children and talk about the issues that they cover. They are available in both English and Spanish.
- **Posters, Brochures, and Promotional Items:** If you want to set up a traffic safety exhibit in your court's lobby, DRSR has you covered! We have a wide array of posters on topics such as impaired driving, distracted driving, booster seats (height charts), seat belts, and more. Please see the example of our bicycle pledge poster on page 18 of this issue of *The Recorder*. We also have many brochures from TxDOT on similar topics. Finally, DRSR carries various promotional items, such as wrist bands and highlighters, with traffic safety messages on them. All of these resources can be shipped to your court free of charge!
- **Mock Trials:** TMCEC offers two comprehensive guidebooks on setting up a mock trial. The books contain everything you need to get started organizing a mock trial in your community or school.
- **Lessons and Activities:** The DRSR curriculum and website offer engaging activities for judges, clerks and prosecutors to use in classrooms. Go to [www.tmcec.com/drsr](http://www.tmcec.com/drsr) for lessons, handouts, and sample presentations. See page 19 of this issue for a sample (Aggressive Driver Test).
- **Traffic Safety DVDs:** Our lending library has a wide variety of traffic safety DVDs that we can loan your court for a month at a time. Topics include underage drinking, impaired driving, and more. Please visit [http://www.tmcec.com/drsr/lending\\_library/](http://www.tmcec.com/drsr/lending_library/) or contact Ned Minevitz at [ned@tmcec.com](mailto:ned@tmcec.com) for available titles. The DVDs are excellent for group discussion with students.
- **Live Out Loud! and Be The One Presentations:** Starting this year, DRSR has partnered with Motivational Media Assemblies to allow municipal courts to host these powerful presentations. The presentations are free of charge for your court to sponsor in your community. If you would like to set one up in your city, contact Ned Minevitz ([ned@tmcec.com](mailto:ned@tmcec.com)). Also see the full page ad on the next page.





---

# UNDIVIDED ATTENTION

Imagine an auditorium filled with 800 students...out of class...in great spirits. A chance for you to connect with every teen in a city – have their *UNDIVIDED ATTENTION*. An all-school assembly with “BE THE ONE” is the way to reach every kind of teen.

Motivational Media Assembly has the biggest assembly tour in North America! It’s the **NATIONAL ROADSHOW** – with DIGITAL THEATER DELIVERY.

We’ve got the movies and music that connect with a teen audience! In 500 locations this year, this touring digital-theater will be rolling into schools with the most impactful event teens will experience in their school year. What better way for your school to *make a statement* and convince **every** student that they are *valuable* and *needed*.

Think back to how boring past assemblies have been. Now imagine looking up at a 43-foot-wide screen and a BOSE digital-stereo sound system playing warm-up music. Then, the lights go out and **800** screaming kids erupt in unison, screaming for their favorite rock group, after you introduce what it took to get us there! The **energy** of that is like a major concert or sporting event, a one-of-a-kind event at every school.

This multi-media event delivers this kind of emotional impact every day in the United States.



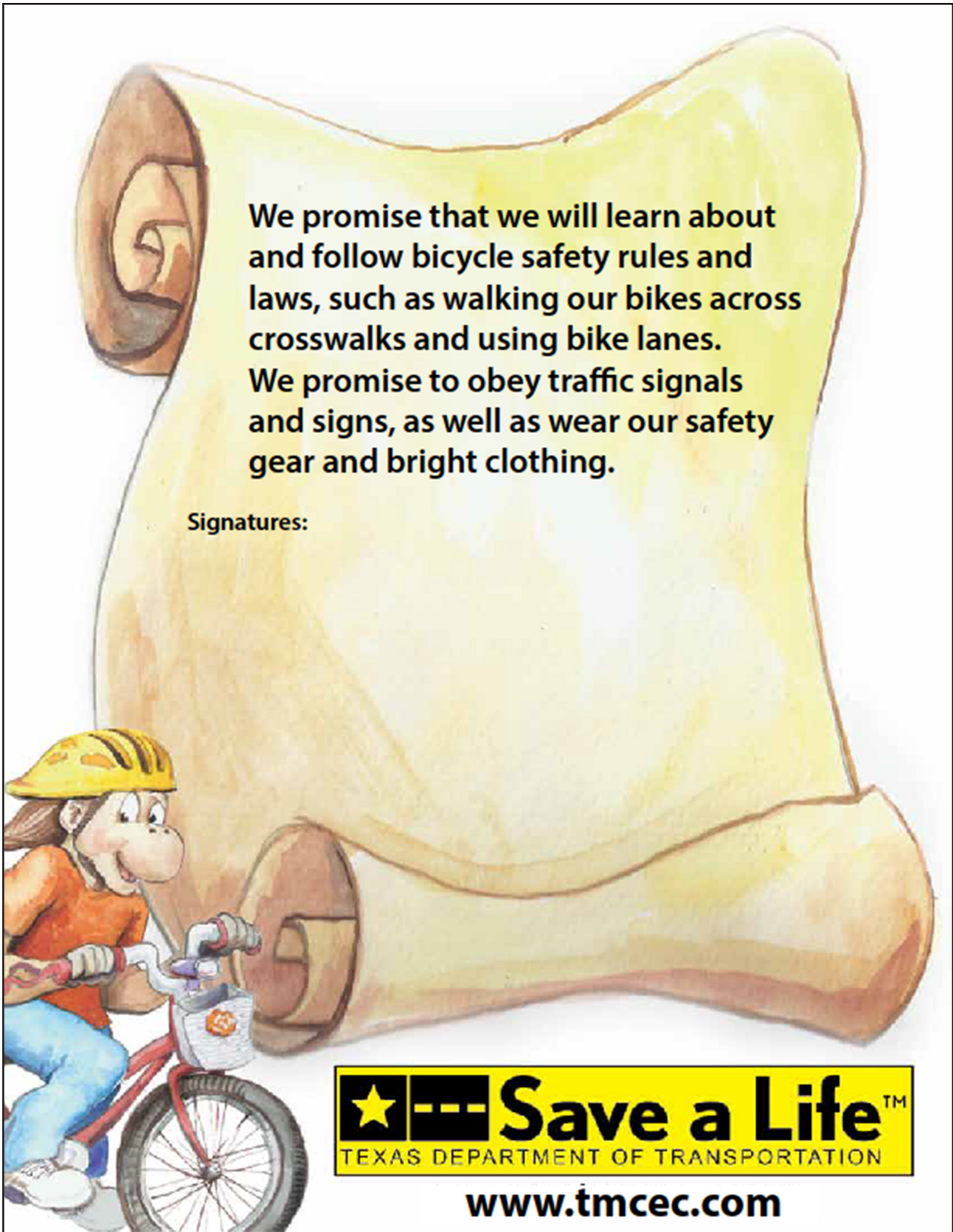
MMA award-winning multi-media shows for K-12 students are designed to inspire, motivate, and challenge young people to make healthy choices and develop strong character. Our **NATIONAL ROADSHOW** has been shown in *over 61,000 schools* with an estimated *student audience of 59 million*. That’s why Warner Bros., 20th Century Fox, Sony, Universal, Paramount and Disney choose MMA to deliver their best movies to kids. The program supports your school needs for drug-prevention, teen-driving safety, anti-bullying and more.

The program’s shows provide inspiration in a culture where cynicism and anxiety so often rule the day. The shows tap into the positive energy that young people have inside. It creates an event that opens the heart and gets positive attention from local media. If you want to change your *campus culture* and get everyone moving in the same positive direction, then an MMA event is what you need. You’ll be able to “market” student activities and leadership growth in a single event. Every civic, parent and business leader you invite will be moved to greater support.

---

**TMCEC has funding for several municipal courts to host these presentations in conjunction with a local school. We have already offered one in cooperation with the Irving Municipal Court and have another scheduled with the Bay City Municipal Court in May. Please contact Ned Minevitz at [ned@tmcec.com](mailto:ned@tmcec.com) or (512) 320-8274 for more details.**

**Contact information:**  
Motivational Media Assemblies  
Jim Hullihan, President  
2000 W. Magnolia Blvd., Suite 207  
Burbank, CA 91506  
[www.motivationalmedia.org](http://www.motivationalmedia.org)  
800.248.6040  
[jhullihan@motivationalmedia.org](mailto:jhullihan@motivationalmedia.org)



**We promise that we will learn about and follow bicycle safety rules and laws, such as walking our bikes across crosswalks and using bike lanes. We promise to obey traffic signals and signs, as well as wear our safety gear and bright clothing.**

**Signatures:**



**www.tmcec.com**

*This pledge poster is an example of the many resources/lessons available to you from the Driving on the Right Side of the Road project. Contact Ned Minevitz at [ned@tmcec.com](mailto:ned@tmcec.com) to order materials available at no cost through a grant from TxDOT.*

# ARE YOU AN AGGRESSIVE DRIVER? TAKE THE TEST

Take a minute to evaluate yourself to see if you may have developed some habits that could be adding to the aggressive driving atmosphere.

Are you an Aggressive Driver or a Smooth Operator? Do you...

- | Yes                      | No                       |   | Yes                      | No                       |   |
|--------------------------|--------------------------|---|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Overtake other vehicles only on the left.   | <input type="checkbox"/> | <input type="checkbox"/> | Yield and move to the right for emergency vehicles.   |
| <input type="checkbox"/> | <input type="checkbox"/> | Avoid blocking passing lanes.   | <input type="checkbox"/> | <input type="checkbox"/> | Refrain from flashing headlights to signal a desire to pass.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Yield to faster traffic by moving to the right.   | <input type="checkbox"/> | <input type="checkbox"/> | Drive trust at posted speeds, in the proper lanes, using non-aggressive lane changing.                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Keep to the right as much as possible on narrow streets and at intersections.                     | <input type="checkbox"/> | <input type="checkbox"/> | Make slow, deliberate U-turns.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Maintain appropriate distance when following other vehicles, bicyclists, motorcyclists, etc.      | <input type="checkbox"/> | <input type="checkbox"/> | Maintain proper speeds around roadway crashes.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Provide appropriate distance when cutting in after passing vehicles.                              | <input type="checkbox"/> | <input type="checkbox"/> | Avoid returning inappropriate gestures.   |
| <input type="checkbox"/> | <input type="checkbox"/> | Use headlights in cloud, raining, low light conditions.   | <input type="checkbox"/> | <input type="checkbox"/> | Avoid challenging other drivers.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Yield to pedestrians.   | <input type="checkbox"/> | <input type="checkbox"/> | Try to get out of the way of aggressive drivers.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Come to a complete stop at stop signs, before right turn on red, etc.                             | <input type="checkbox"/> | <input type="checkbox"/> | Refrain from momentarily using High Occupancy Vehicles (HOV) lanes to pass vehicles.                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Stop for red traffic lights.  | <input type="checkbox"/> | <input type="checkbox"/> | Focus on driving and avoid distracting activities (e.g., smoking, use of a cell phone, reading, shaving). |
| <input type="checkbox"/> | <input type="checkbox"/> | Approach intersections and pedestrians at slow speeds to show your intention and ability to stop. | <input type="checkbox"/> | <input type="checkbox"/> | Avoid driving when drowsy.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Follow right-of-way rules at four-way stops.  | <input type="checkbox"/> | <input type="checkbox"/> | Avoid blocking the right-hand turn lane.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Drive below posted speed limits when conditions warrant.  | <input type="checkbox"/> | <input type="checkbox"/> | Avoid taking more than one parking space.   |
| <input type="checkbox"/> | <input type="checkbox"/> | Drive at slower speeds in construction zones.   | <input type="checkbox"/> | <input type="checkbox"/> | Avoid parking in a disabled space (if you are not disabled).  |
| <input type="checkbox"/> | <input type="checkbox"/> | Maintain speeds appropriate for conditions.   | <input type="checkbox"/> | <input type="checkbox"/> | Avoid letting your door hit the car parked next to you.   |
| <input type="checkbox"/> | <input type="checkbox"/> | Use vehicle's turn signals for turns and lane changes.  | <input type="checkbox"/> | <input type="checkbox"/> | Avoid using the cell phone while driving.   |
| <input type="checkbox"/> | <input type="checkbox"/> | Make eye contact and signal intentions where needed.  | <input type="checkbox"/> | <input type="checkbox"/> | Avoid stopping in the road to talk with a pedestrian or other driver.                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Acknowledge intentions of others.   | <input type="checkbox"/> | <input type="checkbox"/> | Avoid inflicting loud music on neighboring cars.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Use your horn sparingly around pedestrians, at night, around hospitals, etc.                      | <input type="checkbox"/> | <input type="checkbox"/> | Avoid unnecessary use of high beam headlights.  |

## SCORE YOURSELF:

Number of "No" Answers

**12 (or more) Poor**

**8-11 Fair**

**4-7 Good**

**1-3 Excellent**



Source: The National Highway Traffic Safety Administration, 1997

# FROM THE CENTER

## Upcoming Webinars

### TMCEC Online Learning Center (OLC)

**May 14** - *Impaired Driving Technology*

**May 28** - *Indigency*

**June 4** - *Court Costs Update*

**June 25** - *Social Hosting*

**July 2** - *IDEA I: Individuals with Disabilities Education Act*

**July 23** - *IDEA II: Child Welfare*

### 2014-2015 Webinars on Demand:

*Property Hearings*

*TMCEC Radio: Morning Coffee*

*Alcohol Awareness Courses/DADAP*

*Records Retention*

*Mental Health Warrants*

*Mental Health Issues in Municipal Courts*

*Judgments*

*Blood Warrants Update*

*Judicial Ethics Update*

*TMCEC Radio: Morning Coffee*

*Trial Processes*

*Predicates in Municipal Court*

<http://online.tmcec.com>

## Impaired Driving Symposium

TMCEC will join the other judicial training centers (Texas Association of Counties, Texas Center for the Judiciary, and Texas Justice Courts Training Center) to host an Impaired Driving Symposium on July 27-28, 2015 at the Omni Southpark in Austin. The eight-hour program will cover issues related to impaired driving from the traffic stop through sentencing. Topics will include *Blood Search Warrants; Probable Cause: Stop, Arrest, Investigate; Setting Bond Conditions; Ignition Interlock; and Compliance Issues*. A *Legislative and Case Law Update* (on drug and alcohol issues) will also be offered. The registration fee is \$50. There is no single room fee for participants attending the symposium as a second seminar. Join members from all levels of the Texas Judiciary to discuss this important topic. For more information, contact Regan Metteauer at TMCEC ([metteaur@tmcec.com](mailto:metteaur@tmcec.com)). This program is funded by a grant from TxDOT.

Note: This program qualifies for the mandatory 8-hour in person judicial education requirement for judges with two years of experience. Go to [http://www.tmcec.com/programs/judges/judicial\\_education\\_changes\\_faq/](http://www.tmcec.com/programs/judges/judicial_education_changes_faq/) for more information on mandatory judicial education.

## Reminder: IDEA and Child Welfare Training

In FY 15 (September 1, 2014-August 31, 2015), it is the responsibility of every municipal judge to obtain two hours of approved IDEA & child welfare training. This is required by state law only in judicial academic years ending in 0 or 5. TMCEC is offering multiple options for judges to meet this requirement, including:

- Live training at TMCEC regional seminars (pre- or post-conference)
- Video at TMCEC regional seminars (Day 3)
- Video on the TMCEC Online Learning Center
- TMCEC Archived Webinars/Videos
- TMCEC Webinars (July 2, 2015 and July 23, 2015)
- TMCEC Clinic on *Implementing Juvenile Justice* (July 24, 2015)

For more information on the requirement and how to report, see the article in the November 2014 issue of *The Recorder* (<http://www.tmcec.com/resources/recorder/> - November 2014, page 3) or go to the TMCEC website: <http://www.tmcec.com/programs/judges/idea-child-welfare/>.

---

## 2015 TMCEC

### Juvenile Case Manager Conference

Under state law, local governments are tasked with adopting minimum training and educational standards for juvenile case managers. S.B. 61 passed during the 82nd Regular Legislature (2011) mandated the establishment minimum training and educational standards for juvenile case managers. Prior to this enactment, Texas law established no minimum standard of training or education for juvenile case managers.

TMCEC is excited to again offer training for juvenile case managers on June 28-30, 2015 in Austin at the Omni Southpark Hotel. Conference topics will pertain to the role of the juvenile case manager, case planning and management, applicable procedural and substantive law, courtroom proceedings and presentations, local programs and services (including access procedures), ethics, and detecting and preventing abuse, exploitation, and neglect of children. The purpose of this conference is to create consistency across court systems and enable juvenile case managers to be more effective in their multifaceted jobs and to optimize their utility as part of the courtroom workgroup.

An optional pre-conference will be offered on Motivational Interviewing, offered with funding from TxDOT. Space is limited and based on a first-come-first-served basis to those JCMs who have not yet attended this training. A single sleeping room will be available at no extra charge for Saturday night for those JCMs travelling more than 30 miles from their courts to attend the preconference.

The registration fee is \$50, plus applicable housing fees (\$50 per night for a single room). You may also fax, email, or mail the JCM Seminar registration form. Go to [www.tmcec.com/Programs/Registration](http://www.tmcec.com/Programs/Registration) for more information about the program. We encourage you to register online for the regional programs [<http://register.tmcec.com>].

#### What is Motivational Interviewing (MI)?

It is an interviewing and screening technique used by counselors, psychologists, social workers, as well as doctors and paramedics. This workshop will present a shortened version that is appropriate for JCMs. MI recognizes and accepts the fact that individuals who need to make changes in their lives are at different levels of readiness to change their behavior. In a short five minute screening interview, a trained JCM can increase the individual's awareness of the potential problems caused, consequences experienced, and risks faced as a result of the behavior in question. Skills include: the ability to ask open ended questions, the ability to provide affirmations, the capacity for reflective listening, and the ability to periodically provide summary statements to the client. MI is non-judgmental, non-confrontational and non-adversarial.

### Implementing Juvenile Justice Clinic

On July 24, 2015, TMCEC will present a four-hour clinic on municipal courts and juvenile issues to be held in Austin. The registration fee is \$20. Site to be determined depending on the number of registrants. The times are 10 am to 3 pm. Lunch is provided, as well as a continental breakfast. The program provides CLE credit for lawyers, flex time credit for judges, and certification credit for clerks.

.....

### Bailiffs and Warrant Officers Conference May 17-19 • Austin Omni Southpark

This conference, designed for those who provide security or serve process for municipal courts, will cover important updates on case law and attorney general opinions, as well as offer courses on *Care Under Fire*, *Officer Survival*, *Interpersonal Communication*, *Social Media Intelligence*, *Dogs: Defensive Tactics*, *Terry Frisks*, *Civil Process*, *Human Trafficking*, *Child Abuse & Neglect*, *ALPRs*, *Body Worn Cameras*, *Mental Health Issues*, *Outlaw Motorcycle Gangs*, and more. Participants can also attend the pre-conference session on the first day, *Introduction to Court Security*, TCOLE Course 21001. That course is one of three courses offered at this year's conference that will count toward the 40-hour Court Security Specialist Certificate. The other two courses are Course 21002, *Bailiff Function in Court Security*, and Course 21005, *Introduction to Court Security Technology*. The registration fee is \$100 and includes up to 16 hours of TCOLE credit. There is a \$50 per night single room fee.

.....

### Municipal Prosecutors Conference June 21-23 • Austin Omni Southpark

This special conference is designed to provide each participant the necessary legal tools, tempered with the tenets of professional conduct, to effectively and competently prosecute in Texas municipal courts. The agenda has a variety of topics for new and veteran prosecutors alike, including a *Case Law*, *and Attorney General Opinion Updates*, *Cell Phone Bans & Evidentiary Issues*, *Undercharging*, *Notice*, *Administrative Search Warrants*, *Elder Issues*, *Weight Violations & Other Federal Motor Carrier Violations*, & *Trends in Alcohol & Drug Abuse*, and *Outdoor Lighting Enforcement*. Participants can attend the optional pre-conference session on the first day called *A Glimpse at the Horizon: Legislation of Interest in the 84th Texas Legislature*. The cost begins at \$100 (\$200 for CLE credit), plus housing. The conference counts for up to 14.75 hours of CLE credit, including 3 hours of ethics.

# CLERKS PROGRAM UPDATES

## 2015 New Clerks Conference – San Antonio

Do you want to achieve Level I or Level II Certification in a month? This special conference, hosted in San Antonio, is designed for both clerks that cannot take a week off to attend the regular new clerks training in Austin and also any clerk wanting to quickly achieve certification.

Clerks can expect the same content as the regular New Clerks, including sessions on Processing Cases, Trials, and Records Management. Attending all four Fridays will net 32 hours of the 40 hour certification requirement. The final 8 hours of required training may be performed through TMCEC webinars on your own. The last Friday will then provide a morning prep session followed by afternoon certification testing. Please note that certification requires both completion of 40 hours and a passing score on the examination.

### 2015 SAN ANTONIO CONFERENCE OVERVIEW

June 5	Part I:	Role of the Municipal Clerk
June 12	Part II:	Pre-Trial and Trial
June 19	Part III:	Case Disposition and Post-Trial
June 26	Part IV:	Prep Sessions and Testing


## 2015 Court Administrators Conference - Austin

This annual conference, designed for administrators, senior clerks, and those seeking Level III Certification, will be June 21 – 23 in Austin. This year, participants will find new courses, including a Management Track with in depth sessions on topics such as the *Federal Medical Leave Act*, *Employee Retention and Development*, and *Working with Law Enforcement*. General session speakers include David Slayton, Administrative Director of the Office of Court Administration, Janet Cornell, Court Administration Consultant, and Lisa Howard, President of the Texas Court Clerks Association. Space is limited, so register now to secure your place at the conference!

### Legislative Update

Have you signed up to attend the TMCEC Legislative Update yet? Register early as space is limited! Programs in four different sites will be offered this year – Lubbock, Houston, Dallas, and Austin. Registration forms are also available on the TMCEC website.

Questions about the clerks programs are best directed to Robby Chapman (chapman@tmcec.com), who serves as the TMCEC Director of Clerk Education & Program Attorney. Robby is a graduate of St. Mary's University School of Law, a former municipal prosecutor, and a member of the TMCEC faculty.



**HAVE YOU VISITED THE TMCEC BLOG?**

The TMCEC blog is updated regularly. It has a responsive design that will allow you to view it on a smart phone, tablet, laptop, or desktop. The website shrinks or expands automatically for easy viewing on the type of device being used. The color scheme has been updated and the profile page layout has been streamlined. Visit the [tmcec.com](http://tmcec.com) home page and click on the Full Court Press Blog icon or visit <http://blog.tmcec.com/>

# COURT ADMINISTRATORS AGENDA

June 21-23, 2015 | Omni Southpark | 4140 Governor's Row, Austin, TX 78744 | 512.448.2222

## SUNDAY, DAY 1

JUNE 21, 2015

- 12:00 – 5:00 p.m.            **Registration**
- 1:00 – 5:00 p.m.            **Intent vs Impact: Communicating Around Difference**

## MONDAY, DAY 2

JUNE 22, 2015

- 6:45 – 7:50 a.m.            **Registration and Breakfast**
- 8:00 – 8:20 a.m.            **Welcome and Clerk Program Overview**
- 8:20 – 8:45 a.m.            **Clerk Certification Program Update**
- 8:45 – 9:45 a.m.            **Keynote: More Than a Job – Role of the Court Administrator**
- 9:45 – 10:00 a.m.           **Break**
- 10:00 – 12:00 p.m.        **Courts of the Future – Evidence Based Management**
- 12:00 – 12:50 p.m.        **Lunch**

	MANAGEMENT	COURT WORKSHOPS	LEGAL ISSUES
1:00 – 2:10 p.m.	<b>Time Off Work: The Family and Medical Leave Act and Other Considerations</b>	<b>Offense Code Reporting: Keeping it Simply Simple</b> (1:00 p.m. – 2:55 p.m.)	<b>Domestic Violence and the MOEP: Nuts and Bolts for the Court Administrator</b>
2:25 – 3:40 p.m.	<b>You're Hired! Now What? Retaining and Developing Talent</b>		<b>Surcharges, Points, and Suspensions: What's New With the Driver Responsibility Program</b>
4:00 – 5:00 p.m.	<b>The Cops: Understanding and Working with Law Enforcement</b>	<b>A Practical Guide to Records Management</b> (3:10 p.m. – 5 p.m.)	<b>Commercial Vehicle Enforcement: Implementation and Administration</b>

## TUESDAY, DAY 3

JUNE 23, 2015

- 6:45 – 7:50 a.m.            **Breakfast**
- 8:00 – 8:05 a.m.            **Announcements**
- 8:05 – 9:20 a.m.            **The Future of Court Management: The Good, Bad, and Ugly of Automated Courts**
- 9:20 – 9:35 a.m.            **Break**
- 9:35 – 10:35 a.m.        **Looking Ahead: Legislation of Interest in the 84<sup>th</sup> Legislature**
- 10:35 – 10:50 a.m.        **Break**
- 10:50 - 12:00 p.m.        **Endnote: Providing Access to Justice for an Aging Population**
- 1:00 – 5:00 p.m.            **Clerk Certification Test Levels I, II & III**

**Register online at <http://register.tmcec.com>**

# 2014-2015 TMCEC ACADEMIC SCHEDULE

Seminar	Date(s)	City	Hotel Information
Regional Attorney Judges Seminar	May 3-5, 2015 (Su-M-T) <b>WAITLIST</b>	S. Padre Island	Isla Grand Beach Resort 500 Padre Boulevard, S. Padre Island, TX 78597
Regional Non-Attorney Judges Seminar	May 5-7, 2015 (T-W-Th) <b>WAITLIST</b>	S. Padre Island	Isla Grand Beach Resort 500 Padre Boulevard, S. Padre Island, TX 78597
New Judges & Clerks Orientation	May 13, 2015 (W)	Austin	TMCEC 2210 Hancock Drive, Austin, TX 78756
Bailiffs and Warrant Officers Seminar	May 17-19, 2015 (Su-M-T)	Austin	Omni Southpark Austin 4140 Governors Row, Austin, TX 78744
Regional Judges & Clerks Seminar	June 8-10, 2015 (M-T-W) <b>WAITLIST</b>	Abilene	MCM Elegante Suites 4250 Ridgmont Dr. Abilene, TX 79606
Prosecutors & Court Administrators Seminar	June 21-23, 2015 (Su-M-T)	Austin	Omni Southpark Austin 4140 Governors Row, Austin, TX 78744
Juvenile Case Managers Seminar	June 28-30, 2015 (Su-M-T)	Austin	Omni Southpark Austin 4140 Governors Row, Austin, TX 78744
New Judges & Clerks Seminar	July 6-10, 2015 (M-T-W-Th-F)	Austin	Omni Southpark Austin 4140 Governors Row, Austin, TX 78744
Impaired Driving Symposium	July 27-28, 2015 (M-T)	Austin	Omni Southpark Austin 4140 Governors Row, Austin, TX 78744
Legislative Update	August 7, 2015 (F)	Lubbock	Overton Hotel and Conference Center 2322 Mac Davis Ln. Lubbock, TX 79401
Legislative Update	August 14, 2015 (F)	Houston	Omni Houston Hotel at Westside 13210 Katy Freeway, Houston, TX 77079
Legislative Update	August 17, 2015 (M)	Dallas	Omni Dallas Hotel Park West 1590 Lyndon B Johnson Fwy, Dallas, TX 75234
Legislative Update	August 21, 2015 (F)	Austin	Omni Southpark Austin 4140 Governors Row, Austin, TX 78744

**Register online at <http://register.tmcec.com>**

(for those eligible for “flex-time”)

## Affirmation of Completion for Judicial Education Credit for Municipal Judges (FY 15)

I, \_\_\_\_\_, do hereby affirm that I attended \_\_\_\_\_ hours of continuing legal or judicial education offered on \_\_\_\_\_ by the following approved provider \_\_\_\_\_. I am attaching a copy of proof, such as a certificate, agenda, or receipt.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

(Please print)

Name: \_\_\_\_\_

City: \_\_\_\_\_

Email: \_\_\_\_\_

**Deadline: 8.31.2015**

Email, fax or mail to TMCEC:

tmcec@tmcec.com  
(512) 435-6118 (fax)  
2210 Hancock Drive  
Austin, TX 78756



**TEXAS MUNICIPAL COURTS EDUCATION CENTER  
FY15 REGISTRATION FORM:  
New Judges and New Clerks, and Prosecutors Conferences**

Conference Date: \_\_\_\_\_ Conference Site: \_\_\_\_\_

**Check one:**

- New, Non-Attorney Judge Program (\$200)
- New Clerk Program (\$200)
- Non-municipal prosecutor seeking CLE credit (\$400)
- Non-municipal prosecutor not seeking CLE credit (\$300)

- Prosecutor not seeking CLE/no room (\$100)
- Prosecutor seeking CLE/no room (\$200)
- Prosecutor not seeking CLE/with room (\$250)
- Prosecutor seeking CLE/with room (\$350)

By choosing TMCEC as your MCLE provider prosecutors help TMCA pay for expenses not covered by the Court of Criminal Appeals grant. Your voluntary support is appreciated. The CLE fee will be deposited into the grantee's private fund account to cover expenses unallowable under grant guidelines, such as staff compensation, membership services, and building fund.

Name (*please print legibly*): Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_  
Names you prefer to be called (if different): \_\_\_\_\_ Female/Male: \_\_\_\_\_  
Position held: \_\_\_\_\_  
Date appointed/hired/elected: \_\_\_\_\_ Years experience: \_\_\_\_\_  
Emergency contact (Please include name and contact number): \_\_\_\_\_

**HOUSING INFORMATION**

**TMCEC will make all hotel reservations** from the information you provide on this form. **TMCEC will pay for a single occupancy room at the following seminars:** four nights at the new judges seminars, four nights at the new clerks seminars, and two nights at the prosecutors conference (if selected). To share with another seminar participant, you must indicate that person's name on this form.

- I need a private, single-occupancy room. TMCEC can only guarantee a private room, type of room (queen, king or 2 double beds\*) is dependent on hotels availability. Special Request: \_\_\_\_\_
- I need a room shared with a seminar participant. Room will have 2 double beds. TMCEC will assign you a roommate or you may request a roommate by entering seminar participant's name here: \_\_\_\_\_
- I do not need a room at the seminar.

**Hotel Arrival Date (this must be filled out in order to reserve a room):** \_\_\_\_\_

\*If you bring a companion with you to stay in the hotel, the hotel reserves the right to charge an additional fee.

Municipal Court of: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Court Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Office Telephone #: \_\_\_\_\_ Court #: \_\_\_\_\_ Fax: \_\_\_\_\_  
Primary City Served: \_\_\_\_\_ Other Cities Served: \_\_\_\_\_

**STATUS** (*Check all that apply*):

- Full Time  Part Time  Attorney  Non-Attorney  Court Clerk  Deputy Court Clerk
- Presiding Judge  Court Administrator  Prosecutor  Mayor (*ex officio* Judge)
- Associate/Alternate Judge  Bailiff/Warrant Officer  Justice of the Peace  Other \_\_\_\_\_

I have read and accepted the cancelation policy, which is outlined in full on page 10-11 of the Academic Catalog and under the Registration section of the website, [www.tmcec.com](http://www.tmcec.com). **Full payment is due with the registration form. Registration shall be confirmed only upon receipt of the registration form and full payment of fees.**

\_\_\_\_\_  
*Participant Signature (May only be signed by participant)*

\_\_\_\_\_  
*Date*

**PAYMENT INFORMATION:** Payment **will not** be processed until all pertinent information on this form is complete.

Check Enclosed (*Make checks payable to TMCEC.*) **Amount Enclosed: \$** \_\_\_\_\_

Credit Card

Credit Card Payment:

*Credit card type:*      *Amount to Charge:*      *Credit Card Number*      *Expiration Date*  
\$ \_\_\_\_\_

MasterCard

Visa      *Name as it appears on card (print clearly):* \_\_\_\_\_

*Authorized signature:* \_\_\_\_\_

**Please return completed form with payment to TMCEC at 2210 Hancock Drive, Austin, TX 78756, or fax to 512.435.6118.**

TEXAS MUNICIPAL COURTS EDUCATION CENTER

FY15 REGISTRATION FORM:

Regional Judges & Clerks Seminar, Court Administrators, Bailiffs & Warrant Officers, Juvenile Case Managers, Juvenile Justice, and Impaired Driving Symposium

Conference Date: \_\_\_\_\_ Conference Site: \_\_\_\_\_

Check one:

- Non-Attorney Judge (\$50)
Attorney Judge not-seeking CLE credit (\$50)
Attorney Judge seeking CLE credit (\$150)
Regional Clerks (\$50)
Juvenile Case Manager Clinic (\$50)

- Impaired Driving Symposium (\$50) (CLE Included)
Juvenile Justice Clinic (\$20)
Court Administrators Seminar (\$100)
Bailiff/Warrant Officer (\$100)

By choosing TMCEC as your MCLE provider, attorney-judges help TMCA pay for expenses not covered by the Court of Criminal Appeals grant. Your voluntary support is appreciated. The CLE fee will be deposited into the grantee's private fund account to cover expenses unallowable under grant guidelines, such as staff compensation, membership services, and building fund.

Name (please print legibly): Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_
Names you prefer to be called (if different): \_\_\_\_\_ Female/Male: \_\_\_\_\_
Position held: \_\_\_\_\_ Date appointed/hired/elected: \_\_\_\_\_ Are you also a mayor?: \_\_\_\_\_
Emergency contact (Please include name and contact number): \_\_\_\_\_

HOUSING INFORMATION - Note: \$50 a night single room fee
TMCEC will make all hotel reservations from the information you provide on this form.
I do not need a room at the seminar.
I request a private room (\$50 per night : # of nights x \$50 = \$ ).
I request a room shared with a seminar participant.
I request a private room at the Impaired Driving Symposium (judges only - no additional room fee.)
Hotel Arrival Date (this must be filled out in order to reserve a room):
\*If you bring a companion with you to stay in the hotel, the hotel reserves the right to charge an additional fee.

Municipal Court of: \_\_\_\_\_ Email Address: \_\_\_\_\_
Court Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_
Office Telephone #: \_\_\_\_\_ Court #: \_\_\_\_\_ Fax: \_\_\_\_\_
Primary City Served: \_\_\_\_\_ Other Cities Served: \_\_\_\_\_

I plan to attend the following sessions in their entirety:
Day 1: Pre-Conference, Implementing Juvenile Justice, 1 p.m. - 5 p.m. (4 hours)
Day 2: Seminar, 8 a.m. - 5 p.m. (8 hours)
Day 3: Seminar, 8 a.m. - Noon (4 hours)
\*For judges only: I understand that if I do not attend Day 3 in its entirety, then I am not allowed a hotel room at grant expense on the evening of Day 2. All judges are allowed a hotel at grant expense on the evening of Day 1.

\*Bailiffs/Warrant Officers: Municipal judge's signature required to attend Bailiffs/Warrant Officers' program.
Judge's Signature: \_\_\_\_\_ Date: \_\_\_\_\_
DOB: \_\_\_\_\_ TCOLE PID # \_\_\_\_\_

I have read and accepted the cancellation policy, which is outlined in full on page 10-11 of the Academic Catalog and under the Registration section of the website, www.tmcec.com. Full payment is due with the registration form. Registration shall be confirmed only upon receipt of the registration form (with all applicable information completed) and full payment of fees.

Participant Signature (may only be signed by participant) \_\_\_\_\_ Date \_\_\_\_\_

PAYMENT INFORMATION:
Registration/CLE Fee: \$ + Housing Fee: \$ = Amount Enclosed: \$
Check Enclosed (Make checks payable to TMCEC.)
Credit Card
Credit Card Payment:
Amount to Charge: Credit Card Number Expiration Date
Credit card type: \$
MasterCard
Visa Name as it appears on card (print clearly):
Authorized signature: \_\_\_\_\_

Please return completed form with payment to TMCEC at 2210 Hancock Drive, Austin, TX 78756, or fax to 512.435.6118.



- If you need lodging, you will have to make your own reservation and cover the cost with the hotel.
- TMCEC will send you hotel information upon receipt of your registration form and the \$100 fee (\$150 for defense lawyers & council members).
- Up to six hours credit can be received for CLE with an additional payment of \$50.
- Please check the program you would like to attend and return completed form with the registration fee to TMCEC.

LUBBOCK                       HOUSTON

August 7, 2015  
Overton Hotel  
806.776.7000

August 14, 2015  
Omni Westside  
281.558.8338

DALLAS                               AUSTIN

August 17, 2015  
Omni Park West  
972.869.4300

August 21, 2015  
Omni Southpark  
512.448.2222

Course lasts from 9:00 a.m. to 5:00 p.m.

## Legislative Update '15 Registration Form

**REGISTRATION FORM:**                       LUBBOCK                       HOUSTON                       DALLAS                       AUSTIN

Name (please print legibly): \_\_\_\_\_  
 Street: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Office Telephone #: \_\_\_\_\_ Court #: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Primary City Served: \_\_\_\_\_ Other Cities Served: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

**Check all that apply:**

- |  |  |   |  |                                     |   |
|--|--|---|--|-------------------------------------|---|
| <input type="checkbox"/> Full Time               | <input type="checkbox"/> Part Time                 | <input type="checkbox"/> Attorney**           | <input type="checkbox"/> Non-Attorney              | <input type="checkbox"/> Prosecutor | <input type="checkbox"/> Defense Lawyer (\$150)** |
| <input type="checkbox"/> Presiding Judge         | <input type="checkbox"/> Associate/Alternate Judge | <input type="checkbox"/> Justice of the Peace | <input type="checkbox"/> Mayor & Council (\$150)** |                                     |   |
| <input type="checkbox"/> Court Administrator     | <input type="checkbox"/> Court Clerk               | <input type="checkbox"/> Deputy Court Clerk   | <input type="checkbox"/> Other (\$150):            |                                     | _____   |
| <input type="checkbox"/> Bailiff/Warrant Officer |  |   |  |                                     |   |

\*\* Please add \$50 if requesting CLE credit.

*I understand that I will be responsible for making and paying for my own hotel reservation. Payment is required for this program; payment is due with this form. The registration fee is refundable if the Center is notified of cancellation in writing 10 days prior to the seminar.*

\_\_\_\_\_  
*Participant Signature* *Date*

**PAYMENT INFORMATION:**

\$100 Check for Registration Fee Enclosed

For participants who do not work in a municipal court:

\$150 Check for Registration Fee Enclosed

\*\*  \$50 Check for CLE Fee Enclosed

*Credit Card Registration: (Please indicate clearly if combining registration forms with a single payment.)*

*Credit Card type:*

	<i>Credit Card Number</i>	<i>Expiration Date</i>	<i>Verification Number (found on back of card)</i>
<input type="checkbox"/> MasterCard	_____	_____	_____

Visa                      Name as it appears on card (print clearly): \_\_\_\_\_

Total Amount:

\$ \_\_\_\_\_                      Authorized Signature \_\_\_\_\_

Please return completed form with payment to TMCEC at 2210 Hancock Drive, Austin, TX 78756.  
 Fax registration forms with credit card information to 512.435.6118.

TEXAS MUNICIPAL COURTS  
EDUCATION CENTER  
2210 Hancock Drive  
AUSTIN, TX 78756  
www.tmcec.com

Presorted Standard  
U.S. Postage  
PAID  
Austin, Texas  
Permit No. 114

**Change Service Requested**

**TMCEC MISSION  
STATEMENT**

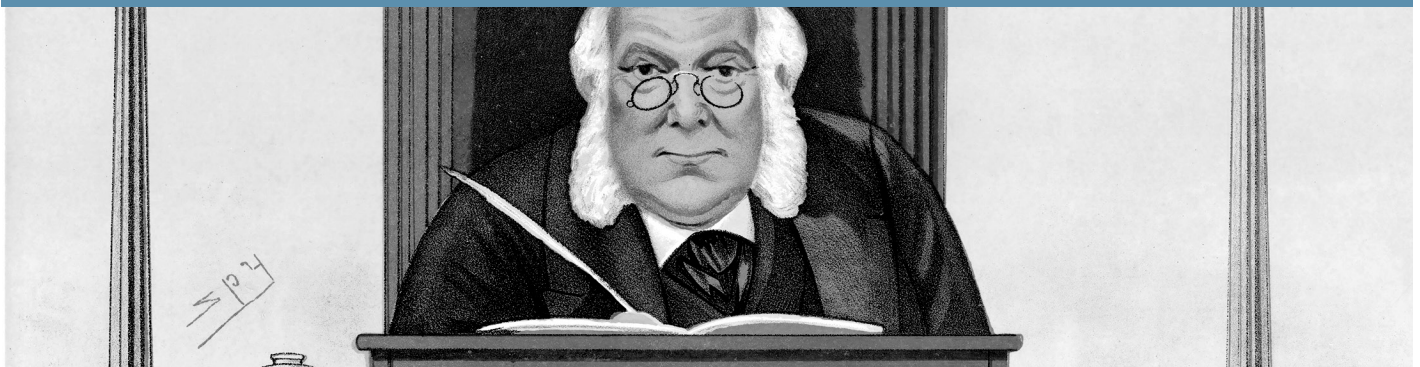
To provide high quality judicial education, technical assistance, and the necessary resource materials to assist municipal court judges, court support personnel, and prosecutors in obtaining and maintaining professional competence.

# *The* MUNICIPAL JUDGES BOOK

E-book

*available now!*

Available for Kindle, Nook, tablets and phones.



Visit [www.tmcec.com/resources/books](http://www.tmcec.com/resources/books) to download.