

# THE RECORDER

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# AROUND THE STATE

## 2023 Municipal Traffic Safety Initiatives Award Winners

Congratulations to the following municipal courts who are this year's winners of the Municipal Traffic Safety Initiatives (MTSI) Award. Eight courts also received an Honorable Mention. Award winners will be acknowledged at the upcoming 2023 Municipal Traffic Safety Initiatives Conference, which will be held in Austin from April 3-5, 2023. See Page 4 for details and how to register for this exciting event.

**Low Volume Courts:** Alvin, Andrews, Azle, Bay City, Columbus, Freer, Harker Heights, Helotes, San Elizario

**Medium Volume Courts:** Cedar Hill, College Station, La Porte, Lewisville, Mesquite, Midland, Missouri City, San Marcos, Victoria

**High Volume Courts:** Arlington, Austin, El Paso, Irving, San Antonio

**New Applicant Courts:** Balch Springs, Nacogdoches, Sullivan City, Watauga, Woodsboro

**Honorable Mention:** Aransas Pass, Benbrook, Houston, Lakeway, Malakoff, Marlin, New Braunfels, Wink

The MTSI conference and awards are made possible through funding from the Texas Department of Transportation. For more information about MTSI, visit the TMCEC website: [www.tmcec.com/mtsi/](http://www.tmcec.com/mtsi/).



Andrews Municipal Court



Missouri City Municipal Court



## Municipal Traffic Safety Initiatives Conference

**April 3-5, 2023**  
**Austin Southpark Hotel**

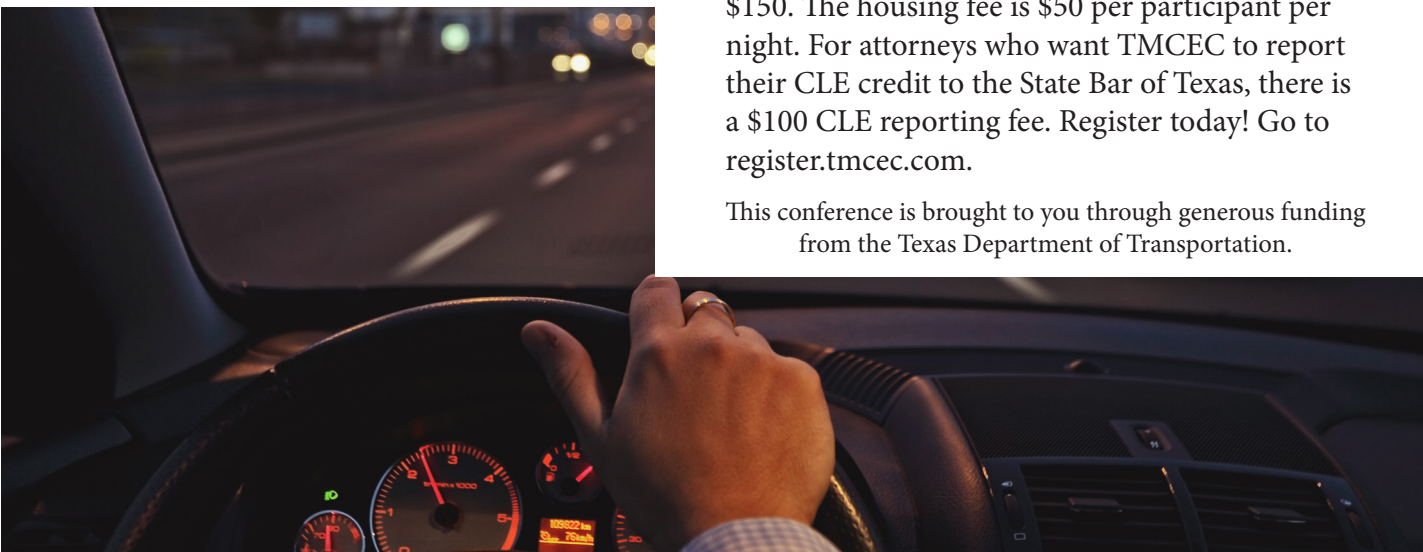
Come to Austin to see why this special 16-hour conference is a crowd favorite! Attendees will learn about the latest transportation trends, how municipal courts can reverse Texas's worsening traffic safety statistics, and how to most effectively adjudicate misdemeanor traffic cases.

Topics include:

- Older Drivers
- Case Law and Legislative Update
- Presentation of the 2023 MTSI Traffic Safety Awards
- CDLs & Masking
- Alcohol Monitoring (DWI Magistration)
- Underage Drinking/Driving Under the Influence

Please visit the conference website ([www.tmcec.com/mtsi/mtsi-conference/](http://www.tmcec.com/mtsi/mtsi-conference/)) for the most current conference information! The registration fees are \$150. The housing fee is \$50 per participant per night. For attorneys who want TMCEC to report their CLE credit to the State Bar of Texas, there is a \$100 CLE reporting fee. Register today! Go to [register.tmcec.com](http://register.tmcec.com).

This conference is brought to you through generous funding from the Texas Department of Transportation.





Hon. Eric Bayne

# CONSTITUTIONAL ISSUES IN FORMING A JURY

## EXCUSES, EXEMPTIONS, AND CHALLENGES FOR CAUSE

The right to a jury trial is arguably the most important right enjoyed by the criminally accused. Inherent in that right is the necessity that potential jurors in any case be eligible and fit to serve. Voir dire is a French term for the process during which a group of potential jurors is carefully evaluated to exclude those who are ineligible, unqualified, or biased. Some may be dismissed because they fall neatly into an objective category. Others may be dismissed for cause using more subjective analyses. Yet more may be dismissed when a party exercises its privilege to make peremptory strikes—which may be exercised for almost any reason (or no reason at all).

This is Part One of a planned series of three articles derived from the topic of the same name presented at the AY 2021-22 Regional Judges Seminars. Part One discusses the role of the jury, exemptions and excuses from jury service, and challenges for cause made pursuant to either Texas statute or the 6th Amendment right to a “fair and impartial jury.”

### The Right to a Jury Trial

The Sixth Amendment provides that “[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury.” The right includes “as its most important element,” the right to have a jury, rather than a judge, reach the requisite finding on guilt.<sup>1</sup>

When the English colonists arrived in the New World, they brought with them the English common law that serves as the backbone of our jurisprudence. Already present in the common law was the right to a trial by jury. Although the jury as we would now recognize it does not trace back to Magna Carta, as many historians once believed, its role as a trier of fact emerged as early as the 15th Century and was well-established as a safeguard for the criminally accused by the 17th Century.<sup>2</sup> Trial by jury is a reflection of basic yet profoundly important premises that (1) criminal defendants are entitled to protection from official oppression at the hands

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an overzealous or corrupt prosecutor or a “compliant, biased, or eccentric judge,” and (2) that it is better to place plenary power over life and liberty in the hands of the community.<sup>3</sup> This is consistent with the design of the Bill of Rights as a brake on potential runaway government power.<sup>4</sup> In the State of Texas, the right to a jury trial is codified in the Constitution of 1876.<sup>5</sup>

The stakes involved in properly forming a jury couldn’t be higher. The reputation of our criminal justice system is at risk each time we choose a jury. All persons are entitled to due process of law. “Due

**...consistent with the Bill of Rights as a brake on potential runaway government power. In the State of Texas, the right to a jury trial is codified in the Constitution of 1876. The stakes involved in properly forming a jury couldn’t be higher. The reputation of our criminal justice system is at risk each time we choose a jury. All persons are entitled to due process of law.**

Process” comes down to “fairness.” Fairness to the parties, fairness to the potential jurors, and the fairness that must exist and be zealously protected to maintain the integrity of our judicial system. If we are going to say that the right to a jury is the most sacred right in our system of criminal justice (and that is often said) then we must ensure that the jury is as fair and impartial as we can make it. And that doesn’t mean just picking people who are fair-minded in general, but also those who can be fair to these parties, in this case.

### The Role of the Jury

The jury is the exclusive judge of the facts and weight to be given to the evidence. The lawful duty of the jury is to determine the facts of the case, apply the law as instructed to those facts, and

draw the ultimate conclusion of guilt or innocence. In its deliberations, the jury may resolve any inconsistencies to its satisfaction, prefer one version of facts over another, and may give greater weight to a piece of evidence even if it is contradicted by numerous others.<sup>6</sup>

### Definitions

Before moving any further into the substance of the topic, we should define some terms:

“Array” The whole body of jurors summoned to attend a court, as they are arrayed, or arranged on the panel.

“Bias” “[A]n inclination toward one side of an issue rather than to the other”<sup>7</sup>

“Juror” The term “juror” is often used loosely in statutes, opinions, and scholarship. Depending upon the context, a “juror” may be a member of the venire that is

- Eligible to serve
- Selected to report
- Qualified or disqualified
- Challenged
- Serving

“Prejudice” Prejudgment. Prejudice encompasses bias, but the converse is not true.<sup>8</sup>

“Strike” Elimination of a member of the array at



of behest of one of the parties pursuant to either a challenge for cause or a peremptory challenge.

“Venire” Prospective jurors summoned from a master list. Mainly to avoid awkward turns of phrase, in this article I will use “prospective juror” to describe members of the venire who have not yet been seated on the jury.

## Exemptions & Excuses

### Exemptions

Before tackling challenges for cause, we should dispose of exemptions and excuses. Exemptions and excuses belong to the prospective juror—the parties may not demand that the court exempt or excuse a juror. In fact, the parties need not even be present when the judge considers exemptions.<sup>9</sup> Section 62.106 of the Government Code prescribes nine statutory

exemptions from jury service. A prospective juror may claim an exemption if the prospective juror:

(1) is over 70 years of age (this exemption may be made permanent at the request of the prospective juror<sup>10</sup>);

(2) has legal custody of a child younger than 12 years of age and the person’s service on the jury requires leaving the child without adequate supervision;

(3) is a student of a public or private secondary school;

(4) is a person enrolled and in actual attendance at an institution of higher education;

(5) is an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government;

(6) is summoned for service in a county with a population of at least 200,000, unless that county uses a jury plan under Section 62.011 and the period authorized under Section 62.011(b)(5) exceeds two years, and the person has served as a petit juror in the county during the 24-month period preceding the date the person is to appear for jury service;

(7) is the primary caretaker of a person who is unable to care for himself or herself;

(8) except as provided by Subsection (b), is summoned for service in a county with a population of at least 250,000 and the person has served as a petit juror in the county during the three-year period preceding the date the person is to appear for jury service; or

(9) is a member of the United States military forces serving on active duty and deployed to a location

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away from the person's home station and out of the person's county of residence.

### Excuses

Unlike exemptions, excuses are not based on some enumerated reason; rather they are left to the sole discretion of the judge,<sup>11</sup> except that a juror may be excused for economic reasons only if each party of record is present and agrees.<sup>12</sup>

### Juror Challenges

Once exemptions and excuses have been heard, voir dire begins in earnest. As the examination of the venire unfolds, prospective jurors may be challenged for fitness to serve on any jury at all, or on the jury for the case at bar.

#### Challenges based on Statute

By operation of statute, some members of the venire may be absolutely disqualified; others may be disqualified on motion. Article 35.16 of the Code of Criminal Procedure sets out the basis for challenges for cause. Under Article 35.16, some disqualifications are based on objective fact, some on a subjective analysis that does not involve an analysis of constitutional issues, and yet others are simply codifications of challenges for cause that may be made based on constitutional principles.

#### Disqualifications

The rules for disqualification are found in Article 35.16 of the Code of Criminal Procedure and Section 62.102 of the Government Code. A party wishing to disqualify a juror does so by challenging the juror for cause.

There are only three absolute disqualifications—which may not be waived by the parties. They are:

- that the juror has been convicted of misdemeanor theft or a felony;<sup>13</sup>
- that the juror is under indictment or other

legal accusation for misdemeanor theft or a felony; or

- that the juror is insane.

If a prospective juror falls into one of those three categories, the judge has no choice but to dismiss them.

### Constitutional Challenges for Cause

In addition to the statute-based challenges described above, some challenges for cause are available on constitutional grounds. Attempts to codify the constitutional reasons for cause challenges are found in Article 35.16(a)(9), (a)(10), (b)(3) and (c)(2) of the Code of Criminal Procedure. Although the boundaries blur, constitutional challenges usually fall into one of two groups: (1) bias and (2) inability to follow the law. If you read the applicable case law, you might decide the line between the two is fuzzy, and you would be right. So the best course is to be guided by the following principles: that a juror who is biased may only be struck if that bias renders them unable to follow the law, and 'following the law' includes being impartial.

### Juror Bias

#### Prejudice: The Juror Has Prejudged the Case

A party has the right to be judged by impartial jurors.<sup>14</sup> That means, among other things, to be tried by jurors who have not already made up their minds about the case.

The Code of Criminal Procedure sets out both the basis for the objection and the process by which a juror's bias may be rehabilitated. Except for the mode of questioning, the statute is not much more than a manifestation of the 6th Amendment requirement that jurors be impartial.



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Impartial jurors must take the evidence as they find it without regard to any personal bias in favor of or against a person. In addition to the obvious biases against (or even in favor of) the defendant<sup>15</sup> based on membership in a traditional protected class (race, gender, ethnicity, religion), a less traditional characteristic may engender bias in a particular juror. The statutory framework for eliminating biased jurors examines whether bias exists at all, not whether it is based on some prescribed characteristic.

Witnesses may also fall into any number of groups that might engender bias. The defense, at least, is clearly entitled to challenge a juror who cannot impartially judge the credibility of witnesses.<sup>16</sup> For example, attitudes towards law enforcement have always been ripe for examination, and never more so than today. Some jurors may be ardent “backers of the blue” and others may be deeply suspicious of (or even hostile towards) law enforcement institutions and officers. An inquiry into the attitudes of jurors regarding law enforcement usually takes the form of “would you be more likely to believe or disbelieve a police officer because they are a police officer, or the more nuanced “would you be more inclined or less inclined to give a law enforcement officer the benefit of the doubt than you would another witness.”<sup>17</sup> I suspect that even more pointed voir dire questions may be asked of potential jurors in the years to come, and those biases may be more painstakingly explored than ever.

### **Inability to Follow the Law**

A juror also might have a bias against the law to be followed, and it does not matter which side the bias favors or damages, both the State and the defendant are entitled to jurors who will follow the law.<sup>18</sup> This could be related to the offense itself, or it might

regard the standard of proof, rules of evidence, or presumptions to which a party is entitled. If a juror thinks traffic laws should not be crimes, that’s a bias. A juror might also be uncomfortable with the idea of “reasonable doubt,” either demanding absolute proof, or believing that a mere preponderance of the evidence is “good enough.”

A common question asks, “do you believe that if the defendant doesn’t testify, they have something to hide?” This goes to the heart of the presumption of innocence and the defendant’s right to silence, and that no inference may be drawn from its exercise. If the juror cannot set that aside, or in fact set aside any bias or prejudice in favor of or against the defendant, they may be challenged for cause.<sup>19</sup> Sometimes (we would hope always) a juror is honest about their inability to be fair in a particular kind of case. They may have been the victim of the type of crime to be tried. Or, more likely in municipal courts, the juror may have been cited for the offense to be charged. All sources of potential bias should be explored to determine if the potential juror should be excluded from the venire.

### **The Test**

When a juror demonstrates a predetermined opinion to guilt or innocence, there is a mandatory line of questioning set out in statute.<sup>20</sup>

To ascertain whether this cause of challenge exists, the juror shall:

[B]e asked whether, in the juror’s opinion, the conclusion so established will influence the juror’s verdict. If the juror answers in the affirmative, the juror shall be discharged without further interrogation by either party or the court.

If the juror answers in the negative, the juror shall

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be further examined:

- as to how the juror’s conclusion was formed;
- the extent to which it will affect the juror’s action; and
- if it appears to have been formed from reading newspaper accounts, communications, statements or reports or mere rumor or hearsay.

[I]f the juror states that the juror feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the evidence, the court, if satisfied that the juror is impartial and will render such verdict, may, in its discretion, admit the juror as competent to serve in such case.

If the court, in its discretion, is not satisfied that the juror is impartial, the juror shall be discharged.<sup>21</sup>

For all other objections based on a juror’s bias or inability to follow the law the analysis is straightforward:

[N]othing is left to the discretion of the trial court when the venireperson is unequivocal as to their ability to follow the law. If they testify unequivocally that they can follow the law despite personal prejudices, the trial court abuses its discretion in allowing a challenge for cause on that basis. Likewise, if they testify unequivocally that they cannot follow the law due to their personal biases, the trial court abuses its discretion in failing to grant a challenge for cause on that basis.<sup>22</sup>

## Vascillating Jurors

A “vacillating juror” is one who gives (or seems to give) inconsistent answers to questions designed to reveal bias. Keep in mind that it matters less where a juror starts out than where they end up. You have great leeway in developing the voir dire further to decide if the juror is biased, or instead is just confused or needs additional examination to firm up a shaky answer. Your decision will be given great deference.<sup>23</sup>

## Preservation of Error

Reversible error on a challenge for cause is more complex than simply documenting on the record an adverse ruling to an objection. To establish reversible error, the defendant must show harm, which may only be established if the defendant:

1. Makes a “clear and specific challenge for cause” against a panel member;
2. Uses a peremptory challenge on the complained-of member and exhausts all remaining peremptory challenges;
3. Asks for an additional strike so that the judge is given the opportunity to correct his error by granting an additional peremptory strike to make up for the one that was wrongly denied; and
4. Identifies on the record the objectionable juror whom he would have removed with the additional strike, but he is not required to explain why that juror is objectionable.<sup>24</sup>

I use “defendant” advisedly because the State may not appeal an adverse ruling on a challenge for cause. Article 44.01 of the Code of Criminal Procedure enumerates the only exceptions to the general rule found in Article V, Section 26 of the Texas Constitution prohibiting appeals by the State. That list is strictly

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**With the power to decide comes the responsibility to make the correct call. As judges we should always keep in mind that the fundamental goal of voir dire is to eliminate members of the venire who should not sit in judgment in the case at bar.**

construed. So no matter how well-preserved an error disfavoring the State may be, it will not be reviewed on appeal.<sup>25</sup>

#### **Conclusion: The “Challenge”**

No matter how common the usage, “picking” a jury is a misnomer. For a practitioner, if any “picking” is to be done, it isn’t picking the jurors they want, it’s picking the jurors that cannot, should not, or they hope do

not, make it onto the jury for a particular case. Unless a prospective juror falls into one of three narrow categories, judges do not independently evaluate the qualifications or fitness of individual jurors. Instead, we rule on a variety of challenges that may be made by the parties. Ruling on these challenges requires knowledge of the law and no small amount of intuition.

Our continuing “challenge” as judges is to get jury selection right so that the parties’ arguments may be judged according only to their merits. At the same time, we must resist the urge to impose our own will on the process. Depending upon how we conduct voir dire, we may still play a starring role in identifying jurors who may not be suitable, but it is for the parties, not us, to decide who to challenge.

If anything can be drawn from the jurisprudence regarding exemptions, excuses, and challenges for cause, it is this: you are the best judge of whether to excuse or dismiss a prospective juror. Your decisions will be given great deference. This is, of course, a double-edged sword. With the power to decide comes the responsibility to make the correct call. As judges we should always keep in mind that the fundamental goal of voir dire is to eliminate members of the venire who should not sit in judgment in the case at bar. But it is not as simple as always granting a challenge just to be safe. Participation on a jury is one of the few meaningful opportunities for citizens to participate in the democratic process, and except for voting, the most substantial;<sup>26</sup> so we must be mindful not to exclude prospective jurors on a whim or a suspicion. It is crucial to balance fairness to the parties with fairness to the venire.

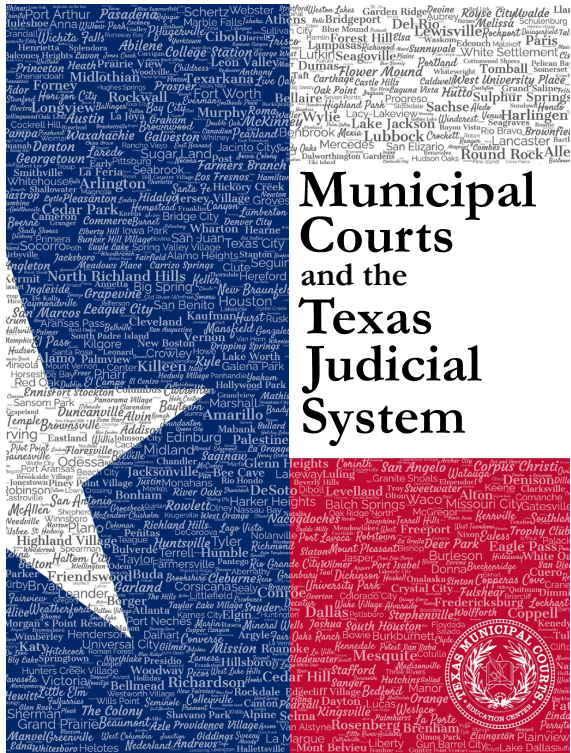
*Hon. Eric Bayne is a native Texan, born in Houston.*

*In 2017, he was appointed as the Presiding Judge*

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of the Del Rio Municipal Court, where he had served as Alternate Judge beginning in 2015. Judge Bayne sits on the Council of the Municipal Courts Section of the State Bar of Texas, is an elected Fellow of the American Bar Foundation, and serves as both Liaison Coordinator for the American Bar Association Senior Lawyers Division and Liaison from the SLD to the Corrections & Sentencing Division of the ABA's Criminal Justice Section. He is a member of the Texas Municipal Courts Association, the State Bar College of Texas, and the American Bar Association. He is admitted to practice in all Texas state courts, the United States District Court for the Western District of Texas, the 5th Circuit Court of Appeals, and the United States Supreme Court.

1. *Niles v. State*, 555 S.W.3d 562, 569 (Tex. Crim. App. 2018) citing *Sullivan v. Louisiana*, 508 U.S. 275 (1993).
2. Cong. Rsch. Serv, *Amdt 6.3.1 Historical Background*, Constitution Annotated, [https://constitution.congress.gov/browse/essay/amdt6-3-1/ALDE\\_00000937/](https://constitution.congress.gov/browse/essay/amdt6-3-1/ALDE_00000937/) (last visited March 28, 2022).
3. *Duncan v. State of La.*, 391 U.S. 145, 156 (1968) (also holding that the right to a trial by jury in state court is guaranteed by the 14th amendment).
4. “The jury system postulates a conscious duty of participation in the machinery of justice.... One of its greatest benefits is in the security it gives the people that they, as jurors actual or possible, being part of the judicial system of the country can prevent its arbitrary use or abuse.” *Powers v. Ohio*, 499 U.S. 400, 406 (1991) (quoting *Balzac v. Porto Rico* (1922)).
5. “The right of trial by jury shall remain inviolate.” Tex. Const. art. I, § 15.
6. *Brooks v. State*, 323 S.W.3d 893, 909 (Tex. Crim. App. 2010); *Wesbrook v. State*, 29 S.W.3d 103, 111 (Tex. Crim. App. 2000); *Lancon v. State*, 253 S.W.3d 699, 706–07 (Tex. Crim. App. 2008).
7. *Compton v. Henrie*, 364 S.W.2d 179, 182 (Tex. 1963).
8. *Compton*, 364 S.W.2d 179.
9. “The right to be excused from the venire belongs to each of its individual members, not to the defendant.” *Moore v. State*, 999 S.W.2d 385, 399 (Tex. Crim. App. 1999).
10. Tex. Gov’t Code Ann. § 62.108 (West).
11. Tex. Gov’t Code Ann. § 62.110(a) (West).
12. *Id.* at (c).
13. As states and courts begin reexamining voting rights for felons who have completed their sentences, one wonders if similarly reimagining excluding them from jury service can be far behind. For an interesting discussion of whether excluding felons serves the purposes of excluding presumptively biased jurors, including a novel comparison to the biases of law enforcement personnel (who are not excluded even though they may be equally biased), see Binnall, James, *A Field Study of the Presumptively Biased: Is There Empirical Support for Excluding Convicted Felons from Jury Service?* (January 1, 2013). Law & Policy, 36(1), 2014, Available at SSRN: <https://ssrn.com/abstract=3226729>.
14. U.S. Const. amend. VI.W
15. Tex. Code Crim. Proc. Ann. art. 35.16(a)(9).
16. *Hernandez v. State*, 563 S.W.2d 947, 950 (Tex. Crim. App. 1978).
17. For a decidedly “contra” viewpoint on this common question, see Sara Kopf, *Why Judges Should Stop Asking Jurors About Police Officer Witnesses During Voir Dire*, Grand Jury Target (2019), <https://grandjurytarget.com/2019/05/15/why-judges-should-stop-asking-jurors-about-police-officer-witnesses-during-voir-dire/> (last visited Jun 9, 2022).
18. Tex. Code Crim. Proc. Ann. art. 35.16(b)(3), (c)(2).
19. Tex. Code Crim. Proc. Ann. art. 35.16(a)(9).
20. Tex. Code Crim. Proc. Ann. art. 35.16(a)(10).
21. Tex. Code Crim. Proc. Ann. art. 35.16(a)(10).
22. *Brown v. State*, 913 S.W.2d 577, 580 (Tex. Crim. App. 1996) (emphasis added).
23. “With respect to each of these potential jurors, the question of whether appellant’s challenges were wrongfully denied by the trial court is subject to an abuse of discretion standard. The propriety of the trial court’s rulings will be reviewed considering the venireperson’s voir dire as a whole. When faced with a vacillating or equivocal venireperson, this Court will accord great deference to the trial judge, who had the better opportunity to see and hear the person.” *Garcia v. State*, 887 S.W.2d 846, 854 (Tex. Crim. App. 1994) (internal citations omitted for clarity).
24. *Hudson v. State*, 620 S.W.3d 726, 729 (Tex. Crim. App. 2021).
25. *Ragston v. State*, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014).
26. *Flowers v. Mississippi*, 139 S. Ct. 2228, 2238 (2019).



# Municipal Courts and the Texas Judicial System

Just as municipal courts occupy a unique niche in the Texas judicial system, *Municipal Courts and the Texas Judicial System* fills a unique niche in terms of the public's understanding of the courts with which most Texans come into contact.

Derived from the TMCEC *Municipal Judges Book*, this new eBook has been oriented for the broader municipal court community. It critically analyzes the nature of municipal courts and the judge's role in the Texas criminal justice system.

The content has been thoroughly updated through the 87th Session of the Texas Legislature and features a new chapter on Trials and Appeals.

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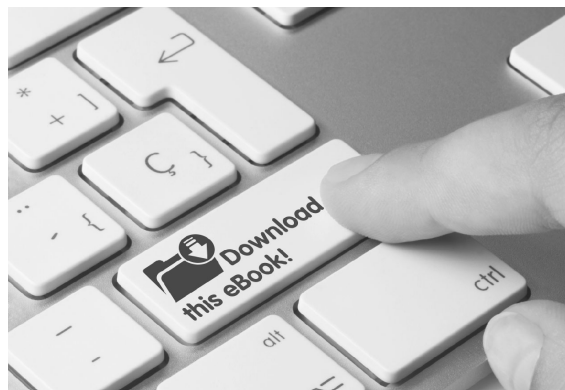
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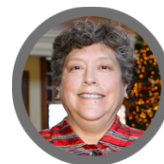
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Elizabeth De La Garza  
TxDOT Grant Administrator, TMCEC

# TRAFFIC SAFETY PROBLEMS IN YOUR COMMUNITY? DRSR IS HERE TO HELP!

Each year, TMCEC's project, Driving on the Right Side of the Road (DRSR), identifies traffic safety issues that need to be addressed through its grant from the Texas Department of Transportation (TxDOT). To do this, we review state and federal data. We also rely on courts to share their specific traffic safety issues.

When reviewing data, it is easy to become complacent to the numbers as they ebb and flow through the various publications DRSR uses to gather this information, but as the data is reviewed, we must remember that every number represents someone's family member, co-worker, or friend. Every data point was someone that was loved and cherished. And almost every individual number on these reports on the crash records could have been prevented. Fatalities on our roads are not just a "cost of doing business." Fatalities and injuries can almost always be prevented, and they should not be accepted.

DRSR helps courts educate communities on how to save lives on their urban and rural roads while driving, walking, biking, and riding public or school buses! Created in 2006 to infuse traffic safety into student lives, DRSR uses curricula and books to help educate students on the best practices of staying safe on or near Texas roadways. Past and current data shows a need for this type of outreach. School-aged students are rarely getting lifesaving lessons on how to stay safe while walking on or near roads, riding their bikes, riding skateboards, being safe passengers in cars or buses, and obtaining and abiding by the strictures of a Graduated Driver's License. Schools are mandated by law to teach the state standards, called the Texas Essential Knowledge and Skills (TEKS). TEKS generally do not include mandated learning about traffic safety. DRSR's mission is to include traffic safety best practices in

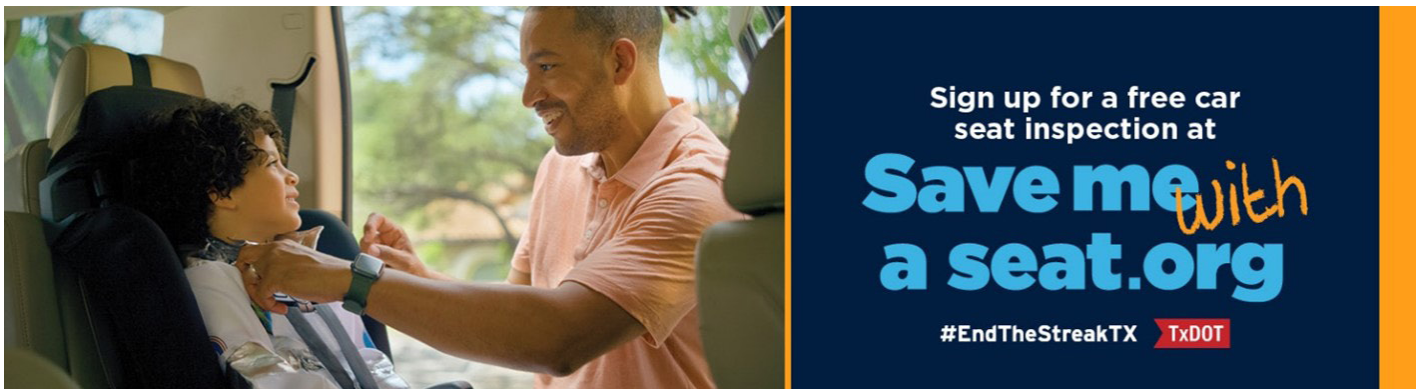
the daily lives of Texas school-aged students using schools, courts, and community groups. The two main ways that DRSR has worked to bridge this gap are through curriculum and children's books. DRSR can also assist courts in creating traffic safety partnerships employing our network of safety groups, grantees, and non-profits whose mission it is to help save lives on Texas roadways.

The DRSR curriculum is offered to professional educators through teacher workshops held throughout the year. Most workshops occur during the summer. These workshops are held primarily at the Regional Educational Service Centers (called ESCs) throughout Texas. There are 20 ESCs in Texas, each mandated with educating teachers and school administrators in their areas. Currently, DRSR is concentrating on developing mock trial materials for use in the classroom. These mock trials use traffic safety as a basis for each lesson, teaching traffic safety education at the same time as teaching the rule of law, civics, and law occupations! Students and teachers can even ramp up the mock trial

experience to include competing in high school mock trial competitions.

DRSR's children's books are currently being updated, with most of these titles currently out of print. As the updated print books become available, DRSR will notify courts. Online copies of the books are available at our website as free downloads as a flip book or as a PowerPoint presentation (<https://www.tmcec.com/drsr/educators/childrens-books/>). All books on this webpage have lessons written for each title. These lessons each cover one or more of the TEKS standards. By doing this, DRSR helps educators ensure that they teach their students not only the academic standards mandated by the State of Texas, but also how to be safe while navigating Texas roads.

Why is it important for our youth to have traffic safety education? The recent data on road crashes and fatalities, both statewide and nationally, project the urgency of DRSR's mission. The fatality rate on Texas roadways for 2021 was 1.56 deaths per



**For TxDOT traffic safety campaigns, go to <https://www.txdot.gov/safety/traffic-safety-campaigns.html>**

hundred million vehicle miles traveled. This is a 4.17% increase from 2020, which was already high! Not only is the percentage rising but the actual number of fatalities is rose 15.22% from the previous year. And almost all areas of Texas road users show a disheartening increase in fatalities from bicyclists (an increase of 13.9%) to distracted drivers (an increase of 17.34%). The 2020 data from the National Highway Traffic Safety Administration (NHTSA) reveals a shocking new statistic: the percentage of speeding-related pedestrian crashes involving children ages 15 and younger more than doubled in the previous three years (<https://www.ghsa.org/resources/news-releases/GHSA/NHTSA-Speeding-Statement22#:~:text=GHSA's%20annual%20pedestrian%20safety%20report,2018%20to%2011.9%25%20in%202020>). These sobering data points (and more) can be found at the TxDOT Annual Texas Motor Vehicle Crash Statistics web page <https://www.txdot.gov/data-maps/crash-reports-records/motor-vehicle-crash-statistics.html>.

Consider the purpose of data: to identify issues in our communities and find the means to address them! Whether that issue is the use of child safety seats, pedestrian safety, or speeding, DRSR can help you and your city find a partner, including local entities or statewide traffic safety groups. The thing that all these groups have in common is helping save lives in your



**TEENS WHO HAVEN'T COMPLETED DRIVER'S ED ARE  
24% MORE LIKELY  
TO DIE OR BE INJURED IN A CRASH.**

I WANT YOU TO BE SAFER.  
TAKE A DRIVER'S ED COURSE.

DONE AND DONE!

**NHTSA** SIGN THEM UP FOR DRIVER'S ED.

community. And groups like Teens in the Driver Seat or Bike Texas have already done the hard work for you by going through the data, knowing how to approach your community's traffic safety issue, and by having resources already created (such as flyers or curriculum) to help you deal with the issue your court or community are experiencing. Many of these groups are grant funded, and as part of their funding they must reach out to municipalities around Texas to help!

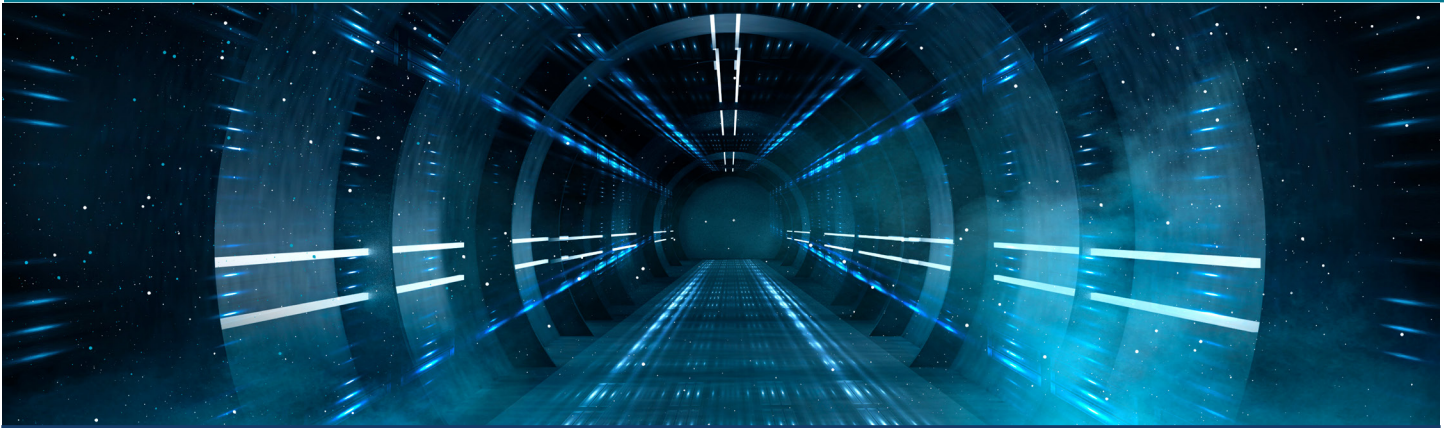
While DRSR continues its important work of saving lives through traffic safety education, courts can help by identifying traffic safety issues in their own backyards, allowing DRSR to assist in the solution to these dangerous problems.

Please feel free to contact DRSR (through email at [drsr@tmcec.com](mailto:drsr@tmcec.com) or [elizabeth@tmcec.com](mailto:elizabeth@tmcec.com) or by calling (512) 320-8274) with any traffic safety issues you or your court identified. DRSR is here to help!



# U P G R A D E N O T I C E

## TMCEC Maintenance for Registration/OLC Portal Starts March 6, 2023



### Mark Your Calendars!!!

Beginning March 6, 2023, TMCEC's database will undergo an upgrade to better serve our constituents. When complete, it will provide a faster registration experience. The upgrade will take at least seven days and is projected to be completed sometime during the week of March 13, 2023.

### Why Does This Matter to You?

During the upgrade, there will be no access to the registration site or the Online Learning Center. Accordingly, we strongly encourage you to register for events you want to attend prior to March 6 and take care of any other business that requires immediate access to the database.

### What You Will NOT Be Able to Do During the Upgrade

During this upgrade, you will not be able to do any of the following:

- Register for an event
- Access the registration site
- View webinars on demand through the Online Learning Center
- Access or print certificates, transcripts, or training history
- Obtain a copy of a receipt

**Please plan accordingly!** Know that If you plan to attend the upcoming North Texas Regional Judges and Clerks Seminars either in person or virtually (March 27-29, 2023), there will only be a short amount of time after the upgrade to register if seating is still available. To avoid inconvenience and uncertainty, TMCEC encourages you to complete online registration for events in March and April no later than Friday, March 3, 2023.

### Special Notes

- The Webinar planned for March 9 will be offered on March 2.
- Regarding the Clerk Certification Program, during the upgrade, TMCEC will be unable to process clerk certification exams, renewals, and applications.
- This upgrade will not affect your access to our website ([www.tmcec.com](http://www.tmcec.com)).

**Questions? Please email us ([info@tmcec.com](mailto:info@tmcec.com)).**



# MOTIVATIONAL INTERVIEWING



## Active Listening

Active listening demonstrates empathy, encourages open communication, and fosters de-escalation in the event of a crisis.



## Support

For defendants living with a mental illness, motivational interviewing can help them be more receptive to getting treatment and better manage their symptoms.



## Compliance

Motivational Interviewing helps defendants take responsibility for their actions and envision successful completion of court orders.

## MENTAL HEALTH MOTIVATIONAL INTERVIEWING WORKSHOP

This is a learning experience you do not want to miss. In this interactive workshop, Andy Fazio will teach you communication skills to better support defendants living with mental illness and help them with behavior change and compliance with the court's orders. Bring your colleagues! This is not only great for team building, but also impacts the culture of your court. This workshop is ideal for judges, court administrators, clerks, and juvenile case managers.

### Registration & Credit

Registration is \$150. Housing is \$50 per participant per night. Registration includes breakfast, lunch, and printed course materials. Attendance counts for 6.5 hours of judicial education and clerk certification credit.

### Location & Date

This one-day event will be held at the Homewood Suites in **Conroe** on **April 21, 2023**, located at 3000 Interstate 45 N, Conroe, TX 77303.

# AY 23 TMCEC Academic Schedule

## *Spring-Summer At-A-Glance*

Seminar	Date(s)	City	Venue
North Texas Regional Judges Seminar	March 27-29, 2023	Dallas	Doubletree by Hilton Dallas near The Galleria
Virtual North Texas Regional Judges Seminar	March 27-29, 2023	Virtual	Online
North Texas Regional Clerks Seminar	March 27-29, 2023	Dallas	Doubletree by Hilton Dallas near The Galleria
Virtual North Texas Regional Clerks Seminar	March 27-29, 2023	Virtual	Online
Municipal Traffic Safety Initiatives Conference	April 3-5, 2023	Austin	Austin Southpark Hotel
Motivational Interviewing & Mental Health Workshop	April 21, 2023	Conroe	Homewood Suites
Panhandle/Concho Valley Regional Judges Seminar	April 25-27, 2023	San Angelo	Clarion Hotel and McNease Convention Center
Panhandle/Concho Valley Regional Clerks Seminar	April 25-27, 2023	San Angelo	Clarion Hotel and McNease Convention Center
South Texas Regional Clerks Seminar	May 2-4, 2023	Corpus Christi	Omni Corpus Christi Hotel
South Texas Regional Judges Seminar	May 2-4, 2023	Corpus Christi	Omni Corpus Christi Hotel
Court Security Conference	May 17-18, 2023	Austin	Austin Marriott South
Juvenile Case Managers Conference	June 7-9, 2023	Pflugerville	Courtyard by Marriott Austin Pflugerville and Pflugerville Conference Center
Court Administrators Seminar	June 20-22, 2023	Dallas	Hilton Dallas Lincoln Centre
Prosecutors Seminar	June 20-22, 2023	Dallas	Hilton Dallas Lincoln Centre
West Texas Regional Judges Seminar	June 27-29, 2023	El Paso	Wyndham El Paso Airport Hotel
West Texas Regional Clerks Seminar	June 27-29, 2023	El Paso	Wyndham El Paso Airport Hotel
New Judges Seminar	July 10-14, 2023	Austin	Austin Southpark Hotel
New Clerks Seminar	July 10-14, 2023	Austin	Austin Southpark Hotel
Impaired Driving Symposium	July 31-Aug 1, 2023	Odessa	Odessa Marriott Hotel & Conference Center
Legislative Update	August 8, 2023	Lubbock	Overton Hotel
Legislative Update	TBD	Dallas	TBD
Legislative Update	August 18, 2023	Houston	Omni Houston Hotel (Galleria)
Legislative Update	August 22, 2023	Austin	Austin Southpark Hotel

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## MISSION STATEMENT

TMCEC

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.

TMCEC's **Panhandle/Concho Valley Regional Judges and Clerks Seminars** will be held in San Angelo at the McNease Convention Center on April 25-27, 2023! Participants with housing will stay at the nearby Clarion Hotel. To register, go to register.tmcec.com. Registration is \$150. Housing is \$50 per participant per night.

**April 25-27, 2023**

### **McNease Convention Center in San Angelo**

Attendance counts for up to 16 hours of judicial education and clerk certification credit and up to 14.25 hours of CLE for attorneys (including up to 2.75 hours of ethics). For attorneys who want TMCEC to report their CLE credit to the State Bar of Texas, there is a \$100 CLE Reporting Fee.

